



REPORT OF THE CONSTITUTIONAL AND LEGAL AFFAIRS AND JUSTICE COMMITTEE

SECOND REPORT FOR THE SESSION 2018-2019

Criminal Justice Strategy

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There shall be a Committee on Justice, Constitutional and Legal Affairs which shall be a Standing Committees of the Court. It shall be entitled to take evidence from witnesses and to report on matters as they affect the Island relating to the administration of justice, legal services, the work of the Attorney General and constitutional issues. It may also hold joint sittings with other Committees for deliberative purposes or to take evidence.

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- b) two other Members.*

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Committee Membership

Mrs J P Poole-Wilson MLC (Chairman)

Mr L L Hooper MHK (Ramsey)

Mr C R Robertshaw MHK (Douglas East)

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To: The Hon Stephen C Rodan, President of Tynwald,
and the Hon Council and Keys in Tynwald assembled

**REPORT OF THE
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Criminal Justice Strategy

I. SCOPE OF THE REPORT

1. We do not make any recommendations in this Report. The aim is instead to highlight the lack of progress made so far in implementing the Criminal Justice Strategy and explore some of the reasons why.
2. We took oral evidence on this subject on 21st January 2019, hearing from Hon Bill Malarkey MHK, Minister for Home Affairs since October 2016; Mr Dan Davies, who has served as the interim Chief Executive of the Department for Home Affairs since August 2018 whilst on secondment from his post of Director of Change and Reform; and Mr Julian Lalor-Smith, the Deputy Chief Executive of the Department. This evidence is published with this Report.
3. We also took evidence from the Chief Constable on the topic of his Annual Report on 3rd December 2018. We have published his evidence with this Report.
4. Mr Hooper asked a number of Written Questions relating to the Criminal Justice Strategy at the sitting of the House of Keys on 26th February 2019. The Answers have been published at Appendix 1.

II. THE AIMS OF THE STRATEGY: LACK OF PROGRESS

5. The Criminal Justice Strategy (GD No. 0061/12) was approved by Tynwald in December 2012. When introducing the Strategy, the then Minister of Home Affairs described its main aims as ‘the reallocation of resources to priority areas and support for offenders’ and ‘vigorously encouraging the various parties involved in the criminal justice system to work together in new ways’.¹ In particular, the core objectives of the Strategy are:

- Fewer people entering the criminal justice system;
- Reduce the overall cost of the criminal justice system to the taxpayer;
- Reduce the time taken to get offences to court;
- Reduce the number of offences which go through the courts;
- Reduce reoffending rates;
- Provide effective services to victims;
- Improve public confidence.²

6. The Strategy established the Criminal Justice Board to oversee the delivery of these objectives. Its members are the heads of the various criminal justice agencies – namely, the Constabulary, the Prison and Probation Service, the Attorney General’s Chambers, the General Registry/the Courts, and the Isle of Man Law Society – and a representative from the Treasury. It is chaired by the Chief Executive of the Department of Home Affairs.

7. When we asked which of the Strategy’s objectives had been met so far, the interim Chief Executive of the Department admitted that there had been little measurable progress on any of them:

I think when the Criminal Justice Strategy was first developed and put forward, there was quite a lot of ambition around the strategy. Over time, I think the strategy did not really deliver what it was expected to deliver for a lot of reasons.

I think we have made progress in relation to some of the legislative enablers around enabling early intervention, for example. [...]

¹ Tynwald Debate (11 December 2012) Volume 130, No. 4, 440-451.

² Criminal Justice Strategy (GD No. 0061/12), p. 15.

*But I think when we look back on what has been achieved, I think we have not achieved really as much as was originally anticipated as part of the strategy...*³

8. Mr Davies further explained that the problem was not necessarily that the aims of the Strategy were overly ambitious in themselves, but rather the expectation that the various agencies involved would be able to work together to deliver those aims:

*[...] I think in the context of the time and what we saw, really from the external review of the criminal justice system, I think it was actually quite an ambitious target at the time. There was a real paucity of data and there still is in the way that the court service record information about the number of trials and at what stage trials might crack. So I think when you look at the paucity of data, the ability of the different agencies to work together, I do not necessarily think it was unambitious if you look at it in that context.*⁴

9. It must be acknowledged that certain agencies, notably the Constabulary and the Prison and Probation Service, have made progress on improvements in their own areas. However, this does not seem to be a direct result of the Strategy. As Mr Davies said:

*I think the criminal justice system has improved over the last six or seven years but I would honestly have to ask the question: would we have done it with or without the Criminal Justice Board in place? I think the different agencies have moved forward, but it has not been in a coherent and strategic way with the Criminal Justice Board presenting oversight – it has happened anyway.*⁵

Paucity of data

10. One of the Strategy's aims is to 'improve the collection and use of management information to drive performance and measure progress in the system'.⁶ It acknowledged the lack of data in certain areas, and particularly the onerous task of collating information:

Where data is required, it must be collected and analysed manually. Some of the information which informs this report is taken from both manual and electronic systems. In other cases, the best source of information relating to one part of the criminal justice system is taken from another; for example the

³ Q2.

⁴ Q6.

⁵ Q12.

⁶ Criminal Justice Strategy (GD No. 0061/12), p. 9.

police currently rely on the courts' reporting mechanisms in respect of Court Result information and to populate their systems.⁷

11. It is disappointing, then, that there has been little to no progress to date on improving the data collection capability of the agencies involved.⁸ Some of this may to be due to budgetary constraints, but in other cases, the basic groundwork has still not been done. For instance, when we asked why there was no data on reoffending rates, Mr Davies explained that there is still no definition of 'reoffending', making it difficult to collect data on it:

Reoffending rates are really difficult to capture and the data is held in different places. So, for example, if you went into court for a low-level theft offence and then you returned to prison two or three years later for a far more serious offence of, say, violence, would that be reoffending?

So would you say a reoffender is somebody who has offended for the same offence? Or would you just say everybody who comes to prison regardless of the level of offence is a reoffender?

The Prison and Probation Service are trying to work with the Police to identify a meaningful statistic for reoffending. So, for example, if somebody went into prison for theft and they went through the rehabilitation exercises with the Prison and Probation Service and they did not reoffend for theft for three or four years, but then they turned up for a relatively serious offence, would you say that the intervention has been a success because they are no longer stealing, but now they are into a more violent offending pattern?

So I think there are lots of issues with that data and collating it, but I am confident that the Prison and Probation Service will be trying to pull something together that tells us in a meaningful way what the impact is of their interventions.

12. Nevertheless, it should not take over six years to decide on a definition. This shows a fundamental lack of leadership on the part of the Criminal Justice Board.
13. The Minister argued that progress can already be seen in other ways:

Yes, we have not been collecting any data at this time because it is complex to try and collect. But we can tell instantly with regard to how full our prisons

⁷ Criminal Justice Strategy (GD No. 0061/12), p. 9.

⁸ Appendix 1.

are, how many people we have on probation and how many people we have doing – (Mr Davies: Community service.) yes, doing the various other programmes that we run – as to how successful we are being.

I know you are putting the emphasis on the data with regard to reoffending, but from my personal mind, I would rather make sure and work on the fact that we are doing the job right in the first place.⁹

14. This may well be the case, but there must be data available to back up such assertions and, more importantly, to measure progress and provide a level of accountability. As Mr Davies said to us, 'Often, what gets measured gets done'.¹⁰

III. 'A LACK OF CAPACITY FOR CHANGE': THE ROLE OF THE CRIMINAL JUSTICE BOARD

15. The Criminal Justice Board was established to implement and assume responsibility for the Strategy. Unfortunately, it has failed in that duty. This appears to be because the functioning of the Board has been heavily dependent on the personalities involved and their ability to enact reform. As Mr Davies explained:

...there was a willingness from all of the different parties and an acknowledgement that there was something wrong with the criminal justice system, but I think the capacity and ability for change ... I think the different entities and organisations underneath it had different priorities which could not be easily brought together at the board. Over the period of time and my original ... I chaired the Criminal Justice Board from its inception and then the chairmanship was handed over to the Chief Executive of Home Affairs, and it was a really frustrating time.

I think if you talk to people within the criminal justice system, they were frustrated at the lack of progress. I think it was a mixture of lots of things, but if I am being relatively candid, I just think that there was not, from a leadership perspective, a shared real desire to make real reform happen in the criminal justice system.¹¹

⁹ Q10.

¹⁰ Q54.

¹¹ Q3.

16. Mr Davies felt that the lack of an overarching framework for accountability had compounded this problem:

*But ultimately, because of the distributed nature of the different responsibility or accountability lines throughout the Criminal Justice Board, there was little in the way of sanction ultimately if we found one agency was not performing or was not bringing information to the table that we required.*¹²

17. When we asked what sort of accountability would be effective, Mr Davies suggested that ‘more ministerial oversight would be helpful’.¹³ We agree, which is why we recommended in our last report that there should be ministerial responsibility for justice.¹⁴ Now that this recommendation has been supported by Tynwald, we expect that delivery of the Criminal Justice Strategy will be of great interest to the Minister with responsibility for justice.
18. Mr Davies also suggested that putting the Criminal Justice Board on a statutory footing would help to increase accountability, as would clearer lines of responsibility for each member of the Board.¹⁵
19. We welcome these proposals. Though we acknowledge that there has recently been some change in the membership of the Board, we would caution against relying solely on the enthusiasm and willingness of the new postholders. Individual personalities should not be able to dictate whether or not this much-needed reform takes place.

IV. 'SILO MENTALITY': THE IMPACT ON YOUTH JUSTICE

20. Improving the accountability of the Criminal Justice Board does not, however, address the fundamental problem that Government lacks the capacity for strategic thinking, planning, and budgeting.
21. A worrying example of the impact of this lack of capacity is the breakdown of the Youth Justice team. When the Criminal Justice Strategy was published in 2012, the team’s work was recognised as highly effective; but in 2018, the Chief Constable reported that the number of under-18s being arrested has risen by 22%. The Youth Justice team has now been dissolved.

¹² Q10.

¹³ Q15.

¹⁴ [PP No. 2018/0158: Ministerial Responsibility for Justice.](#)

¹⁵ Q11, Q15.

22. The issues afflicting the Youth Justice team reflect in microcosm those of the Criminal Justice Board: on the one hand the reliance on personalities and the relationships between the officers involved, and on the other hand the reliance on funding streams for those officers from individual Departments.¹⁶ As Mr Davies pointed out, it also lacked a clear line of accountability:

...it is one of those dichotomies of Government at the moment in that you cannot ... there is not a single responsibility. But Youth Justice – as I talked about earlier on in terms of early intervention – spans several different agencies, and yet the responsibility and accountability seems to sort of disappear into the ether because there is not a clear line of one person with ultimate responsibility.¹⁷

23. The Chief Constable concisely explained to us the problems caused by silo budgeting:

We budget down silos to a considerable degree. So the Government Departments and bodies like mine will have a budget that delivers what we intend to do. But where we talk about things like social issues, where we might need to spend money to try to come up with something new, constructive and different, then it is very difficult to commission services because joint commissioning does not yet work.

We have talked a lot as a public service, for several years, about the concept of joint commissioning and the need for joint commissioning. It is still in its infancy and I am not yet convinced it works properly.¹⁸

24. We are aware that, in response to the collapse of the Youth Justice Team, the Constabulary and the Prison and Probation Service have recently created their own programmes aimed at early intervention. We commend them for having done so, but we are disappointed that they have had to do so individually rather than as part of a joined-up strategy.
25. We believe that, under the current structure and ways of working, a multi-agency plan for reform such as the Criminal Justice Strategy is unfortunately only destined for failure in the long term.

¹⁶ Q39-Q52.

¹⁷ Q40.

¹⁸ Q6. Chief Constable's Annual Report.

V. CONCLUDING REMARKS

Mr Davies confirmed that the Strategy is currently undergoing review.¹⁹ We do not believe that the original aims of the Strategy were fundamentally flawed or overly ambitious. The lack of progress to date instead reflects two main problems: the paucity of data against which to measure progress and set targets, and the wider inability of Government to plan, budget, and work strategically. Any reiteration of the Criminal Justice Strategy must acknowledge and seek to address these fundamental issues.

J P Poole-Wilson MLC (Chairman)

L L Hooper MHK

Mr C R Robertshaw MHK

March 2019

¹⁹ Q21.

ORAL EVIDENCE

21st January 2019:

**Evidence of Hon Bill Malarkey MHK,
Minister; Mr Dan Davies, Interim Chief
Executive; and Mr Julian Lalor-Smith,
Deputy Chief Executive, Department of
Home Affairs**



**STANDING COMMITTEE
OF
TYNWALD COURT
OFFICIAL REPORT**

**RECORTYS OIKOIL
BING VEAYN TINVAAL**

**PROCEEDINGS
DAALTYN**

**Constitutional and Legal Affairs
and Justice Committee**

**Criminal Justice Strategy and legislative programme,
Department of Home Affairs**

HANSARD

Douglas, Monday, 21st January 2019

PP2019/0018

CLAJ-CJS, No. 1/2019

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Members Present:

Chairman: Mrs J P Poole-Wilson MLC
Mr L L Hooper MHK
Mr C R Robertshaw MHK

Clerk:

Mr R I S Phillips

Assistant Clerk:

Miss F Gale

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Standing Committee of Tynwald on Constitutional and Legal Affairs and Justice

Criminal Justice Strategy and legislative programme, Department of Home Affairs

*The Committee sat in public at 11 a.m.
in the Legislative Council Chamber,
Legislative Buildings, Douglas*

[MRS POOLE-WILSON *in the Chair*]

Procedural

The Chairman (Mrs Poole-Wilson): Good morning and welcome to this public meeting of the Constitutional and Legal Affairs and Justice Committee.

I am Jane Poole-Wilson MLC and I chair this Committee. With me are the other members of the Committee, Mr Lawrie Hooper MHK and Mr Chris Robertshaw MHK.

5 We will be hearing today from the Minister for Home Affairs, the Chief Executive and the Deputy Chief Executive of the Department.

This session will focus on the Criminal Justice Strategy and the Department's legislative programme.

10 Before we begin, could I please ask everyone to ensure that any mobile phones are switched off or on silent, so that we do not have any interruptions; and for the purposes of *Hansard* I will also be ensuring that we do not have two people talking at once.

EVIDENCE OF

**Hon. Bill Malarkey MHK, Minister,
Mr Dan Davies, Interim Chief Executive, and
Mr Julian Lalor-Smith, Deputy Chief Executive,
Department of Home Affairs**

Q1. The Chairman: Thank you for attending today. For the record, could you each please state your name and the capacity in which you are appearing today.

15 **The Minister for Home Affairs (Mr Malarkey):** Bill Malarkey MHK, Minister for Home Affairs.

Mr Davies: I am Dan Davies. I am the Chief Executive of the Department of Home Affairs, interim.

20 **Mr Lalor-Smith:** Julian Lalor-Smith, Deputy Chief Executive, Department of Home Affairs.

Q2. The Chairman: Thank you very much.

If we could begin by looking and talking a bit about the Criminal Justice Strategy, please, this was a strategy that was approved by Tynwald in December 2012. If we look at page 15 of the strategy, there are the core objectives of what the strategy is planned to achieve. I wonder if you could talk to us a little bit about which of those core objectives have been achieved so far.

The Minister: I am going to hand that question to Dan, who has been dealing with the strategy.

Mr Davies: I think when the Criminal Justice Strategy was first developed and put forward, there was quite a lot of ambition around the strategy. Over time, I think the strategy did not really deliver what it was expected to deliver for a lot of reasons.

I think we have made progress in relation to some of the legislative enablers around enabling early intervention, for example. So hopefully with the Administration of Justice Bill we will have provision to allow early disposals. I think what has happened is that the Police have taken the initiative and they have moved forward probably faster than other parts of the Criminal Justice Strategy.

So as I am sure you heard from the Chief Constable, they have got quite an ambitious Digital Transformation Strategy, which I think will form the basis for the transformation of the rest of the criminal justice system. But I think when we look back on what has been achieved, I think we have not achieved really as much as was originally anticipated as part of the strategy – reviewing it now.

Q3. Mr Robertshaw: Why?

Mr Davies: I think several reasons. One was a lack of capacity for change. The original basis for the Criminal Justice Strategy in November came from a review of the criminal justice system that was carried out by Collinson Grant. They took probably about 15 or 16 different initiatives which had been suggested as part of the 2010 response by Government to ways to save money following the UK's renegotiation of VAT. At the time it seemed that the different parts of the criminal justice system were all suggesting ways to save money but there wasn't a cohesive approach to criminal justice and that is what the review found in 2011. We used that as the basis for the strategy and it identified (1) that there was little interagency working; (2) there was very little in the way of oversight and performance and a coherent vision for criminal justice; and (3) I think finally it acknowledged that there was very little in the way of early intervention options for the criminal justice to keep people out of prison and from going to court.

So the Criminal Justice Board was formed and there was a willingness from all of the different parties and an acknowledgement that there was something wrong with the criminal justice system, but I think the capacity and ability for change ... I think the different entities and organisations underneath it had different priorities which could not be easily brought together at the board. Over the period of time and my original ... I chaired the Criminal Justice Board from its inception and then the chairmanship was handed over to the Chief Executive of Home Affairs, and it was a really frustrating time.

I think if you talk to people within the criminal justice system, they were frustrated at the lack of progress. I think it was a mixture of lots of things, but if I am being relatively candid, I just think that there was not, from a leadership perspective, a shared real desire to make real reform happen in the criminal justice system.

Q4. Mr Robertshaw: That is very clear. But now we are in a position where we are encouraged that the Constabulary is moving on and ahead: is there a danger that from all you have said – and I recognise the detail of what you are saying very clearly – isn't there a possibility that elements are still going to be left behind as it stands?

75 **Mr Davies:** I think there is a risk. I am encouraged by a number of things. There has been a change of leadership in the General Registry, in Stuart Quayle as Chief Registrar. I have had a couple of very positive meetings with Stuart. The Criminal Justice Board has recently met and it feels reinvigorated.

I think really importantly we have started some very good conversations with the judiciary, from the point of view of their ambition and their desire to make things better within the criminal justice system – particularly the criminal aspects of the judiciary. So the Deputy High Bailiff and Deemster Montgomerie are *hugely* positive about change and they are really eager for change to happen. In fact for the first time, when the Criminal Justice Board meets this week, the Deputy High Bailiff has indicated that she will be there – not as a voting member, but in attendance for the whole of the Criminal Justice Board – and we are going to talk about a new set of priorities for the Criminal Justice Board and hopefully reinvigorate that approach.

85 **Q5. Mr Robertshaw:** That is encouraging, but the concept of early intervention, which you have quite rightly mentioned a number of times, stretches even beyond the actual reaction of the system to something that is happening (**Mr Davies:** Yes.) to actually intervening before it happens. (**Mr Davies:** Absolutely.) Are you comfortable that that degree of buy-in is sufficient across the Departments?

Mr Davies: Yes, and actually outside of the Departments early intervention is something that is not just within the sphere of criminal justice, I think, and I know the Minister is really keen on early intervention from a pan-Government perspective. In fact the Chief Officer Group at the moment is working on an intervention strategy that will focus on adverse childhood experiences that will look at engagement from the Department of Health and Social Care, the Department Education, Sport and Culture and we are working with Public Health, the Department of Health and Social Care; we have had lots of positive buy-in from the Department of Education, Sport and Culture.

100 So early intervention is not just about criminal justice or the agencies within there; it goes more broadly across Government and I think for the first time there is an acceptance of that, and we are going to look at using the nine or 10 different trauma-related adverse experiences as a hook on which to hang our early intervention approach. So, for example, domestic abuse: where a child is in a home where there is domestic abuse, do we have a clear pathway that will not only deal with immediate issues that are affecting the child in terms of domestic abuse, but look at the root cause of that and work with all the different agencies – with the schools, with Health, with Social Services to make sure that the child has the best chances in life?

110 **Q6. Mr Hooper:** You have talked quite a bit about these objectives being quite ambitious, in the strategy. I have to disagree with that statement. (**Mr Davies:** Okay.) The objectives in the strategy simply state:

Reduce the time taken to get offences to court.

That is not a particularly ambitious aim, it is just an aim of a reduction in time taken.

115 So you have accepted that the Department has not really made any significant progress towards achieving these objectives, what progress have you made specifically reducing the time taken to get offences to court?

120 **Mr Davies:** One of the major things we did was we introduced endorsable fixed-penalty notices as a concept, and in particular at the time there were 1,296 traffic offences which would all go to court, and we took those ... I think now over three quarters of traffic offences are dealt with by endorsable fixed-penalty notices. So actually that did reduce the amount of time taken to get cases to court.

I would say I would disagree with your disagreement of the assessment, Mr Hooper, if I may. I think in the criminal justice system in 2011 there was a paucity of data. There was, on reflection, recalling back to the time, I think there were a number of people who were in prison on remand for huge amounts of time. I think getting cases to court was proving exceptionally difficult. So although it may seem relatively unambitious, I think in the context of the time and what we saw, really from the external review of the criminal justice system, I think it was actually quite an ambitious target at the time. There was a real paucity of data and there still is in the way that the court service record information about the number of trials and at what stage trials might crack. So I think when you look at the paucity of data, the ability of the different agencies to work together, I do not necessarily think it was unambitious if you look at it in that context.

Q7. Mr Hooper: I am quite glad that you bring up data because another one of the objectives in the strategy was to reduce reoffending rates. At the time this strategy was brought in in 2012, there was a serious lack of data around re-offending. There were some Tynwald Questions asked about it in 2015 at which the Department stated that it did not hold any information in respect of reoffending rates. I myself asked a Question in 2018 and was told exactly the same thing, that the Department does not hold any data in respect of reoffending rates.

We are now at the start of 2019, and obviously this is six years after this strategy was launched with a key objective of reducing reoffending rates. So what data does the Department now hold on reoffending rates and how they have reduced since 2012 when the strategy was launched?

Mr Davies: Reoffending rates are really difficult to capture and the data is held in different places. So, for example, if you went into court for a low-level theft offence and then you returned to prison two or three years later for a far more serious offence of, say, violence, would that be reoffending?

So would you say a reoffender is somebody who has offended for the same offence? Or would you just say everybody who comes to prison regardless of the level of offence is a reoffender?

The Prison and Probation Service are trying to work with the Police to identify a meaningful statistic for reoffending. So, for example, if somebody went into prison for theft and they went through the rehabilitation exercises with the Prison and Probation Service and they did not reoffend for theft for three or four years, but then they turned up for a relatively serious offence, would you say that the intervention has been a success because they are no longer stealing, but now they are into a more violent offending pattern?

So I think there are lots of issues with that data and collating it, but I am confident that the Prison and Probation Service will be trying to pull something together that tells us in a meaningful way what the impact is of their interventions.

Q8. Mr Hooper: It is quite interesting, and I appreciate the difficulties in establishing some of these statistics, but other jurisdictions manage it; and in fact this jurisdiction managed it back in 2012 where there was a Tynwald statement in 2015 that has the phrase included:

A workable measure was created, to calculate how many people convicted in a period were repeat offenders ...

So the Department has in the past created a repeat offending rate – it has statistics, it has a measure for this, but for some reason over the last six years, the entire length of this strategy, it has not been collecting that data.

So I will go back to my original question which is: what data does the Department now hold? And, if you are still working on an appropriate definition, why has it taken six years to pull together an appropriate definition?

Mr Davies: I think because it is difficult. (*Interjection by the Minister*)

175 **Q9. Mr Robertshaw:** Well, I mean, the statement ‘reducing offending rates’, does it not suggest that the aim of all that we do – as I have said many times, that personalised service delivery – is that we need to understand the individual that is offending in a holistic sense, and until we achieve that how on earth are we going to possibly satisfactorily or successfully remove that person from that way of life? Would you not agree with that?

180 **Mr Davies:** I absolutely agree, and I think the Prison and Probation Service have developed a new service – it is the rehabilitation hub, the intervention hub – and for the first time that uses dialectical behavioural therapy to understand the motivations of offenders. They are very excited about this for lots of reasons. It is a technological advance in that the intervention can be carried out on an iPad or a similar device at the offender’s leisure, if you like – in their own time, rather than probably at their leisure – but also it allows the Probation Service to make a more
185 meaningful interpretation based on what their mindset is at the start of their journey of rehabilitation and at the end of that intervention.

So I am confident and certainly assured that we will start to have a more meaningful intervention in offending and offenders.

190 **Q10. The Chairman:** Having been up to the Prison and looked at the work they are doing now to really work hard on rehabilitating offenders and prevent reoffending, I can see that there is excellent work going on, but one of the things that was stated in the Criminal Justice Strategy was that:

One of the aims of this [strategy] is to improve the collection and use of management information to drive performance and measure progress ...

195 And I think it still comes back to: if we are not collecting the data how are we assessing how well we are doing? How are we determining whether any one of these interventions ... so that you are not sitting there saying to us, ‘I am confident’; you can say, ‘I am confident *because* this is what we have been doing, this is how it pans out’?

200 And yes, it might be too blunt to say, in some respects, if you came in for theft and now you are back in for a violent offence, we have failed. That might be too blunt. But Mr Hooper has made the point that we have had six years. It may be difficult, but we have had six years and at this point it is very difficult to say, ‘Actually, the things we are doing are bearing some fruit, are successful – or not. And so because they are not, we are going to try this now’.

205 What would you say is going on in terms of active work to make sure that decent management information is being collected?

The Minister: Can I at this stage come in?

210 I mean, you pointed at six years: this administration, this team you have here is a relatively new team. I am most certainly not happy with what happened to the Criminal Justice Strategy and how it has been performing for the last six years, and we have taken a completely different approach to it.

215 Remember, I was in the Department back in 2010-11 and I know rehabilitation was very poor coming out of the Prison. Now, I have concentrated greatly on rehabilitation because I am a great believer in it and, as you said yourself, Chair, the amount of work that is being done with the new Prison Governor up there – with the rehabilitation, with the education, with the work of Probation, working with the Drug Team afterwards to make sure these people are given the right outcome – is where we have been concentrating.

Yes, we have not been collecting any data at this time because it is complex to try and collect. But we can tell instantly with regard to how full our prisons are, how many people we have on

probation and how many people we have doing – (**Mr Davies:** Community service.) yes, doing the various other programmes that we run – as to how successful we are being.

I know you are putting the emphasis on the data with regard to reoffending, but from my personal mind, I would rather make sure and work on the fact that we are doing the job right in the first place.

Mr Davies: I think if you look at the different agencies within the Criminal Justice Service, we had differing levels of capability and maturity across the different agencies and we had differing levels of buy-in. I think some of the data was extraordinarily difficult to collect at the time of the review and it was kept in spreadsheets, if it was kept at all. And if you look at the Police, for example, they have for many years been collating a lot of data. They have a statistician and they have a small team of people. On the other hand, if you look at the General Registry, for example, they have nobody who collates or analyses that data, to my understanding, as part of their day job. And the data in the courts, for example, was kept in different systems. So Summary Courts used, I think, the Axiom system, whereas the Court of General Gaol Delivery uses spreadsheets.

So I think we sat as a Criminal Justice Board, and we sat down and agreed that a priority would be data collection. But ultimately, because of the distributed nature of the different responsibility or accountability lines throughout the Criminal Justice Board, there was little in the way of sanction ultimately if we found one agency was not performing or was not bringing information to the table that we required. And that is where we were.

As I think we all know, in lots of ways Government works because of relationships which are the glue that hold the different parts together, and where relationships do not work then often we do not get the output for one reason or another, and I do not think we got the output that we were hoping for because there was not an equal measure of participation in the Criminal Justice Board.

Q11. Mr Robertshaw: Will it continue to be a matter of this working on the basis of relationships?

Mr Davies: I think we have plans to put the Criminal Justice Board on a statutory footing, so it becomes a Statutory Board. I think that will give more credence to the Criminal Justice Board as an entity, and I think it will continue to be that way for the foreseeable future. But I think there is a different group of people within the Criminal Justice Board and there is more of a shared aim to make criminal justice better than there was perhaps before.

Q12. Mr Robertshaw: What do you consider a definition of ‘foreseeable future’ to be?

The Minister: I think we have already started in that direction, really. I mean, there have been several changes. The very fact that the judiciary want to participate within the Criminal Justice Board is a step in the right direction.

The unfortunate part of it, looking from the outside, before I came in as Minister there was a bit of an ‘us and them’ sort of situation going on with regard to the Department and the courts and everything else. And the fact that the Police fell quite closely within my Department, the separation I think was used as a little bit of an excuse that they did not want the Police too close to the courts, and they did not want the Department working with the courts and working with the Police, that put us in a bit of an awkward situation. But we seem to be overcoming that now. We seem to be getting far more co-operation from the courts. We seem to be getting more of a willingness for them to work with us.

I actually speak to one or two of the magistrates from time to time and there is a much warmer feeling, let’s put it that way, than there seemed to have been in the past; and the willingness to try and keep us working together, which is what I think everybody wants.

Mr Davies: I think the criminal justice system has improved over the last six or seven years but I would honestly have to ask the question: would we have done it with or without the Criminal Justice Board in place? I think the different agencies have moved forward, but it has not been in a coherent and strategic way with the Criminal Justice Board presenting oversight – it has happened anyway.

Q13. The Chairman: So from everything that you have said, I think it would be fair then for us to assume that one of the things in the Criminal Justice Strategy is that the Criminal Justice Board would set some key performance indicators. Is that something that has ever happened or is that something that is *now* happening?

Mr Davies: It did happen, but again I do not think all of the agencies within the Criminal Justice Board gave it equal weight. So at the last meeting of the Criminal Justice Board we agreed as a board that we would set some new objectives for the board and new strategic themes. So we agreed as a board – and this has yet to be formally ratified, and we will do that hopefully on Thursday – we agreed that the role of the Criminal Justice Board would be governance and performance; it would be oversight of priorities across the criminal justice system; and it would be strategy for the criminal justice system.

We then agreed a series of strategic themes and these would be performance improvement, which would include the collection of better MI in certain parts of the criminal justice system; it would be improving services for victims and witnesses; digital transformation of the criminal justice system; and early intervention. And those will be the strategic themes that the board will focus on over the next 12 to 24 months.

Q14. The Chairman: And to pick up on the point that Mr Robertshaw made about the willingness of the different people around the table to work towards that collectively and to make sure that that impetus remains, do you see putting the Criminal Justice Board on a statutory footing as the way really to make sure that the different parties around the table continue to co-operate and work?

Mr Davies: It is one part of it.

Q15. The Chairman: And what else do you think is important to make sure that this is effective going forward?

Mr Davies: I think more ministerial oversight would be helpful. I also think some form of accountability – and I have yet to determine what that mechanism is, clear accountability for the different heads of the different agencies. And I think that would be ... maybe if that is to Tynwald in a set of objectives on a yearly basis; if it is each individual head of the service reporting in to their own ultimate head – so I report in to the Minister. Obviously the Chief Registrar has a line of accountability – and this is where things get difficult – in to the First Deemster.

We absolutely do not want to challenge or threaten in any way the independence of the judiciary, and that is a fundamental principle. But I think we can agree that the administration of justice, making sure the nuts and bolts and mechanics of getting a case to court and heard fairly, is everybody's interest.

Q16. The Chairman: And tell me more about how you see the ministerial accountability working, potentially?

Mr Davies: I have always seen the Minister has something of a distant role at the moment in the Criminal Justice Board, and I would like to see the Minister far more engaged in that process;

and whether or not the Minister chairs the Criminal Justice Board in the future that may well be a way of that accountability being far more present in the room.

325 **The Minister:** I have to totally rely on my officers to come back and report because of this frightened, scared 'keeping politics away from the judiciary and not interfering' – it is a very thin line you have to walk. I am a great believer that chairs should be there even if not to interfere with what is going on, but certainly be able to report back and do something about something if it is not going right, because they have the power to do so.

330 That is not happening. I do not feel as if I am hands-on enough within the whole of the Criminal Justice Strategy because I am not allowed to be involved with the courts, basically.

Q17. Mr Robertshaw: So how does this play into this Committee's view that there needs to be recognition at some form of ministerial level about the justice system *in itself*? Because you
335 are expressing quite understandable frustration.

The Minister: Well, I am hoping at the moment that frustration is going away because we are getting more co-operation and the resistance that was there in the past does not appear to be there quite so much. But as Dan said, putting the Criminal Justice Board on a statutory basis and
340 maybe putting the Minister in to oversee or to chair it would feed far more information as to what is going on within the system than what I am getting at the moment.

Mr Davies: I cannot speak for the judiciary; however, I think there is understandably nervousness amongst the judiciary, where a discussion of a Minister for Justice takes place. And
345 certainly informal discussions that we have had to date indicate a nervousness about what that role might entail, and where the purview of that Minister would begin and end. That is the sense I am getting at the moment.

So we are treading very carefully along that path at the moment trying to understand what would be acceptable and what would not.

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Q18. Mr Robertshaw: But that purview has been successfully dealt with in a whole range of other jurisdictions. Why would you think it would necessarily be a problem with ours?

The Minister: The set-up we have in Home Affairs where we have the Police sitting directly
355 within Home Affairs, and having a Minister for Justice who is also in control of the Police just rings alarm bells, I think, with the judiciary.

Q19. Mr Robertshaw: Well, Minister, that is an assumption you are making there, that the Justice Minister would also embrace the Constabulary, which I would have thought –

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The Minister: Well, it is almost round the whole Department –

Mr Davies: I think that is the challenge of a small jurisdiction. I do not think it is something that is insurmountable but it is something that I think requires a good deal of careful thinking.

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Q20. Mr Robertshaw: You are thinking it predicates on the principle that we stay with the same structures we have got now rather than being slightly bolder?

Mr Davies: Not necessarily.

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The Minister: Not necessarily, no.

Q21. Mr Hooper: I am a little concerned about this concept of putting the CJB on a statutory footing will somehow help solve some of our problems. I mean, four out of the six members of the CJB already are Government representatives – essentially, they work for the Isle of Man Government, they are responsible to various Ministers anyway; it is only the courts and the prosecution division of the AG's that sit kind of outside the Government structure. I am not hearing anything that is convincing me at this point that simply putting the Minister on that board is somehow going to start driving it forward and solving the problems that you have outlined.

Are the objectives that are contained within the Criminal Justice Strategy still the key objectives for the Department when it comes to criminal justice reform on the Isle of Man? Or has the view of the Department changed since this document was originally published?

Mr Davies: I think, as I said before, the board and the Department need to review and re-examine the Criminal Justice Strategy and refresh it.

I think, broadly, making the criminal justice system more efficient, focusing on early intervention in victims and witnesses is the right thing, but I would like that restated and I think the Minister is keen to do that. So I would hope that we will come back with a revised criminal justice strategy hopefully within the next six months that captures some of those areas.

And just to pick up on your earlier point: I said that putting the Criminal Justice Board on a statutory footing would be one part of a better accountability framework. I do not think on its own it will do much, but it will be one part or a set of building blocks that will bring about more accountability.

Q22. Mr Hooper: That was going to be my second question: everything you are saying about accountability and performance reporting and the responsibilities of a reformed, revised CJB, all of that was laid down in the strategy in 2012. (**Mr Davies:** Yes.) So the language has not changed, (**Mr Davies:** No.) and the structure does not seem to have changed, (**Mr Davies:** No.) the objectives do not seem to have changed.

So what *has* changed? What *is* going to change when you relaunch this refreshed strategy? (*Interjection by the Minister*) What is going to be different about this – (**The Minister:** Digitisation.) compared to the one that was in 2012?

The Minister: Digitisation. Because I strongly believe that by digitising the courts, as well as ourselves, we are already digitising our Police Force, we will clean up and speed up an awful lot of work. Some of the stats that you will be looking for, we will probably be able to get much quicker rather than pushing pieces of paper around, instead of people ticking off little boxes. I think it plays a really large role going forward. I think that is going to help us for the future to make the strategy work properly.

Q23. Mr Hooper: But again, if I may, the digitisation and an increased use of digital services was a core part of the original Criminal Justice Strategy. So again, nothing has changed. It is almost like six years ago the Department had these conversations and said, 'How can we make criminal justice work better, be more efficient and be more focused on victims and witnesses?' They put the Criminal Justice Strategy together, they said, 'Here you go, here's a strategy; let's go deliver this strategy to make everything better'.

Six years later we are having exactly the same conversations because nothing has happened of any substance in the last six years; and really all the Department seems to be saying is, 'Well, we'll just go back to the building blocks, we'll rebuild the strategy from the ground up and we'll have another bash'. That seems to be the message that is coming across.

The Minister: But there are two things that have happened in that period of time. There have been massive budgetary restraints and technology has come along leaps and bounds as well to make the strategy even better now, that we can do this.

So obviously we need the budget to do it and we need the technology, where we seem to be having both of them what it is now, because this Government is very much into digitisation of everything that it does. So that in itself will speed the process up.

Mr Davies: If you look at where we have come over this period of time, there was a lot of discussion at the time about 'one offender, one record' which is eminently sensible – at the moment I think there are something like 24 different times an offender's name and address will be captured throughout the –

Q24. The Chairman: There are 22, which was quoted –

Mr Davies: Sorry, 22, yes –

Mr Robertshaw: A great improvement!

Mr Davies: And there was an agreement that all parts of the criminal justice system would work towards this. Unfortunately, as I said before, due to capability, due to people really getting in the treadmill of the day job, that the Police got frustrated with that quite slow process of trying to develop this and they just said, 'Well, we're going to go ahead'. And the Chief Constable is lucky, within the Police Act 1993 he is responsible for the disposition of his Force; and so he took the decision that he would, (a) create the capacity for change within the Force; (b) he got some funding to begin developing a business case to replace the police system; and (c) he was in a situation where his existing police system was end of life and it was a good catalyst.

And so we get to the situation now where the Police have got a huge digital transformation programme, they are clear about where they want to go – and in fact in March they will go live with their new CONNECT system which will utterly transform the way that policing works.

The net result of that is that they will put out a digital charge sheet, or they will put out a digital bundle which will go to the Attorney General's Chambers who are then going to have to process that digital bundle in the best way they can in the interim, until they are able to catch up with the Police. That is the net result of this sort of multi-speed approach to criminal justice.

So I think if you ask what has changed, I think leadership makes a massive difference. And I genuinely think that there is a real commitment around the table now, where perhaps there was not in the past. And you know we have to work within the parameters we have at the moment as well.

Q25. Mr Robertshaw: Why?

If the parameters are inadequate and are failing to deliver, why therefore do we retain those parameters? Why do we not address the thing more fundamentally and say actually these parameters are inhibitors, and therefore we deal with the parameters?

The Minister: But the courts and the registries are outside our remit –

Q26. Mr Robertshaw: No, no, I am talking about the broader sense of the Criminal Justice Strategy.

Mr Davies: I think that is a bigger question, that I am not able to answer.

Q27. Mr Hooper: I would just like to take you back on that comment that the courts and registries are outside your remit. You are bringing forward the Administration of Justice

475 legislation, being promoted by the Department of Home Affairs, so it is quite clear that from a legislative perspective actually it is not outside your remit.

The Minister: No, I am talking about digitisation – we cannot force digitisation on the Registry and the courts, which I think you know ... I go back to the amount of paper being wasted for
480 probation reports being done many, many times over by various different Departments when it could be done electronically much faster and speed up the whole system. We cannot force digitisation on the Registry or the courts.

Mr Davies: I think also the Department has historically drafted legislation to do with the
485 justice system, whether or not it relates directly to powers that entities within the Department exercise – so the administration of justice, and there are other pieces of legislation which do not directly affect the Department but which the Department has historically done.

Q28. The Chairman: Does this not come back to the core problem of accountability? So you
490 have said ... Mr Hooper has pointed out that everything we are talking about is not really that different to what was written six years ago. And the core challenge of delivery on this is driving all of the agencies to co-operate and work towards shared priorities and goals, but where there is not sufficient accountability that is one of the failures or that is what is going to continue to mean that aspects of this will fail.

495 And I think that is also where Mr Robertshaw is coming from, that if we do not structure ourselves to drive that accountability – even this Committee. Mr Robertshaw, I think, in talking about setting up this Committee highlighted the wariness sometimes of Members of Tynwald from engaging with the judiciary for fear of stepping over the line of separation of powers. However, as we all agree, it is in all of our interests and the people of the Isle of Man's interest,
500 that we have effective administration of justice.

So I think again the question would be: what are the options and how are you looking at how we can drive this accountability? This is not interfering in individual prosecutions or criminal cases or anything else, this is driving accountability for the effective administration of justice.

505 **The Minister:** I think we have a willingness now to drive it that we did not have before, personally.

Mr Davies: I think shared accountability is a broader problem than just for within the criminal
510 justice system. And I do not think I am able to offer that broader solution here today.

Q29. Mr Hooper: Would you accept the assertion that one quite straightforward way of improving accountability is to improve transparency around how effective the system is, how it is operating? And so publishing of KPIs, data and performance targets is actually quite a good way of highlighting where some of the gaps are and where some of the issues are.

515 I can see you are nodding quite enthusiastically over there.

If that is the case then why, when putting together the Programme for Government document, which is entirely the result of this administration, were none of these – well, few of these – objectives contained in the original Criminal Justice Strategy migrated over? So there are a lot of things that you are saying we should be doing, but actually we are not measuring them,
520 we are not reporting on them, we do not know how they are going.

Why did you not take the opportunity there to say, 'Well, let's use this new mechanism as a way of highlighting some of the gaps, highlighting some of the areas where we do need to focus our resource and effort?'

Why was that opportunity not taken?

525 **Mr Davies:** I was not around – well, I was not in this role at the time that was put together. So I agree with you entirely, and the Criminal Justice Board agrees that we should publish the performance of the criminal justice system and we should publish the minutes of the Criminal Justice Board.

I also agree that we should use the opportunity where the Programme for Government is being refreshed to include some of these objectives. Absolutely. That is definitely a method of transparency and accountability that I would welcome.

The Minister: And I know more now than I did then. It was early days.

535 **Q30. Mr Hooper:** There is one thing I would like to ask about, when it comes to the legislative side of things.

Obviously, you have mentioned that you sometimes end up drafting legislation for which the Department is not technically responsible, but actually it falls to you because really there is not anyone else to do it. We are seeing, I feel now, quite a lot of criminal justice legislation coming forwards which perhaps has been lacking in recent years.

540 So I think my question really is: when it comes to getting this legislation drafted, consulted on, on the books, what is it that is causing your bottlenecks? What is causing the slowdown and the restriction for your Department?

545 **Mr Lalor-Smith:** It might feel like there is a slowdown but during this parliament we have actually progressed two pieces of primary legislation on to the statute book so far, and about 17 parts of secondary legislation.

But we went out to consultation on the Criminal Justice, Police and Courts (Amendment) Bill and the Diversion of Offenders Bill, just before the election actually. And out of that came an awful lot of work. What we are going to end up with very shortly is a Domestic Abuse Bill, because the view of the public and those that we consulted was generally that we needed to do that separately. So that is exactly what we are going to do. And of course, there has been an announcement over the weekend that the UK government is coming out with their own Domestic Abuse Bill, so unfortunately we are going to need to look at that now to make sure we are not going to miss anything, although this Bill is designed for the Isle of Man taking into account the Scottish model and the England and Wales model. We have also got the Administration of Justice (Miscellaneous Provisions) Bill which is very shortly again going to be progressed to the House of Keys.

560 So we have got two pieces of legislation that we are nearly there with. And in addition we have got the Council of Ministers (Amendment) Bill, which is about the guarantee of the independence of the judiciary – that should be the first Bill that goes into the House of Keys.

We have got the Sexual Offences and Obscene Publications Bill which is an absolutely *huge* Bill, it has 223 clauses. So although it might seem we have not done a lot there has been an awful lot of development work required to get to where we are now. We did have a Bail Bill but that has proved to be so complex, what we drafted in the end, that we are going to start again because it simply is too complicated for anyone to understand. So we need to have an Isle of Man solution to that.

570 So, again, a Licensing Bill that was actually submitted to Chambers quite some time ago, and we are waiting for a draft Bill for that. But of course Chambers have been extremely busy with Brexit so that has had an impact on all this work because every time you go to them they say, 'Well, yes, but we've got this to do now' – so that does delay matters. And we are working on the Fire Safety Bill as well.

So we are doing a lot of work and we are nearly there with an awful lot of it. So you will see considerable progress very, very shortly.

575 **Q31. Mr Hooper:** So it is the Department's view that there is not really a capacity issue when
it comes to Home Affairs-related legislation? But you mentioned that there were two Primary
Bills that have come through this parliament, this Tynwald. I might be wrong here but I think
both of them dealt with issues that arose in the UK 10 to 15 years ago. One of them actually had
retrospective application provisions because it was so out of date; and the second one was
580 dealing with the results of a UK court case from, I think, 15 years ago.

So if there is not a legislative drafting capacity issue, or capacity from within the Department,
why does it sometimes take the Department so long to make sure that our legislation is up to
speed and in line with that across the water?

585 **Mr Lalor-Smith:** Obviously in the UK they have huge resources there, don't they? In the
Department we have two officers and their job is not simply just legislation, they do committee
work, they consult and they do huge amounts of additional work – GDPR and lots of other jobs.
So it is not just this.

We do work full steam ahead all the time but I suppose it is the same across the whole of
590 Government, isn't it, in effect? You are never going to be able to ... You have not got the
resources with the legislative side in order to necessarily keep up with everything in the UK. And
perhaps you do not want to. Sometimes we have found that legislation has been changed in the
UK and then changed back again – and, fortunately, we have done nothing in the interim.

595 **Mr Davies:** I think the Department is in an interesting position. So if you look at the
constitutional evolution of the Isle of Man over the past probably 30 years – prior, really, to the
1970s and 1980s – the Isle of Man just imported lots of UK legislation on a copy-and-paste basis.
But as we have evolved constitutionally we have also taken more responsibility for developing
legislation which more fits the needs of the Isle of Man. The Domestic Abuse Bill is a great
600 example of that. We have taken the Scottish legislation, which is really gold standard in terms of
domestic abuse, which means that hopefully we may be ahead of the UK in terms of the
provisions for domestic abuse.

But what that means is we have got this massively complex set of legislation – and I would
say that, wouldn't I? But I think the Department probably has the most complex of all legislation
605 because it deals with people's liberty. The Prison Governor has the ability to say to an offender
that you can or cannot be released. The Police have the powers to detain people from their
liberty and that is probably one of the most fundamental powers within our society. And
because, over the years, we have a mix now of UK-imported legislation and Isle of Man-specific
legislation it does make the process of drafting more complex.

610 I think we would love more legislative resource, but the reality is we are where we are in
terms of budget. If you go to the UK ... And a lot of their legislation is increasingly politicised,
rather than just policy driven, it is politicised. So immigration legislation, for example: the Island
extends the UK's Immigration Act 1971 by order and it has the Act extended to it. But lots of the
immigration legislation there is hugely complex and they have teams and teams of lawyers
615 working on one section of that legislation, whereas here we have a resource which is not just
focused on immigration, for example, they are focused on lots of different aspects of legislation.

So that is the other side of the sword of us developing our constitutional position more which
is that we are increasingly having far more complex legislation; and as society and societal needs
evolve, legislation becomes increasingly complex. We could do with another team of 10 officers
620 to help us develop legislation; but the reality is that we have to work under the same constraints
as everybody else.

So it is a matter of prioritisation and it is a matter of trying to develop the best policy for the
Island. As Julian said, the Sexual Offences Bill is 220-odd clauses and that modernises huge
 swathes of sexual offences legislation which was absolutely overdue and ready, but that takes
625 an awful lot of time not just from the Department but in Chambers. And the drafters there are
pulled in many different directions as well.

The Minister: I think it is only fair on the Department that we do work on these Bills and a lot of hard work goes into them, but of course we are restrained by Chambers and what they can produce and what speed they can put it out at.

630 I obviously sit on the Legislative Committee where we have to try and prioritise these Bills, and every time I think I am getting one of my Bills to the top, something will come in for Moneyval, or it will come in for something else, so our stuff slips down. The Licensing Bill, on which I am really keen ... Because it is at the stage now that they have had it for 12 months but unfortunately it is not on the priority of other legislation like the Sexual Offences Bill which we
635 are trying to push forward.

So although some of it falls back on our Department, it also falls back on to how fast the AG's Office can come out with it. That is not a criticism of them; it is just that they are so busy. And just help us when Brexit comes through and we have to start changing all sorts of things, many of these Bills might slip again because prioritisation for the running of the Isle of Man is more
640 important than changing some of the legislation that we are putting forward.

Q32. Mr Hooper: I suppose that comes back to where I started which was, where is that bottleneck? If, for example, Treasury turned round and said, 'Right, we can employ an extra drafting officer, they can either be in the AG's Chambers or they can be inside your Department,
645 which one of those two would be more helpful for your Department? (*Interjections*)

The Minister: As a Minister, I would say in the AG's office because we are not the only ones suffering from this. So it would be a bit unfair to give it to us, unless we were going to actually get somebody that is going to do all our stuff for us, in which case we would have to start
650 importing more work to do. So that would be unfair.

So I think it would be the Attorney General's office. But you do keep trying.

Q33. Mr Robertshaw: Are there other comments that one ought to make there? (*Interjection by the Minister*)
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Mr Davies: No, no. I think it is the perennial issue – and it is probably a bit like widening the M6, isn't it? You get an extra lane and traffic seems to flow very well for a few months but then people realise there is extra capacity and it becomes clogged again.

So I think lots of Government legislation needs revising and reviewing and updating; and in
660 addition to that we need new legislation to cover new areas. I think Chambers are working exceptionally well, they are a good group of people, and we have got some very good drafters. I think the Department is working as hard as it can. We would always love more resource but we work within the constraints we have.

Q34. The Chairman: And just two questions, really, coming out of this discussion about managing the legislation. One is what your capacity is, or how you currently horizon-scan. So accepting that you have got a huge amount of work to do, but things will pop up.

And I think what is interesting about the two pieces of legislation, or the two Bills that we have seen come through is that they were important from a Moneyval perspective, actually, to
670 pick to make sure our system works effectively. And it has been interesting to me ever since I saw those Bills that we did have this lag of time.

So I am interested in how you think you can best horizon-scan. Is it your Department that should be horizon-scanning for developments that would make a material difference to the effectiveness of our criminal justice system in what could be really significant criminal cases,
675 actually, criminal prosecutions; or does that sit somewhere else?

Mr Lalor-Smith: No, I think it should fit in the Department. I think we should do it. But as you can see from those two Bills, we do not do it to the level that we would like to because we are

so busy doing the primary Legislation that is on the programme, *and* things that come in from the left field to hit us in the middle of the programme and we have suddenly got to do something.

So yes, I would love to do it, but we do not do it to the degree that we should.

Q35. The Chairman: Has there been any thought about how to enable that better – alerts, contacts, other ways of being able to effectively horizon-scan even with the volume of work that you have got on?

Mr Davies: I think that is one of the issues not just facing the Department, but facing the whole of Government. I think it is done on a mixture of, as you say, contacts and people scanning the news, and people understanding judgments. But we do not do it as well as we could do and I think a lot of that is down to resource and capacity.

It is one of the things that I genuinely, at the moment, do not know how to resolve. How you take officers who are committed full time on just developing Bills to really understand the implications of what is coming down the road, the implications of judgments where laws may be changing elsewhere; because legislation is so complex and so broad in its remit now, that it is a very difficult job. And at the moment it is something I am grappling with, I think, as a new Chief Exec.

Q36. The Chairman: We, as a Committee, have spoken to members of the Law Society about our legal profession and their ability to be experts in the area they practise, and for members of the public to have confidence when they go and see an advocate. And I do not know whether you have considered whether there is any opportunity to engage externally with professional bodies who might, as part of *their* professional obligation, have to horizon-scan and be aware of what is going on. I do not know whether –?

Mr Davies: I think it is very sensible. (*Interjection by Mr Lalor-Smith*).

We work with the Law Society on the Criminal Justice Board and I certainly think there are opportunities there, definitely.

Mr Lalor-Smith: The Law Society has raised things with me in the past, and we are open and would encourage anyone to come to us where there are issues they want us to look at. I mean, it just happens that domestic abuse – I read *The Times* and I think it was on BBC this morning as well. So that is basically our horizon-scanning, isn't it really? A lot of officers are very conscientious and actually keep an eye on these things because they have got a genuine enthusiasm and interest for doing the best they can for the Isle of Man.

Q37. The Chairman: And I suppose my second question, going back to the issue of capacity, is how much of the capacity challenge is the technical skill of drafting legislation and how much of the capacity challenge is the formulation of what is right for the Isle of Man? Slightly more than policy, I think, the formulation of the instructions and the framework of the legislation, before you actually get into the detail of the drafting skill.

So I am just interested in whether you think there are challenges in both places – the actual drafting – or whether there is also a challenge in building the know-how and the policy, and the formulated framework that forms really strong instructions for drafting?

Mr Lalor-Smith: Well, in relation to drafting legislation obviously the primary is drafted within Chambers but the officers within our Department, two officers – or one that actually deals with the primary – they produce some very detailed drafting instructions which make it very much easier for the drafter to produce legislation in the first place. And he produces that as a result of policy formation which is produced by the Department with the Minister and the Members.

As for – they are the same officers really, so in relation to demand or resources, our ability to progress ... It is all the same really, except of course that the drafting is done by Chambers. But secondary: we do all that ourselves and then it is checked by Chambers. And again, it is done by the same officers.

Q38. The Chairman: So it is both areas of capacity that would be helpful to have more, are you saying? More officers involved in the development of the instructions and more in the –?

Mr Lalor-Smith: In reality, I accept it is not going to happen.

Mr Davies: And I think the reality is, it is quite a specialist function, particularly within the Department, but more than that it is a function which requires quite a lot of knowledge of existing legislation. So we have probably got a key-man risk within the Department with our Legislation Officer who understands – because he has drafted most of it, or assisted in drafting most of it – the relationship between all the different pieces of legislation, and I am sure you are more than aware of that. It is so important to understand what the effect on other pieces of legislation is when you are drafting legislation, and what powers there are existing already. And I think that is our key-man risk in that if that particular officer was lucky enough to win the Lottery and disappear off tomorrow, I think the Department would be exposed.

Mr Lalor-Smith: Very much so, yes.

Q39. The Chairman: Perhaps, then, if we could just ask you a bit about Youth Justice, please?

It is clearly, I am sure we could all agree, of concern that when you read the Criminal Justice Strategy written six years ago, the document actually says that the work of the Youth Justice Team has been rightly recognised and applauded; and then you contrast that with the Chief Constable's 2017-18 Report in which he says that the number of under-18s arrested is up by 22%. And it is clear that the Youth Justice Team, once highly effective, is now failing.

So I wonder if we could ask what has gone wrong. What went wrong there?

The Minister: There were several factors in the recent year or two that the Youth Justice Team was basically falling apart – and I say that with the greatest respect. But Health pulled their social worker from the team, we had one suspended officer and we had one officer on long-term sick – initially, I do not think it was noticed that we were not getting the results from the Youth Justice Team.

But I think the Chief Constable recognises that it has run its course and it is time for change. We do not want it just to be covering the youth, we want it to cover from the young right up to the 25-plus, so we are having a completely new approach to how we go about it, which Dan can quite happily expand on.

Mr Davies: Yes, I think on the second day of my appointment I got an email from the Chief Constable saying, 'I plan to pull my officers out of the Youth Justice Team; it is not working'. As the Minister alluded to, I think there were a number of factors: one was budget and one I think was that the relationships between some of the officers were not as good as they could have been. Ultimately what the Youth Justice Team had turned into was a machine churning out court reports, and if you are churning out court reports or social enquiry reports then your early intervention is not working.

So the Chief Constable has created a new Early Intervention Unit within the Police and that will form the basis of hopefully in the future, once that is established, a new cross-agency approach to early intervention. I think it is disappointing that we have got to where we have got to, but I think it is an opportunity to reinvigorate the approach to Youth Justice and make it work.

Q40. Mr Robertshaw: But the only dynamic that held it together effectively then, from your own words, if I have interpreted them properly, was the availability of budget and the willingness of personality, which is something you have touched on before.

Should a youth justice strategy depend upon the whims of various Departments' willingness to allocate budgets and the whims of personalities involved? Is that the basis of a youth justice strategy, Dan?

Mr Davies: I think it should not be, but it was at the time. Originally, the Youth Justice Team was *hugely* influential and it had a real bunch of committed officers who did not really conform to any rules – they worked within the legal framework – but if they had to take a young person to the Job Centre, or they took a young person out at night to stop them from getting into trouble, then they would do it. But I think the focus changed and the focus shifted.

But you are right, it is one of those dichotomies of Government at the moment in that you cannot ... there is not a single responsibility. But Youth Justice – as I talked about earlier on in terms of early intervention – spans several different agencies, and yet the responsibility and accountability seems to sort of disappear into the ether because there is not a clear line of one person with ultimate responsibility.

Q41. Mr Robertshaw: So we have now a determination on the part of the Chief Constable, who has been reiterating constantly and remorselessly for a number of years now, the need for an integrated cross-departmental approach. And his position, as indicated to you on your second day, shows that he had reached a point of total frustration.

You say that he is now developing a dynamic himself, and then you added the words – if I have correctly recollected what you said – that hopefully this will move on cross-agency. Is that wishful thinking or should we attach more importance to that? In other words, how will the Chief Constable grow that out from the point of his determination to reach out right across? How is that *actually* going to happen?

Mr Davies: And I suppose I used the word 'hopefully' because I have the responsibility for the areas within the Department of Home Affairs, but I cannot speak for the Chief Executives of Health and Social Care, of Education, Sport and Culture, all of whom I think are committed to making some form of early intervention or Youth Justice work, but –

Q42. Mr Robertshaw: They removed their personalities, and they removed their budgets before, (**Mr Davies:** Yes.) what is this sort of Damascene conversion that has happened? Are they now on board and, if so, why is it not happening now?

I am at a loss to understand the breakdown and the determination to re-establish it, because the situation is the same.

Mr Davies: Like I said, I think the Chief Constable is focusing on his area –

Q43. Mr Robertshaw: No, no, I am not ... No, Dan, we are not talking about the Chief Constable, we are talking about the cross-departmental interaction here, which has failed. Where do we go next, and how?

The Minister: It will be driven by me and hopefully by other Ministers once we get the strategy put into place. We are taking ownership – or the Chief Constable is taking ownership of it – to revamp it. Remember the Youth Justice Team has only fallen apart really in the last six to nine months, where figures were starting to show that it was not working; and it was then getting it examined to find out why it was not working, and then I was told, as a Minister, that this was happening and that the social worker had been withdrawn and we had this officer on long-term sick. Things just were not happening; it was time to rethink.

835 And the Chief Constable, as Dan said, had just got to the stage where, 'This is not working. We need to go back to basics and start again', which is basically what he is doing. He has got his own vision, like we do, as to where this is going. It is very important – you have heard me talking about the MIDAS intervention stuff which I want to incorporate within that, and that is a cross-department thing, and it has to have Education on board, and it has to have Health on board.

840 We cannot do these things without having everybody on board. And if there is a reluctance to have these on board I, as a Minister, will talk to the Ministers to make sure that other Departments come in and make this work. It is a very important issue and the figures in the Chief Constable's Report prove that there is a problem. So we have to get together and rally together to solve the problem.

845 We have recognised it – as I said, the Youth Justice Team had run its course and it needed something fresh. Well, we are working on something fresh. We have not got an instant wand that we can do it overnight, but there are figures that we do not like within the Department and that the Chief Constable does not like, and we have to work on it and we have to make –

850 **Q44. Mr Robertshaw:** But the Chief Constable is one of the main ... And you have both, I think, touched on it this morning and reaffirmed your commitment to it – early intervention. We have all heard the Chief Constable endlessly say – and I think he said it very recently as well, somewhere – 'I am dealing with the grandchildren of people who were in prison; and in fact *great* grandfathers now'. And he has been so passionate about the need to intervene right at the

855 very start – this early intervention principle.

I sat in Tynwald on Tuesday and was listening to an exchange on the issue of something called the 'pupil premium'. In the UK there is a situation where the pupil premium applies to areas and schools that are less fortunate than others. And the answer the Minister gave was effectively, 'Oh, well, if we introduce that it is a major budgetary challenge'. And so we are still

860 in the same place of budgets, and not the *concept* of early intervention.

There is one primary school, I think, somewhere in the Douglas area that has had two or three children go to university in the last 20 years! So where is this joined-up approach that is going to ensure that we get that early intervention? What we have effectively said is, 'We need it; we want it'. Youth Justice was a start, it broke down ...

865 And then we have said, 'Okay, well, look, the Chief Constable leads the way'. But the Chief Constable is saying, 'We need this holistic cross-departmental approach'. And yet it is down to personalities and budgets. We have not moved on.

Does that not really, really worry you?

870 **The Minister:** I think we have moved on. The Chief Constable and the Department have put several business cases together this year for how we want to move on and where we want to go.

We are budget restrained. You have heard me shouting since I have been in that I have followed an accountant and a bank manager as Ministers who have chopped a Department down to just about the bare bones. I have got no leeway and no movement within my

875 Department because I have got no spare budget.

Q45. Mr Robertshaw: Yes, but, Minister – I do not wish to talk over you – the concept of the Chief Constable saying in the past if we do not spend this money here now and a young person ends up in the system, I think we have used the word 'millions' over a lifetime. Where is the

880 analysis of that form of budgetary construction to make sure that we are spending the money in the right place now?

We seem to be completely lost in a myriad of detail instead of getting the big picture right. Do you not accept that?

885 **Mr Davies:** I think you have articulated it perfectly, Mr Robertshaw.

I think where we are is the structure of Government funds individual lines of activity, rather than funding against outcomes. But that is something which from my perspective –

890 **Q46. Mr Robertshaw:** But you are a Chief Executive, (**Mr Davies:** I am.) and you are a Minister – you *both*, and your other colleagues, have the duty to tackle this and bring the solutions to Tynwald. I do not hear them.

The Minister: As I said, business cases have been brought forward, that is about as far as I can –

895

Q47. Mr Hooper: But picking up on this conversation, I think the Minister has made quite a passionate defence of his position and I think it is quite a fair one. But what worried me about the whole conversation was that it all started off with the phrase, ‘I am very much on board with this and it is my job to convince other Ministers to come with me, and hopefully they will’.

900 It still comes back to that issue that without getting effective buy-in from Ministers or CEOs of other Departments, the Criminal Justice Strategy on the Isle of Man is not going to work. I think the question that Mr Robertshaw is asking is quite a valid one: the Youth Justice Team was structured in such a way that there was no one responsible for it; other Departments were allowed to add their budgets to it to say, ‘Let’s give you some resource’; and then, without
905 telling anyone, some of those Departments pulled that resource back away again. The result of that has been quite a serious negative impact on a lot of young people on the Island.

The Chief Constable has obviously reached the stage where he has decided that approach is not working, and he is not getting the support from other Departments, so he is going it alone, effectively. He is trying to rebuild this Youth Justice Team, this Youth Justice approach, by
910 himself because there is no support or buy-in from those other Departments. And to have the official position of the Department to be, ‘Well, I’ll have a conversation with the other Ministers and hope that they support me’, does not appear to be a particularly strong or effective strategy.

915 **The Minister:** There is a willingness by the other Ministers. I am aware of the willingness, but I cannot speak on their behalf. There is a willingness within the Council of Ministers that we know there is problem and I am quite confident I will get the support that I need. But I cannot turn round to this Committee and say, ‘Yes, I will’, because we do not quite know what they need yet, because the Chief Constable is putting the strategy together. Once we have the
920 strategy we will make the approaches. I am pretty sure we will get the support that we need

But I can only say ‘hopeful’ because I do not have the answer at this stage. I do not want to make false promises.

Q48. Mr Hooper: Can I ask something the Department might be able to answer?

925 You have obviously put business cases in, in respect of things like Youth Justice, for additional funding or different funding in specific areas. Has the Department taken the approach of trying, as Mr Robertshaw has suggested time and time again, to actually put a business case forward for a thematic budget – a budget that funds Youth Justice? Rather than the Department saying, ‘We would like £50,000 to fund our portion of this; and we would like Health to put in some money
930 themselves’.

Has that approach been tried by the Department?

Mr Davies: No, but I think –

935 **Q49. Mr Hooper:** Would you be willing to try that approach?

The Minister: It was tried over the ... In fact it was successful last year over Mental Health at the Prison where it was a joint effort put forward for more support from Mental Health. It was a joint submission, if I remember correctly, between Health and ourselves to get that support at the Prison and it was successful.

Q50. Mr Hooper: But that joint approach still gives Health the opportunity at some point to say, 'Well, our half of that budget still belongs to Health and, if we want to pull it, we will and we can'.

Mr Davies: I think the challenge of thematic budgets is that the legislative framework around it does not support it. So the Minister, as the Department, must receive an allocation of funding from the Treasury, but – and please do forgive me if I am wrong – I do not think at the moment there exists a mechanism for Treasury to fund a programme that spans departmental boundaries.

So we are in the situation where each Department gets funding for a line of activity within its legislative competence. But outwith that the system I think does not permit a funding line that spans departmental boundaries, and that is an area which I think has been considered in the past.

The Minister: I think Treasury would have something to say if we used the funding that we got for something else!

Mr Robertshaw: No, that is a departmental –

The Minister: So I think, other than ring fencing, you cannot do ... But if we put a joint bid in for something and then suddenly one decides to pull out, I think Treasury might want the money back –

Q51. Mr Robertshaw: So is there not an argument for saying that once Treasury is given the opportunity – which Dan has quite clearly said is not within their remit at the moment – to be able to assess? Is there not a strong argument for saying that if it were possible to create thematic budgets cross-departmentally, that the appropriate strength in the system should exist that it cannot be thereafter removed by individual departments at their leisure, or interest, or whim?

Mr Davies: That is certainly a compelling hypothesis.

Mr Robertshaw: Yes it is, isn't it?

Q52. Mr Hooper: Could I ask specifically on the Youth Justice Team, just picking up on that, and about the withdrawal of services and the withdrawal of support? You identified that the Youth Justice Team started to have issues and those issues only became apparent further down the line. Was the catalyst for those issues, starting off, the withdrawal of support by Health? Or was it other things?

What was it that actually started ...? Obviously you have got long-term sickness and recruitment issues and personality differences that you have already mentioned – (*Interjection by Mr Davies*) but was it the withdrawal of support that was the catalyst for all this?

Mr Davies: No, I think it was a perfect storm, as you have described. So the funding –

The Minister: Budgetary restraints, basically, were what caused it, to be perfectly honest; and you know what we have gone through since, in the last five or six years.

990 **Mr Davies:** Capacity within the team due to illness, and everything contributed to that point where ... And I think the officers within the team were exceptionally committed and dedicated and hardworking and wanted the best for the young people, but they were almost into this cycle and they had their heads down, and because there was a lack of accountability for the team ... Each individual part of the team reported in, but there was not somebody who looked over and said, 'Just wait a minute, things are not going as well as we thought'.

995 And ultimately, like I said, if you speak to the Chief Constable the team were really just turning out social enquiry reports which ... It has gone too far.

Q53. Mr Robertshaw: As a Committee member, would it not therefore be reasonable for us to assume that the system of Government has let our young people down?

1000 **The Minister:** I would not say it is the system that has let them down. I mean, the system was working extremely well. We did have budgetary constraints and I think when you have something like the Youth Justice Team and a problem arises, it is 12 months before you know what that problem is; or the alarm bells go, before the figures are printed in the Chief Constable's Report. Or we get the figures through saying that this has risen and that has risen and then you go back and say, 'Why has that happened?' And you start pulling apart what is the system, and then you find out that it is because of this, that, that and that.

1010 **Q54. Mr Hooper:** I think it is quite helpful because that actually brings us on probably to something else that I was going to ask you. You are saying there is quite a lag between issues and then data which shows those issues – and you have already touched on poor data collection or poor management information –

1015 **The Minister:** Back to the beginning!

Mr Hooper: It brings us back to that. So that is obviously an issue for the Department.

What plans do you have then to try and improve that and what are your timescales on this? Because obviously it is not the kind of thing that you can let languish for another six years.

1020 So whereabouts are you in that process of saying, 'This is the sort of management information that we need; this is what is lacking; and this is how we are going to start collecting and gathering this data quite quickly'? In order that you are not waiting nine months from issues starting to happen before suddenly you get an email saying, 'I'm pulling out of x service because ...'

What are your plans to try and improve that?

1025 **Mr Davies:** The Police provide us with a wealth of information once a month – a huge amount of information – but whether it is the right information to allow us to understand whether the interventions of the Police are right ... I think once the Police's CONNECT system goes live we will be able to generate more meaningful data and better data. So that happens in March and hopefully we will be able to get better information.

1030 But to me it goes back to the Criminal Justice Board setting clear priorities and objectives and then measuring what is important, and challenging the different agencies within the Criminal Justice Board to bring back the information that is important. How we do that from a physical task-and-finish perspective, I think, is going to be the challenge. And it is getting some resource from either within the Police or across the Department to actually help pull that information pack together, because there are hundreds and hundreds of different bits of data that come into the Department. But the challenge is to find the ones that are meaningful.

1035 So to me the first stage in that is really getting the Criminal Justice Strategy refreshed, understanding what we want to achieve within the Criminal Justice Board and then measuring what is important. Often, what gets measured gets done.

Q55. The Chairman: Budgetary constraints have been mentioned as one of the key factors that were involved in the collapse of the Youth Justice Team, or its failing. In the Criminal Justice Strategy, it refers to the annual cost per prisoner in 2010-11 of £58,779 per prisoner. Do you have the current figure?

Mr Davies: Not to hand. (*The Minister:* No.) We can send it to the Committee.

Q56. The Chairman: What I am curious about – and again it comes back to what has already been touched on about the ability or inability of Departments to co-operate, to commit budgets to effective interventions in order that ultimately they could maybe save money. And I am interested in how that is working.

What are Departments doing to look at the end cost of this when we end up with people in prison reoffending? The Department of Health and Social Care might be able to talk about the number of young people who are coming through the system at quite serious levels and the cost of that, and the Department of Education I would hope could talk about the number of young people who are missing out on education, etc.

What work is being done – if budgets are a factor, and I know they are – to look at the costs of not doing this? Because the cost of not doing this is immense; and making the case for doing it and investing in it I am sure would be effectively supported if you look at the cost of not doing it. So I am interested in what work is happening in that regard.

Mr Davies: I think you are right –

Q57. Mr Robertshaw: Cross-departmental strategic analysis forecasting, isn't it?

Mr Davies: I think when the Criminal Justice Strategy was first developed we did quite a lot of work on that. But it has not really moved on since then. I think again it is a common theme right across Government. So, for example, the Department Health and Social Care have referred about 1,000 people to the NSC over the last 18 months and that has had a transformative impact on their lives. And the NSC, for a relatively low cost, provides 12 sessions for a person who perhaps has issues with mental health or issues with their weight.

But how do you quantify where that saving has come from? Because I think, back to what you said earlier, Mr Robertshaw, if a Department carries out a service which results in a saving in another Department it is quite difficult to quantify and capture that. And I think that is part of the issue we have got.

I know in the UK they experimented with a long-term intervention strategy to reduce reoffending, where companies would bid and they would get bonds paid in a long term if an offender did not reoffend in 10 or 20 years. Most of those programmes have ceased now because they found it very difficult to estimate the long-term benefits of an offender not reoffending. I would like to do more work on it, and again from a capacity issue I think we are struggling.

But you are right, I think there is a sense that if you stop a young person offending, back to adverse childhood experiences, we know that a person who has a parent who is incarcerated is something like 12 times more likely to be incarcerated themselves in the future. So if you can intervene early that cost saving is huge. But I do not think at the moment we have the mechanism for effectively capturing those benefits and building a business case on them.

Q58. Mr Robertshaw: Do you think it is possible to do so?

Mr Davies: I do, but I think it takes a huge amount of time and effort and skill, and I do not know if we have got those skills in the Department at the moment to really build that case.

1095 **Q59. Mr Robertshaw:** Is it possible that it would be, as the Chairman said ... As it is going to be cross-departmental, shouldn't that capacity be developed in conjunction with the operational side, but perhaps centrally?

Mr Davies: Yes, I think some form of central function would be helpful in that regard.

1100 **Q60. Mr Hooper:** I have got one last question from me, really, about the whole Criminal Justice Strategy. The 2012 document described – and I will just read something from it. It says:

... the Island is undoubtedly one of the safest places to live in the British Isles, *[but]* we still find our prison full, long periods between arrest and verdict, and a legal aid bill that is spiralling upwards which is unsustainable. For many people, the criminal justice system is shrouded in mystery, has archaic practices, does not always seem to be joined up and does little to communicate with victims.

That is from the foreword of the 2012 Strategy.

I would suggest to you that actually, six years on, that statement is still as valid now in 2019 as it was in 2012. I would just appreciate a comment on that.

1105 **The Minister:** I think where we are going with the rehabilitation at the Prison counters all of that. I mean, we are making leaps and bounds at the Prison with our education system and with our mental health early intervention that we are having up there, and trying to make sure people have got jobs when they leave prison – basically trying to stop them reoffending. Obviously we have not got the figures to prove that at the moment, but what figures I do have
1110 are that 12 months ago our prison, I think, had up to 108 at one stage in the Prison – we are down to, last week, 70-something – 78 or round about 80. So something is working somewhere, hopefully.

I am very keen on the rehabilitation side of it and what support we give them when they
1115 *leave* prison – not just us, but the support they get from Health, getting a job, David Gray House support, our probation officers. It is all very important and I think that counters what you have just read out, to be perfectly honest, because I think there has been a massive change, certainly in recent years.

As I said, I can go back to 2010-11 when I was in the Department, one of my responsibilities at that time was the Prison and Probation, and in those days there was virtually no
1120 rehabilitation, and there was no budget for doing any education in the school. That all stopped.

So, yes, we have moved forward. I think we have moved forward quite a lot.

Mr Davies: I certainly think, in terms of victims: we have a victim's code (**The Minister:** Yes, coming very soon.) which will be published very shortly, which I think is a huge step forward.

1125 You are right though, to summarise it, if we say: has the progress been made at the pace which we originally anticipated? No. Has it been a difficult and frustrating journey? Yes. Can we do better? Yes.

Q61. The Chairman: Okay. One final question before we do finish.

1130 Just in terms of the future of the Department and its functions, is there anything that you want to talk to the Committee about?

Mr Davies: So, as an interim, one of my roles is to carry out a strategic review of the Department, its functions and how they work – whether it works well with other parts of
1135 Government and what the opportunities for the Department are. I hope to carry that out over the next few months and produce a report for the Chief Minister which he will then take.

I am working with the Minister and colleagues within the Department to do that.

Q62. Mr Robertshaw: Have you got a timescale on that? You say a few months.

1140 **Mr Davies:** Yes, hopefully I will have the first desktop part of the review probably concluded mid-February, and then we will take the next stage which is any outcomes from that. I mean, my appointment ends on 1st August this year, as interim. *(Interjection by Mr Robertshaw)* So if I do not get it done by then – *(Laughter)*

1145 **Q63. Mr Robertshaw:** There is a predilection – and forgive me, that is just a personal comment. But as this migrates and progresses from yourself through the Department and into the Council of Ministers, I hope that it ultimately results in a *debate* in Tynwald. There has been a predilection for the Council of Ministers – and I address the Minister perhaps more than you – to address issues through statements overly much, and I think this is such an important matter
1150 that it would be helpful to get Tynwald buy-in into the progress that you are hopefully going to achieve in your submissions to the Council.

The Minister: I note your comments and I will take that back to Council for you.

1155 **Mr Robertshaw:** Thank you, Mr Malarkey.

Q64. The Chairman: We have talked a lot about accountability and how it has been a problem, actually, in delivering what was hoped for. Is it asking too much to ask whether that is a part of your focus on how the Department works with other Departments, and how we can
1160 deliver on certain things?

Mr Davies: Accountability and governance will certainly be covered.

The Chairman: Thank you.

1165 **The Minister:** I am very optimistic for my Department for the future, let's put it that way – we are going in the right direction.

The Chairman: Okay.

1170 Thank you very much indeed for your time this morning. The Committee will now sit in private.

The Committee sat in private at 12.32 p.m.

3rd December 2018

**Evidence of Mr Gary Roberts, Chief
Constable, Isle of Man Constabulary**



**STANDING COMMITTEE
OF
TYNWALD COURT
OFFICIAL REPORT**

**RECORTYS OIKOIL
BING VEAYN TINVAAL**

**PROCEEDINGS
DAALTYN**

**Constitutional and Legal Affairs
and Justice Committee**

Chief Constable's Annual Report

HANSARD

Douglas, Monday, 3rd December 2018

PP2018/0185

CLAJ-CC, No. 1/18-19

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Members Present:

Chairman: Mrs J P Mrs Poole-Wilson MLC
Mr L L Hooper MHK
Mr C R Robertshaw MHK

Clerk:

Mr R I S Phillips

Assistant Clerk:

Miss F Gale

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Standing Committee of Tynwald on Constitutional and Legal Affairs and Justice

Chief Constable's Annual Report

*The Committee sat in public at 2.30 p.m.
in the Legislative Council Chamber,
Legislative Buildings, Douglas*

[MRS POOLE-WILSON *in the Chair*]

Procedural

The Chairman (Mrs Poole-Wilson): Good afternoon and welcome to this public meeting of
5 the Constitutional and Legal Affairs and Justice Committee.

I am Jane Poole Wilson MLC and I chair this Committee. With me are the other members of
the Committee, Mr Lawrie Hooper MHK and Mr Chris Robertshaw MHK.

Today we will be hearing from the Chief Constable on the topic of his Annual Report, the
most recent of which was laid before Tynwald in November.

10 Before we begin, could I please ask everyone to ensure that any mobile phones are switched
off or on silent, so that we do not have any interruptions; for the purposes of *Hansard* I will also
be ensuring that we do not have two people speaking at once.

EVIDENCE OF Mr Gary Roberts, Chief Constable, Isle of Man Constabulary

Q1. The Chairman: Thank you for attending today. For the record, could you please state
15 your name and the capacity in which you are appearing here today.

The Chief Constable: Gary Roberts, Chief Constable.

Q2. The Chairman: Thank you very much.
20 If we could start then with this year's Annual Report, please. We notice that the format of
this year's Report changed quite considerably from your previous reports and I wondered if you
could tell us a little a bit about why you decided to change the format and length of this year's
Report?

25 **The Chief Constable:** It is simple really. I think in the age we live in the attention span that
people have is much less than it once was. There is a tendency amongst people, particularly
younger people, not to read detailed reports. And I often got the impression when I was
speaking to people in other agencies, and indeed some politicians, that they did not read all of it;

they read the bits that interested them. So I have tried to simplify it and make it more user-friendly, which I think I did.

I read the *Hansard* of the debate on my Report and Mr Robertshaw wondered whether I was fed up or I had given up on you. No, I had not given up on you. I just thought I would try to see how it worked if I did it in a simpler format.

Q3. The Chairman: Okay, thank you.

In terms of, I suppose then your engagement with politicians, with the Government and with Tynwald, can you tell us a little bit about how well that works for you, so what response you get from the Government, from Tynwald Members, to the issues that you raise?

The Chief Constable: If I describe how it is done, I will then come on to how I think it is.

I meet the Minister for Home Affairs about once a month and talk about things like strategy and performance. If I have something that is of particular importance he may well ask me to come to a departmental meeting, but that might happen once or twice a year. So generally I would go to a Department meeting if I were producing a new strategy, the Road Safety Strategy is an example. I went to the Department with the new draft Road Safety Strategy before it found its way to Council of Ministers. And I will have contact with individual Members as and when the need arises, albeit I sit on some committees that are politically chaired so, for example, the Substance Misuse Committee is politically chaired. So I will see politicians and members of the Council of Ministers will see me if ever I ask, and so fairly recently I had very constructive dialogue with the Treasury Minister so that we could understand each other's priorities and positions, and that was very useful and that does happen from time to time.

Whether there is an appropriate level of scrutiny of the Constabulary by politicians is another matter, and I am not convinced there is. So in other places in the UK there were police authorities in 41 of the 43 police areas where there was constant scrutiny of what the Police did, police and crime commissioners fill that position in 41 of the 43 police force areas, the Metropolitan Police, the City of London Police are different. At the moment the scrutiny that I have either comes from committees like this or from specific select committees or from the Minister for Home Affairs, but whether that is the best way of doing it I am not convinced.

Q4. Mr Robertshaw: How would you see it working better?

The Chief Constable: I think there should be a broader scrutiny of the Police in terms of performance and strategy and whether that comes from a political committee or not or whether that comes from a committee that may well involve ordinary members of the public or people who represent discrete parts of the community is a moot point.

But scrutiny is a good thing and scrutiny should not be left to chance.

Mr Robertshaw: That is very interesting.

Q5. Mrs Poole-Wilson: You said you would tell us what happens and then you said you would tell us how it is working so was there anything more ... I got the impression you might have wanted to add.

The Chief Constable: No, I think in both my current capacity and when I was the Deputy Chief Constable I worked with a series of Ministers who all did things their own way.

One of the things that you have to get right at the start of a relationship with a Minister is for them to understand where their responsibilities begin and end and where my responsibilities begin and end, and that is not always easy and occasionally there will be a rigorous debate. I have had it on a couple of occasions with Ministers where they have to understand what my constitutional responsibilities are and what theirs are, and we generally get that right.

It is a small jurisdiction and there can be a desire for politicians, and Ministers in particular, to know lots of things about operational matters; well, I will decide whether I tell them or not.

85 **Q6. Mr Robertshaw:** I would like, if I may, just to read a section of your Report and ask you to expand on it, Chief Constable, if you would. It is under 'The biggest issue', and it reads:

Where we sometimes still struggle is in dealing with some of the structural aspects of our budget and in trying to tackle problems that cut across various public service bodies and therefore various ...

It goes on; I will leave it at that. Could you expand on that? The concept of 'aspects of our budget and trying to tackle problems that cut across various public service bodies'.

90 **The Chief Constable:** We budget down silos to a considerable degree. So the Government Departments and bodies like mine will have a budget that delivers what we intend to do. But where we talk about things like social issues, where we might need to spend money to try to come up with something new, constructive and different, then it is very difficult to commission services because joint commissioning does not yet work.

95 We have talked a lot as a public service, for several years, about the concept of joint commissioning and the need for joint commissioning. It is still in its infancy and I am not yet convinced it works properly.

Q7. Mr Robertshaw: I think it is more than several years, isn't it?

100 **The Chief Constable:** It is a long time, but I understand the reasons we are structured in the way we are and I understand the difficulties that the Treasury have. It is not at all easy.

Q8. Mr Robertshaw: Okay.

105 One of the areas that you put your finger on as absolutely crucial is – if we have interpreted your Report correctly, and if I am wrong please put me right – you want to go right back down into the issue of experience of children that have suffered particularly traumatic or family circumstances which are very difficult. Could you expand on your thoughts there and how you see that working with particular regard to the point you have just made about the difficulty we have working cross-departmentally. What is your vision, Chief Constable?

110 **The Chief Constable:** I would see entirely joined-up services that identify people most in need and then services together deliver the response that it is necessary.

115 So we are talking about adverse childhood experiences. The work on that came out of an American health company originally and is now backed up by a number of academic studies from around the world. What that says is, in broad terms, there are 11 different types of experience that if a child suffers or experiences in their formative years can have a significantly adverse effect on their later life. So these 11 include things like seeing domestic abuse, seeing drug abuse, seeing alcohol misuse, not being loved – and if four of those are present in the early formative years of a child, unless there is intervention, perhaps intervention from the state, there will be, or there is likely to be, a permanent and long-lasting effect on that child. And those long-lasting effects are: they will live a shorter life, they are more likely to kill themselves, they are more likely to suffer from poor mental health, they are more likely to abuse their partners, they are more likely to be abused by their partners, they are more likely to commit crime, they are more likely to be victims of crime.

125 In the simplistic world I live in, the state *must* have a duty to do something about that because otherwise services consistently spend money fixing things when they could have prevented things very early on.

There is one interesting outcome: one of the adverse childhood experiences can lead to greater obesity. Now, we have got a population that is increasingly obese so the ramifications of addressing these adverse childhood experiences properly will be significant over a long period of time and this is not something that you could tackle very quickly but over 10, 20, 30 years you will start to see changes.

What is interesting is the Welsh government, which has limited powers compared to the other devolved administrations, is majoring on adverse childhood experiences and it is basing a lot of its social policy work around these things and the leading academic in the country on adverse childhood experience is from a university in Wales. So you can see it starting to filter through social policy.

The Scottish Government has looked at it and I know that in Merseyside there are a number of trial teams being set up with local councils and Merseyside Police where they are looking at how they identify children most at risk.

So to go back to your question, I think it is early identification of the people and families who need support. So I am not talking about criminal justice intervention – *support* – and then local services designed to provide that support.

Q9. Mr Robertshaw: I was surprised, very recently to discover, that the Isle of Man I think is now the last place in Britain that does not have a pupil premium in schools, where funds migrate to areas of particular concern that becomes obvious in those schools. It would seem to me, and I do not know whether you want to comment on this, that the lack of the pupil premium right at the get-go is a problem for us.

And then above that we have recently had, as you discuss in your Report about youth justice. Could you talk to us a little bit about your concerns about youth justice and where you think it is going and how you are going to interpret it in the future and work with others?

The Chief Constable: Okay. On adverse childhood experiences if we were to say to health visitors or midwives, ‘Tell us a child that will not thrive or tell us a child that will have a very difficult life,’ they would be able to do so, with almost complete accuracy. The consequences of people like that not being asked the questions are significant in the long-term. So in policing terms, if we have not got police officers in neighbourhoods who understand the community, then the Police cannot properly identify the people at risk.

And then, in the youth justice world, the young people who start to offend where they offend at 9, 10, 11, 12, they are not born to offend, or very few of them appear to be born to offend. Something happens to make them offend. So there should be very early identification of the young people who are at risk of offending. Often it is a learned behaviour; there are third generation offenders now. I have been in the Police 35 years almost, and the grandchildren of the people I dealt with when I was a young constable are now coming in through our cells.

Youth justice, to me, is a narrow part of a bigger problem. And as budgets have shrunk, and for reasons I fully understand, some services have retreated to barracks, and by that I mean they have concentrated on their statutory responsibilities and done what the law says they have to do. I understand that, but in the longer-term that is short-sighted because we should do what is right, and what is right is the public service joining together to stop people offending or being offended against or having poor mental health, if we can, or abusing their partners, that sort of thing. The youth justice system – we have stripped it back to its basics and it is now solely Police at the moment, but it will become the Police and the Prison and Probation Service. The third sector have spoken to us recently about things that they can do and a number of charities are already beginning to work with us. So the youth justice approach that we have got will build up again over the next six or nine months, but it has been very difficult.

Q10. Mr Robertshaw: Last question then, Chairman, and I will let somebody else have a go.

180 In your Report you do in a number of places indicate the interaction that exists between wellbeing and health. You mention the Kaiser Permanente and the Centres for Disease Control etc. How would you like to see, in the future, the Police Service able to work with a health service which is clearly desirous of migrating to a much greater emphasis to primary care in the community and the public health dynamic? How would you want to see the interaction between the Police service and community-based primary care, if we can achieve that?

185 **The Chief Constable:** In an ideal world, I would create multi-disciplinary teams in places like Peel, Ramsey and Castletown. They would have police officers, they would have social workers, they would have health professionals, they would have education workers there and they would identify those most in need and those most at risk and put in whatever interventions were right
190 for that individual or for that family. I think that is achievable in a small place, I really think we could do that.

Mr Robertshaw: Thank you.

195 **Q11. Mrs Poole-Wilson:** Just building on that, what do you think is stopping us doing that? Because you are right, it should be achievable in a small community, so what are the barriers currently that are stopping what you talk about – a blueprint that is fit for the 21st century, combining trusted and visible offices into local communities with different ways of tackling community problems? What do you think we fundamentally have to do to start to make that a
200 reality?

The Chief Constable: I have to be careful here because this is where I could really stray into politics. The thing that must drive that is political, so it is political leadership that drives that. But it is just a different way of thinking.

205 I say in my Report about what has got to where we are now will not get us to where we need to go. By that I mean, we are, in the Constabulary, structured in our thinking for a long time: it has been very much the way it has been for 50 years, and the world is different than it was five years ago. So if you look at the demand profile the Constabulary has got, it is significantly different than it was even five years ago. The issues that we deal with are largely social issues.

210 I think we simply have to have senior professionals and politicians who are able to look beyond the next two or three years. That is the critical thing; and that is why I have to be careful not to stray into politics because the thinking that I and some of my colleagues in some of the Government Departments have got is quite long-term, but that is not necessarily always the case with politicians, without criticising politicians.

215 **Q12. Mrs Poole-Wilson:** So some of it is the ability to have the vision and plan for the long-term. Anything else in terms of structure, ways of working, other things that you have experienced that you think, if we make some changes, will make it easier to achieve these things?

220 **The Chief Constable:** Some professionals are scared of sharing information and that is a critical issue. So when they see people who are in need or at risk of harm, how do they share that safely and without having to look over their shoulders all the time? I understand the sanctity, if you like, of personal data but the fear that some professionals have has to be taken
225 away.

But I think the vision has to be around outcomes. So if the outcome that we are seeking is a healthy, safe, thriving community, then how do we get there and do we get there with the current structures?

230 If suddenly 80,000 people arrived on this Island to live, it was a barren island and 80,000 people arrived here, what would the public services look like, how would you design them from scratch? They would not be designed in the way they are now.

235 **Q13. Mr Robertshaw:** Are you following with any interest the moves in our fellow Crown Dependencies where they are separating operational from strategic, and by definition strategic minds removed from operational silos are creating an opportunity to do exactly as I think you have just said, which is to create longer-term thinking which stretches beyond the five-year periods of office that we sit in.

240 **The Chief Constable:** Yes, I have done a lot of work with my counterparts in Jersey, Guernsey and Gibraltar. We have now a formal partnership: we have all signed up to a thing called the Small Islands Forum, which is an excellent piece of work and I lead for us on training, development and people issues.

245 So I am very well aware, particularly in Jersey, the things that are happening in Jersey, and I speak a lot to my senior colleagues there who are wrestling with some difficulties because their budgetary position is fairly bleak. The States of Jersey Police are facing a big reduction in budget so they are redesigning their service because of budget constraints, as much as the political imperative, I think.

250 **Mr Robertshaw:** Right.

Q14. Mr Hooper: I feel I should probably step in here before Mr Robertshaw builds up a head of steam on his favourite subject! (*Laughter*) (**Mr Robertshaw:** God forbid!)

255 You talk quite a lot about the need for joint commissioning and the ability to work across and between Departments and quite often that necessitates being able to go out and say, 'Actually we are going to need to put something in place that we do not currently have. That is going to cost money, we need to go and ask for some resources for projects or for these kind of multidisciplinary teams.'

260 You do mention in your Report that the Constabulary has not sought any additional resources for several years, which to my mind really does reflect a lot of short-termism and we are seeing the results of some of that now come through in your Report as well, with some of the statistics around youth offending, for example, we are seeing that hit. But you do comment that that was as a result of Government policy, so it was a decision that was made somewhere that says actually we are going to take a very short-term approach and the Constabulary is just going to have to lump it and live with it, really. Can you just expand on that a little bit?

265 **The Chief Constable:** Yes, where that has come from is Home Affairs Ministers would ... This is how I read it, Treasury would say, 'We do not want any bids for fresh funding', so it came from Treasury. The last Chief Executive of the Department of Home Affairs for a number of years was very clear that the Department of Home Affairs would play by the rules and would not submit business cases and, me being a copper, I play by the rules. So once we were told and the Fire Chief and the Head of the Prison Service were the same, we did not make cases.

270 Mr Malarkey, several months ago, said that he was so concerned at some of the things that he could see within the services that he wanted to test the water, if you like, and he asked us to produce business cases.

275 **Q15. Mr Hooper:** So that position is completely reversed now then, we are out of that kind of short term ...?

280 **The Chief Constable:** We are out of it, I think. And for the first time – I have been the Chief Constable for six years now – I have found myself in front of a Treasury board talking about funding, which was a new experience really.

Q16. Mr Hooper: One I am sure you will care not to repeat!

285 **The Chief Constable:** No, it was very amicable and positive, I think. We will see in February I suppose.

Q17. Mr Hooper: One of the other comments that you made just now was that a lot of the information that you gather stems from having experienced officers in the neighbourhoods who actually get to know the people and the communities that they live in and work in. But it is quite
290 interesting to see that the Policing Plan that has been tabled for next week's Tynwald actually does not identify neighbourhood policing as one of the priorities for next year's Policing Plan. I am just wondering why that might be, do you think?

295 **The Chief Constable:** I am not sure why that might be. The Policing Plan has come in late; it has only got a life of a few months. I would expect the Policing Plan from 1st April to look different again.

 I have to be careful how I phrase this, because I have not yet had the full dialogue within the Constabulary, but I want to reinvent neighbourhood policing so that officers in places like Peel
300 are not responding to road traffic collisions or are not looking for people who are missing from home and have gone off to harm themselves; they are doing proper neighbourhood policing – they are working with the community to stop problems, they are working with the community to prevent things from happening and that they have the time and freedom and the space to do that, and then there is an appropriately resourced response that can go to things. So we have
305 officers who respond and go to things and deal with things or enforce road traffic law. But we have these specialist officers in the towns of the Island who do get to know the community, who are known by the community, who spend their time in the schools, in the youth clubs, with elderly people, with victims of domestic abuse, that sort of thing.

310 **Q18. Mrs Poole-Wilson:** Just on the Policing Plan, can you talk to us about the dialogue process that happens because it is interesting you say it has come late, but when you read it as against your Report it is noticeable that things like mental health and neighbourhood policing, which you say are significant issues that the Constabulary wants to address, do not feature in the priorities list. So could you tell us a little bit about the dialogue process that will happen
315 before the April Policing Plan comes forward?

The Chief Constable: I am meeting the Minister for Home Affairs and the Chief Executive next week to talk about 1st April onwards, so I would expect there to be decent dialogue. It is doubly important because this is not a statutory responsibility, but the Constabulary has done it for
320 nearly 20 years now. We have a four-year strategy, and the four-year strategy sets our organisational ambition and the current strategy expires in March. So I have already drafted what I think is a new strategy for the four years from 1st April. But the Police Act requires the Department to set the strategic priorities. So I have drafted what I think they ought to be and the Minister and the Chief Executive will then give me their view on it next week.

325

Mrs Poole-Wilson: Okay, thank you.

Q19. Mr Hooper: We are still talking broadly about resourcing issues. One of the biggest challenges you identify in your Annual Report is about training and about the training budgets
330 and how you are having challenges there, especially with the College of Policing in the UK. They

want start charging a surcharge for Crown Dependencies. My question on that is have you had any dialogue or engagement with the Cabinet Office or with the Department about actually approaching the Ministry of Justice in the UK to say, look this really is not fair and equitable, how do we get ourselves a level playing field?

The Chief Constable: Yes I have. I have spoken both to the Department and to the Cabinet Office, and the Cabinet Office were willing to take that on if I wanted them to.

As I said before, I have now taken on the portfolio lead, if you like, for people-related stuff, including the College of Policing, for all of the Crown Dependencies and I am meeting a director at the College of Policing early in the New Year to try to find a way forward. I am more optimistic than I once was because there is a new head of the College of Policing and he is sending out much more positive signals than his predecessor did.

Mr Robertshaw: Shall we move on?

Mrs Poole-Wilson: Yes.

Q20. Mr Robertshaw: Yes, okay.

I think the Committee would be interested to hear your views on where we should go on cannabis at various levels. There is a strong view developing that cannabis should be, as it were, much more available from a medical perspective. What is the current policing position?

I think it was this Committee, when we together – I will be corrected here if I am wrong – sat in on a legal case in the courts here that hung around a small amount of cannabis and I thought to myself at the time, goodness me, the cost of this court and the whole panoply was focused on a very small item associated with a personal use of cannabis, and I just wonder whether that was actually the right way to spend public money?

Is this question a bit too challenging or uncomfortable or would – ?

The Chief Constable: Part of it is, but if I just talk about how someone gets to court for a small amount cannabis. They are never first-time offenders, so they have gone through the system before, and the system is around diverting people so people found for the first time with a small amount of cannabis will either simply be cautioned or required to go on a drug arrest referral scheme where they get educational input about drugs and if they successfully complete that they are cautioned. So if they are daft enough to keep offending, then they go to court, no matter how small the amount.

It is an uncomfortable question for me because I would be happy to share my view in private on cannabis, but I think me sharing a view publicly would potentially skew the debate.

Q21. Mr Robertshaw: Okay, thank you.

Would you not want to comment on the medical use, which is outwith ...?

The Chief Constable: Yes, I think I support that. I think that is okay for me to say.

I sit on the Substance Misuse Strategy Board, as I say. I also sit on the Advisory Council on the Misuse of Drugs and that has recommended a significant change, which would allow cannabis to be used for medicinal purposes in the Island, and so we have recommended changing the legal framework to allow that to happen.

What I can say safely is the debate on cannabis is actually quite complicated, because it is not as easy as saying legalise it or not – it is about the strength of cannabis, it is about the regulation of the market. It is a very complicated question which on the face of it looks simple but is devilishly difficult.

Mr Robertshaw: Well, thank you for that anyway.

385 **Q22. Mr Hooper:** If I could ask on that subject: when it comes down to it, looking at some of
the figures around the drug and alcohol referral scheme or the actual seizures, cannabis is by far
the largest drug issue we have on the Isle of Man. So from a resourcing perspective I would
imagine it does take up a considerable amount of police time and resourcing to deal with that. I
know that you cannot really comment on the broader issue of whether or not we should be
looking at decriminalising or legalising it, but purely from a police resourcing perspective actually
it does make sense to do something because the current approach is not really doing anything
390 except taking up a lot of police time.

The Chief Constable: Policing should be, with constrained resources, about the prevention of
harm or tackling harm and that is how we should focus our service.

395 Drugs offences account, in the last year, for about 15% of crime, but in the year from 1st April
they are about 17% of crime. One of the big concerns is the impact that getting a criminal record
for a drug possession or supply offence can have on very young people. We have now got very
young people who have been convicted of drug trafficking offences, so possession with intent to
supply is a drug-trafficking offence, they are being convicted at the age of 16, and the
implications for them for the rest of their lives are considerable because of that.

400 **Q23. Mrs Poole-Wilson:** On the question of diverting behaviour, obviously there is legislation
in the pipeline to look at the wider issue of sentencing and diversion. How involved has the
Constabulary been in putting into the thinking around the legislation there?

405 **The Chief Constable:** One of the benefits of reporting into a Department, if you like, is that
we can have early access to legislation. We have early sight, we are involved in discussions with
the Department's drafting team but also on some of the big Bills that are about to come to
Tynwald, we have spoken to the drafters as well.

410 We have to be at arm's length from that process, but we can also advise at an early stage on
whether the legislation as proposed is practical. And so, yes, we are well informed and well
positioned, I think.

Mrs Poole-Wilson: Thank you.

415 **Q24. Mr Hooper:** When it comes to legislation, before we move on from that, are there any
key pieces of legislation that, from the Police's perspective, we desperately need to fix? I know
there are a few in the pipeline but is there anything that you think, 'You know what, this one is a
big issue for us' – on licensing, for example? Is there anything ... ?

420 **The Chief Constable:** Yes, the Licensing Bill is actually overdue and I think because of Brexit
that the Government has had to reprioritise things and the Licensing Bill has slipped down the
table, I understand that. But the licensing legislation that we have is hopelessly out of date, it is
from 1961 and the world has changed a lot since then. It is complicated and I think the
Department wants to take a root-and-branch reform of licensing as the starting point, which I
425 think is a good idea.

Q25. Mr Robertshaw: Okay.

430 I think we should say, Chief Constable, so that you are not under any misapprehension that
we are ignoring something, because it would be wrong for us to do so, but the FIU and the ECU
are, as it were, being moved to the Economic Policy Review Committee because they sit in
conjunction with the Gambling Supervision Commission and the FSA etc. So we are not
questioning you today in detail on it because the Economic Policy Review Committee will be
inviting you to talk to us about that.

435 But taking this in a very broad context, to what degree is that sort of work, where it is appropriately under your jurisdiction, and other workloads – and we are going to talk very broadly here about historical sexual crimes etc. – how much is that creating new workloads? You touch on it in your Report.

440 **The Chief Constable:** The Economic Crime Unit, which does belong to me, is exceptionally busy. Treasury have been very supportive in the last couple of years. When we first decided the direction we wanted to take on economic crime, which was just before the Moneyval assessment, Treasury were very open to dialogue around premises and around extra people and so that that team is as well-resourced as I think we can afford it to be at the moment.

445 One of the business cases we submitted was for some extra IT which would make a huge deal a difference and I hope that goes through. But the demands on the economic crime world are relentless and they are not going to go away. So we have to have one eye on external scrutiny, so we have to have one eye on things like IMF, OECD and Moneyval. But we also have to make sure that we are effective in delivering value for money. It is difficult; some of the inquiries we have got there are very big in scale and scope. There is one that has been running now for a decade and is a huge inquiry across many jurisdictions, and we have got several like that.

450 I am proud of the work that they do in there, they do really good work.

Q26. Mr Robertshaw: And in broader terms, the comment you make about historical sexual offences, is that sucking a lot of officer time?

455 **The Chief Constable:** It can do. At our peak we had about 40 non-recent inquiries.

Mr Robertshaw: Forty!

460 **The Chief Constable:** Forty and that is a team of half a dozen people.

The numbers have fallen in the last sort of six weeks, we have come through a fairly quiet patch, but at any one time there are usually around 20 active inquiries. And non-recent we say is something that is over a year old.

465 **Q27. Mr Robertshaw:** Thank you.

On training – and I cannot find it but I am anxious to try to drill down into this a little bit, so perhaps you will help me. Somewhere in your Report you talk about training issues and ownership of elements of it now lying with the UK in a way that was not there before. Does that make sense?

470 **The Chief Constable:** What that means is the doctrine for policing in England and Wales is being set by the College of Policing, so policing is on a journey to become a profession like nursing and midwifery and so on. And the College of Policing, I suppose, will ultimately get Royal College status. So police officers will effectively have a licence to practise. In fact, that has already started, because officers who operate in the world of child protection effectively have to be licensed to practice in that world.

Q28. Mr Robertshaw: So specialist areas they will be licensed for?

480 **The Chief Constable:** Yes, but ultimately there will be a register of police officers and that is already creeping in too, because if I were to dismiss someone for gross misconduct, I could put their name on a register in the UK to stop them being re-employed somewhere else.

But the journey towards Royal College status and the professionalisation of policing means that doctrine is step by the college and we, to a considerable degree, despite our distance from the UK and despite the Island's autonomy, have to stay in step with them, because the

standards that my officers are tested against, particularly in the courtroom environment, are the standards that apply in the UK.

So if the College of Policing says the standard for a police firearms officer is at this height, then I cannot choose to set my bar lower; I have to set it at the same height.

490 **Q29. Mr Robertshaw:** From memory, I got the impression that you see that as something of a challenge. Did I misinterpret or misunderstood?

495 **The Chief Constable:** It is a big challenge, it is a financial challenge but it is also a challenge in a number of other ways because training that requires me to follow curriculums or a curriculum that are set by the UK is expensive. Then I have difficulties, because of the way we are deployed and the number we have, of taking people from their day jobs to do training. It takes eight weeks to train a new firearms officer, for example, so for the last eight weeks I have had eight officers plus their instructors training full-time. That is quite a significant number in a small force. And then last week and this week I have got other teams, existing teams of firearms officers, for example, in the classroom training again.

500 So training is a drain but it is a necessary one because if we do not train properly ... I think when I was before the Public Accounts Committee I said if we are not careful there will be a slow decline towards mediocrity, and that is a consequence of not being able to train people properly.

505 **Mr Robertshaw:** Thank you.

Q30. Mrs Poole-Wilson: Does it also impact on recruitment and movement between jurisdictions if you are recruiting from England and Wales?

510 **The Chief Constable:** It can do. For the last four years we have almost had a 50/50 split between recruits we have taken from the UK and local people and I am determined to keep recruiting local people. However, in the last three years we have lost a third of the young local people who have joined within their first two years, they have gone. Whereas the people we have taken from the UK, almost all of them have stayed.

515 There are a number of issues: one is about the state of the employment market in the Isle of Man which, as you know, is difficult because it is full. It is also about the starting salary, which is £20,000, so without being disparaging to people like school caretakers, they earn more money than probation constables. And the job is really difficult: most of the people who leave in that first two-year period say, 'I did not realise it was such a difficult job.'

520 **Q31. Mrs Poole-Wilson:** What are you doing to try and, I suppose, better raise awareness and preparedness for that difficulty in your new recruits?

525 **The Chief Constable:** We are trying to recruit differently so, as I speak, there are eight young people in our training centre and they were all special constables to begin with. So they have worked with us as volunteers, they have got some understanding of the difficulties they will face and we think, from past experience, people who have been special constables tend to stay. So we will see if this works, and this might be a route that we increasingly take.

530 We have even converted some of our cadets into special constables with a view to them ultimately joining, so these are young people who have been with us from the age of 15 to 18. Some have gone to university but when they are back home on holiday they will work as special constables and then ultimately when they have done their degree they will come to us and we think that is a route that gives us some hope for the future.

535 But, and this again is a College of Policing issue, the College of Policing and the National Police Chiefs' Council, which I am part of, have decided that there should be different routes into

540 policing. So the generic route that we generally use will disappear in the UK in the next couple of years, with a view to all entrants to the Police Service in two or three years' time being graduates. I disagree with that and so I will maintain a separate route on the Island.

545 **Q32. Mr Robertshaw:** That is interesting because I was involved with the Health Service when Project 2000 came in, and looking back now, they are trying to backfill, if I have interpreted this correctly, so you are anxious that the same sort of thing does not happen with the Police?

The Chief Constable: Yes. (**Mr Robertshaw:** Okay.)

550 And some of the best police officers I have ever worked with have been people like bricklayers and plumbers and if I close off that route, I will close off those sorts of people. I will potentially close off single parents, and I have got some great young officers who are single parents, who are trying to balance having a baby at the age of 20 or 21 with a full-time job, but they manage it, but they make such a difference when they work in policing.

555 **Q33. Mr Robertshaw:** Yes.

In your Report you touch on – and please correct me if I am not correct because I am not looking at exactly what words you used – but you suggest that there are perhaps more weapons around in the Isle of Man than used to be the case. Could you expand on that or correct me if – ?

560 **The Chief Constable:** No, I think you are right. The seizure of knives and other offensive weapons by police officers has doubled during the quarter. It was only low numbers –

Q34. Mr Robertshaw: Doubled when?

565 **The Chief Constable:** Doubled in the year to the end of March 2018, it went from 16 to 32.

Q35. Mr Robertshaw: Are we talking about knives?

The Chief Constable: Yes, usually knives.

570 So what we have to really try very hard to do is avoid going down the route that the UK has gone down where young people think the right thing to do is to carry a knife.

I was in Liverpool at the weekend and there is a fantastic piece of sculpture now outside the Anglican Cathedral which has been constructed from knives.

575 **Mr Robertshaw:** I have seen it, it is extraordinary.

The Chief Constable: It is extraordinary, it almost takes your breath away when you look at it. And we have to do all we can to avoid young people using knives.

580 **Q36. Mrs Poole-Wilson:** But is that back to what you were talking about before, the neighbourhood policing, the early intervention, awareness raising?

The Chief Constable: It is exactly that, that is the key to it.

585 And without being critical of people in very big places like London, it is no coincidence that the almost collapse of neighbourhood policing in some parts has suddenly turned into violence, knife-carrying and really some terrible offending. There must be a link, in the simple world that I live in.

Q37. Mrs Poole-Wilson: We were talking about staff from the recruitment perspective but I think the other thing that you highlight in your Report is sickness in the workforce, particularly

590 from long-term stress related absence, but you also talk about a programme being introduced to
really try and help with mental health wellbeing. I wondered if you could tell us (1) what you
think is driving the high levels of stress-related absence, in particular; what you think is
changing? And then (2) what is going on with efforts to try and improve mental health and
wellbeing in the workforce?

595 **The Chief Constable:** In some parts of the Constabulary, when we reduced our numbers in
neighbourhoods, the workload for some officers went up by 40% overnight. That has had
consequences for the mental health of some of them. I have a view, and it might not be a
popular one, but I think some of the younger people we see now are less resilient than people
600 who have gone before them. Now, I do not know why that is.

Q38. Mr Robertshaw: Police recruits or the general public?

605 **The Chief Constable:** Police recruits. We have got many very good recruits but many of those
who have left simply did not have the resilience that we would expect. But, as I say, the job is
difficult and they see some very unpleasant things and my officers do some great
work, I am so proud of them. But the job is difficult and so whether we sell that difficulty well
enough at the start of the recruitment stage and whether we train them enough is an issue.

610 We are putting into place programmes that help people identify mental health issues in their
peers and in their colleagues. We train supervisors in understanding mental health issues and
we make access to counselling and support much easier than it has been before. We have joined
in with an initiative that is being run by Lancashire Constabulary, who are the lead force in
England and Wales for mental health amongst officers, and we are riding on the back of some of
the initiatives that they are producing because we can access it for nothing.

615 **Q39. Mrs Poole-Wilson:** And in terms of tackling all of that, that has got resource
implications again, so is that something that you need to try and address within your existing
budgetary constraints or are you looking for the funding to support those interventions?

620 **The Chief Constable:** No, we have enough funding for that, I think. It is more about culture,
support and how we manage sickness than the financial issue.

625 But keeping people well is so important because if you are not careful you enter a spiral: if
the work is hard and demands are high and people start to become ill and disappear from the
workplace, the people who are left behind carry even more work, so it is a really important
issue.

Our involvement in mental health issues in the community, as my Report says, continues to
grow and there is an issue about mental health across the community, and police officers simply
reflect the community.

630 **Q40. Mrs Poole-Wilson:** And how are you hoping to measure and monitor the success of
these interventions?

635 **The Chief Constable:** We are putting a lot of effort into individuals. There are one or two
individuals, I think, who are on the cusp of returning to work who I think even a year ago would
not have done. So I think the effort we put in and the care that we try to give to people – and it
does not work in every case – but I think we are now starting to see a difference.

Mrs Poole-Wilson: Okay.

640 **Q41. Mr Hooper:** You touched there on mental health issues in the community. I note from
your Report there was a statistic in there that talked about something like 25 incidents involving

mental health issues every week, and just like you are trying to deal with early intervention and youth offending through a multidisciplinary approach, I am just wondering what measures really are in place or are being put in place in order to try and address that kind of increase in the Police having to deal with mental health issues with people really.

The Chief Constable: After the end of the reporting period, we began a trial with the Department of Health and Social Care which has seen mental health workers become based in the Police Station in Douglas and being able to advise officers and even go to incidents as they happen.

Initially for a three-month period, we had one worker. The success was so obvious that we got two and we are now in dialogue with our partners about getting three. And this is about having that vision and the will, because the senior civil servant responsible for this, Angela Murray, simply did it. She is an exemplary public servant and she has vision. I do not care really whether the savings accrue to the Department of Health or whether they accrue to my service, so long as it makes a difference – and I can see it already making a difference.

Q42. Mr Hooper: Do you see us running the same risk here that we ran with the Youth Justice Team in that the resource is being provided by another Department and you are relying on political leadership being shown across the piece, and that actually if they come to difficult times in the future that other Department might decide to pull that resource even though it is quite an effective solution?

The Chief Constable: There is always that danger and that is where the political leadership is important. So officers might have one view, but if the politicians can see the importance of that, and I think proving the importance is maybe the important bit and is a bit of a challenge. But that particular part of the Department of Health and Social Care is working so closely with us because we have got that issue; we have got the issue being led by them as well on sexual assault services; we have also got them looking at how we provide care to people in our custody and to people in the Prison. There are some significant pieces of work that the Department of Health and Social Care has picked up and is running with and we are delighted with the support we get from them.

Q43. Mrs Poole-Wilson: How are we capturing the data on the benefits of this? I think, going back to the idea that funding gets withdrawn or things fall by the wayside, depending on who is in post at any one time, one of the things that could provide the compelling evidence that we should not lose these things is the data that shows the difference between before and after.

The Chief Constable: There is a number of levels to that and the data is not all there yet and people are working on that data. We had discussions within the Constabulary last week about, 'How hard-edged can we show this and to what degree?', but the number of times the Police have used their enforcement powers, their powers to deprive people of their liberty, has already reduced. So that is a positive outcome, I think.

Q44. Mr Robertshaw: Following the Chairman's point, is there any broader evidence anywhere that we could capture or go to which shows that, following the profoundly early intervention across the piece, which you are arguing very passionately for ... ? Is there any evidence to show what the cost can be if that intervention does not happen and that young person ends up in the wrong place and becomes a cost to society, to the public purse right the way through their lives, be it prison, be it drug addiction, be it health issues?

Can you send us anywhere to look at the cost of that when we do not get it right?

695 **The Chief Constable:** I think there is data on that and I think the Chief Executive of the Department of Home Affairs is currently writing a paper for the Social Policy Committee of the Council of Ministers on adverse childhood experiences, so that I think presents an opportunity for things to move on.

Mr Robertshaw: I look forward to reading that, thank you.

700 **Q45. Mrs Poole-Wilson:** Just one area, we touched on domestic abuse and sexual abuse crimes, and I think you have said at some point there is an interesting challenge for the Police when dealing with the victims of abuse and quite what the Police's role is and how far the Police can go in actually supporting victims and when they should signpost to other services – perhaps it has not always been done as well as it might, perhaps it is not as clear as it might. I think you
705 also mentioned the idea of a victims' commissioner as something that would be helpful. I just wondered if you could tell us what you are thinking of and how you would see something like that working in the Isle of Man?

The Chief Constable: For sexual assault victims, the service they get should be the service
710 that they want. So if they want to come in and tell professionals, 'I was raped yesterday, I just simply want to talk to someone about it,' then that should be the service they get. If they say, 'I want it to be investigated and I want to be forensically examined,' that is the service they get. But if they want to go in and say, 'At the moment I am not sure but I am happy to be examined and park it, and when I feel stronger I would like the Police to revisit it,' that is also okay. So that
715 service almost needs to be bespoke and that is the direction of travel for us, with the Department of Health. So ultimately we will have a sexual assault referral centre where people can come in off the street and access those services and that will make a significant difference.

So Jersey has one. The Director of Public Health and one of my senior colleagues has just been to Jersey to look at it and they have brought a lot of material back and we think we can do
720 it differently and better, without being disparaging again about Jersey because I think they have got a very good facility, but it is a police facility; it is not a multi-agency facility.

So victims should have a say and the judiciary here have been receptive to victims having a say. How you place victims at the centre of the justice system is important but difficult, because the system is a justice system and it has to be balanced and it has to be open and it has to be
725 fair. But I think there is a role for someone to be the advocate for victims, and victims sometimes do not have the voice.

And then, and I know the Department of Home Affairs is aware of this, how you properly commission services for victims is a tricky question.

730 **Q46. Mrs Poole-Wilson:** Can you tell us a bit more about what you see the challenges are there?

The Chief Constable: The challenges are at the moment the service is a third sector service. I am not convinced the commissioning of it is as good as it ought to be. You can have a different
735 model where the public service provides a service and it is an employed service. I think there are two extremes and there may be a compromise in the middle somewhere. But we have never properly commissioned those services, we have never actually said, 'Well, what do we want from that service and how we do we want it to look?'

740 **Mrs Poole-Wilson:** Okay.

Q47. Mr Robertshaw: This is a particularly personal area that I want to delve into for a second, just to see what sort of response that you are able to offer. When I was Minister of Social Care and was very much aware then, as I am now, the number of times looked-after

745 children end up on the wrong side of the line, as it were, I took the time to go and look at some
of the care homes which I found were functioning well, they were clean, the staff were
conscientious, but I was left with a terrible feeling that nobody loved the child, if you know what
I mean. I think, did you touch on it when you were talking about 11 indicators? It was that that
drove me to want to reduce the number of care homes and get as many kids into foster care as
750 we could. We as politicians carry the corporate responsibility, but we cannot love the kids and I
just wonder whether you can comment on that? Have you seen any evidence where there is a
drive to get children in care to a position where somebody loves them so that they have got that
lift into life in a way that they otherwise would not have?

Sorry to be so personal.

755 **The Chief Constable:** Many of the young people who find themselves in the care system are
damaged when they go into the care system and they are damaged by the sorts of things that I
talked about: they have been neglected or they have not been loved or they have seen their
mother being beaten up by their father, or one of their parents or both their parents abuses
760 drugs or alcohol. That inevitably has a consequence on the child.

Public service has got very many ... I keep coming across people who just want the best.
Social workers, teachers, they all want to do their best and they all want the best for those
children, but some of those fundamental things like love are so important, and once you get
those kids to a stage where they start to offend, it becomes *very* difficult.

765 My colleague who is the head of the Prison and Probation Service has spoken to some very
young people who were at risk of having a lifetime of incarceration ahead of them and he was so
worried at the state of some of them that he said the intervention now, once they get to 12 or
13, is so much more difficult than it would have been when they were three, four or five.

770 **Mr Robertshaw:** Okay, thank you.

Q48. Mrs Poole-Wilson: Just on that theme really, what scope do you think there would be
for partnership with perhaps people who have come through the system, whether looked-after
children who have become adults who have reflected on what happened and would like to
775 support other young people or even people who have been through prison and have been
rehabilitated. Do you see any scope for their more active involvement in joined-up services and
support for vulnerable people?

The Chief Constable: Some of that goes on, so young people have a say in the system and
780 there is a scheme called Voices in Participation, where young people who have been in the care
system are advocates for others in the care system. That is a very positive thing and some of
those young people have gone on to do terrific things, really terrific things after a difficult start
in their life. So it can be done and it is important that it is done, I think.

And the Prison, in a very quiet way, is doing some excellent work on rehabilitation. The Prison
785 in the Isle of Man is very good. You hear people calling it the 'Jurby Hilton'. The work that they
are starting to do and have been doing for a little while on rehabilitation is as good as anywhere
and they need credit for that, I think.

Mrs Poole-Wilson: Thank you.

790 **Q49. Mr Hooper:** If we are winding up, I would just like to ask a little bit about road safety, if
that is all right. Obviously that is again another priority identified in the policing plan, we know it
is an issue and you identify in the Report something like 16 collisions a week on the Isle of Man.

A broad question to sum up, but in your view are the roads generally safe?

The Chief Constable: They are not as safe as they could be. The road safety strategy, once it finally gets its way to Tynwald, will set out an ambitious target to reduce collisions. Collisions came down last year, fatal and serious came down by 6%, I think, and the trend has largely been downward for a number of years.

800 There is an important issue here that people have not yet thought through. One of the main ways of making the roads safer is to have more enforcement of the law; whether people want that is another issue. So they will say, 'We want our roads to be safer,' but I could make the roads safer really quickly if I used speed cameras. The balance in terms of how the public perceive the Police and the relationship we have with the public would change. So we have to be
805 very careful because the road safety strategy will require me to do more enforcement than I currently do. I know over a period of time that will affect driver behaviour, which will make the roads safer.

Q50. Mr Robertshaw: We have asked you loads of questions, Chief Constable. Is there
810 anything you just want to say to us?

The Chief Constable: No, I enjoy coming to these committees. I think the committee system is effective. I have been around a long time and I have spent more time sitting in this seat in the last two years than I have ever done and I think it is really important. I am here again on Friday
815 at another committee.

Going back to where we started really, scrutiny of the Police is critical in a democracy, you have to scrutinise what we do.

Mr Robertshaw: Thank you.
820

Q51. Mrs Poole-Wilson: I just had one last question to finish off and that is the Digital Strategy, which is going to make significant difference to the Constabulary. I know there have been delays that you have highlighted in your Report, but do you feel that is now going to be on track, I think from January you said?
825

The Chief Constable: It is on track. The track is a bit of a jagged one at times, but it is on track.

There will be two big things that happen: one is, and this is what the business case, every operational officer will have an hour's more time in the day, so that is an hour's more time when they are out of police stations and doing things in the community. But with a fair wind, in the spring of 2019 we will take a big step to making the court system paper free, because on a date around about March, the Constabulary will send files to the Attorney General's Chambers electronically. It will send papers then to the courts electronically. That will make such a difference, because in committal proceedings that lead to somebody being sent to the Court of General Gaol Delivery, officers can spend a whole week photocopying paper – a whole week.
830
835 **(Mr Robertshaw:** Seriously?) Seriously.

I remember when I was a detective sergeant I dealt with quite a complicated fraud and that took me over a week of standing at a photocopier. So we are on the cusp of ending that, which will be a significant step forward.

Just before Christmas we are running a digital workshop with prosecutors and with the judiciary to see how that will work in practice.
840

Q52. Mrs Poole-Wilson: Okay, Yes.

So the investment will have immediate and significant –

845 **The Chief Constable:** It should do. It will not be easy, there will be things that go wrong with it and there will be some difficult months through the early part of 2019, but it will make a big difference when we go digital.

Mrs Poole-Wilson: Thank you.

850 Any other questions? Can we thank you very much, Chief Constable, for your time this afternoon, the Committee will now sit in private.

The Chief Constable: Thank you very much.

The Committee sat in private at 3.31 p.m.

WRITTEN EVIDENCE

APPENDIX 1:
Compilation of Answers to Mr Hooper's
Written Questions, House of Keys,
26th February 2019

HOME AFFAIRS

**2.11. Prisoners on remand awaiting trial –
Average percentage since 2011**

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Home Affairs:

What the average percentage of prisoners that were on remand awaiting trial was in each year since 2011?

The Minister for Home Affairs (Mr Malarkey):

	2011	2012	2013	2014	2015	2016	2017	2018
Average Percentage of Prisoners on Remand	25%	20%	13%	13%	13%	12%	14%	11%

**2.12. Low level crimes –
Number resulting in minimal sanctions/fines since 2011**

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Home Affairs:

How many and what the average percentage of low level crimes, as defined in the Criminal Justice Strategy and processed in the summary courts, resulted in minimal sanctions or fines of less than £200, in each year since 2011?

The Minister for Home Affairs (Mr Malarkey): The information requested by the Hon. Member for Ramsey can only be provided by the General Registry.

This information is however not, at this time, available electronically and as a result it cannot be provided without undertaking a resource-intensive manual trawl of records by Registry staff, which is regrettably not feasible.

It is accepted that it would be of considerable benefit to have such statistical information available and it is anticipated that this will be the case in the future.

There have been a number of separate pieces of work to collate information since 2012, but the manual collection has meant that the usefulness of the information has been restricted and prohibitively resource heavy to repeat.

Therefore the move towards digitisation of processes is extremely important and once in place will allow management information, such as that requested in the Hon. Member's question, to be collated and analysed.

All the parties involved are supportive of moving towards increased digital working, and through the Criminal Justice Board, are working towards achieving a shared goal of a paperless operation of the criminal justice system.

**2.13. Criminal justice system –
Forms and systems used now compared with 2009**

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Home Affairs:

How many different forms and systems would be used during one person's journey through the criminal justice system; and how this compares to 2009?

The Minister for Home Affairs (Mr Malarkey): The original figures from the review of the criminal justice system in 2011 stated that there were around 98 forms and 22 systems to be updated on an offender's journey through the criminal justice system. Obtaining these statistics required a large amount of resource and effort. Their purpose was primarily to set the scene of the issues with the criminal justice system at that time.

Since the review, there have been some areas of modernisation, but no fundamental changes in the IT Infrastructure of the respective agencies.

In March 2019, the Constabulary will go live with their new 'Connect' system which will modernise the way the Police record and store information. For example, the custody process will no longer require the custody sergeant to 'book in' a detainee on paper before entering the data into several different systems. The detainee will be booked in electronically and the data transferred as relevant.

The new system will also mean the creation of digital 'case files' for hand-off to the Attorney General's prosecutions team.

The Criminal Justice Board is committed to paperless operation of the criminal justice system as an enabler for efficiency across different agencies and the provision of improved services to victims and witnesses.

**2.14. Most serious criminal cases –
Average time from court hearing to judgment**

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Home Affairs:

What the average length of time for the most serious cases, using the Criminal Justice Strategy definition, was from first court hearing to judgment in each year since 2011?

The Minister for Home Affairs (Mr Malarkey): The information requested by the Hon. Member for Ramsey has been provided by the General Registry. The average figures below relate only to matters which have ultimately been dealt with by the Court of General Gaol Delivery.

	2011	2012	2013	2014	2015	2016	2017	2018
Average number of days from Charge to case conclusion	344	284	242	255	212	260	301	220
*Prosecution/Defence/Witnesses etc. Non-availability for trial	128	144	129	173	174	200	201	182

* The primary lapse period between the various stages is that between the date a matter is set down for trial and the trial date itself. A number of factors affect this period, including the work required by Prosecutors and Defence. However, the primary factor is their availability and that of others such as witnesses and experts for a trial date. The availability of a court or Deemster has been shown to have minimal effect on these timelines.

Note: the information above includes the average number of days from Charge to the first Summary Court appearance (please see the Answer to Question 2.16 for these average figures).

**2.15. Court system –
Average time from first court hearing to judgment**

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Home Affairs:

What the average length of time for cases to proceed through the court system, from first court hearing to judgment, was in each year since 2011?

The Minister for Home Affairs (Mr Malarkey): The information requested by the Hon. Member for Ramsey can only be provided by the General Registry.

This information is however not, at this time, available electronically and as a result it cannot be provided without undertaking a resource intensive manual trawl of records by Registry staff, which is regrettably not feasible.

It is accepted that it would be of considerable benefit to have such statistical information available and it is anticipated that this will be the case in the future.

There have been a number of separate pieces of work to collate information since 2012, but the manual collection has meant that the usefulness of the information has been restricted and prohibitively resource heavy to repeat.

Therefore the move towards digitisation of processes is extremely important and once in place will allow management information, such as that requested in the Hon. Member's Question, to be collated and analysed.

All the parties involved are supportive of moving towards increased digital working, and through the Criminal Justice Board, are working towards achieving a shared goal of a paperless operation of the criminal justice system.

**2.16. Criminal justice system –
Average time for offences to reach court**

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Home Affairs:

What was the average time taken for an offence to reach court, from the time the offender was entered into the criminal justice system, was in each year since 2011?

The Minister for Home Affairs (Mr Malarkey): The information requested by the Hon. Member for Ramsey has been provided by the General Registry. The average figures below relate only to matters which have ultimately been dealt with by the Court of General Gaol Delivery.

	2011	2012	2013	2014	2015	2016	2017	2018
Average number of days from Offence to Charge	77	105	106	92	119	92	108	80
Average number of days from Charge to first Summary Court appearance	12	7	6	5	4	4	7	15
Total	89	112	112	97	123	96	115	95

**2.17. Courts –
Number of offences dealt with since 2011**

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Home Affairs:

How many offences were dealt with in the courts, in each year since 2011?

The Minister for Home Affairs (Mr Malarkey): The information requested by the Hon. Member for Ramsey can only be provided by the General Registry.

This information is however not, at this time, available electronically and as a result it cannot be provided without undertaking a resource intensive manual trawl of records by Registry staff which is regrettably not feasible.

It is accepted that it would be of considerable benefit to have such statistical information available and it is anticipated that this will be the case in the future.

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Therefore the move towards digitisation of processes is extremely important and once in place will allow management information, such as that requested in the Hon. Member's Question, to be collated and analysed.

All the parties involved are supportive of moving towards increased digital working, and through the Criminal Justice Board, are working towards achieving a shared goal of a paperless operation of the criminal justice system.

**2.18. Criminal Justice Strategy –
SMART Objectives and KPIs**

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Home Affairs:

What the SMART Objectives and key performance indicators are agreed by the Criminal Justice Board, that underpin the Criminal Justice Strategy; and when they were first agreed?

The Minister for Home Affairs (Mr Malarkey): The objectives identified in the Criminal Justice Strategy in 2012 were:

- Fewer people entering the criminal justice system;
- Reduce the overall cost of the criminal justice system to the taxpayer;
- Reduce the time taken to get offences to court;
- Reduce the number of offences which go through the courts;
- Reduce reoffending rates;
- Provide effective services to victims;
- Improve public confidence.

There were no specific Key Performance Indicators agreed at the setting of the Strategy, as it was acknowledged that the paucity of data was one of the main issues behind the lack of ability to identify improvements and benchmark the performance of the criminal justice system in the Isle of Man. There have been a number of separate pieces of work to collate information since 2012, but the manual collection has meant that the usefulness of the information has been restricted and prohibitively resource heavy to repeat. The move towards digitisation of processes will allow management information to be collated and analysed.

As part of the Programme for Government in 2017 a number of Key Performance Indicators were identified as providing information useful to monitor the work of the Department.

The current Department Key Performance Indicators reported on are:

- Achieve a minimum of 80% in satisfaction levels with victims of crime with the Police;
- % of offenders attending work or education;
- Increase confidence in the judicial system;
- To sustain the lowest levels of crime in the British Isles per 1,000 population;
- To achieve the highest detection rates in the British Isles (as a % of crime committed).

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