



Isle of Man
Government

Reiltys Ellan Vannin



Criminal Justice Strategy

Summary of responses to public consultation

Chief Secretary's Office

April 2013

RESULTS OF THE CRIMINAL JUSTICE STRATEGY CONSULTATION

MINISTERIAL INTRODUCTION

In early 2012 I was tasked by the Chief Minister with producing the first Criminal Justice Strategy for the Isle of Man. On the 15th October 2012 the consultation process began on the Strategy and this consultation period ended on 9th November 2012 and overall resulted in 69 responses.

The Criminal Justice Service is made up of different parts - police, probation, courts, prosecution and administration, third sector organisations and legal practitioners - and the agreement by the heads of these agencies to work together on a Criminal Justice Programme Board is encouraging, as is the desire to improve and share goals.

I wish to thank everyone who took the time to respond to the consultation and considered the questions raised.

An analysis of answers received is included in this response document. I am pleased to advise that the principles throughout the strategy were broadly supported and as we move to implementation of a number of projects, the feedback received will be considered and included in discussions.

The questions regarding greater accountability, prison reserved for serious and persistent offenders, appropriate use of fixed penalty notices and performance reporting were positively received. The issue of Legal Aid and its sustainability requires further consideration with the majority of responses supportive of the provision of legal aid, but with a varied response as to how this can be sustained. All comments received will be passed to the Treasury for their consideration. There was a level of concern expressed over the involvement of victims and witnesses and the need to ensure that the fairness and impartiality of the courts is upheld.

The issue of community justice (*Should local communities have the ability to deal with or influence matters relating to the impact crime has had on their area?*) gave cause for concern over the potential unfairness of matters being dealt with differently in different areas. I believe local communities should be able to voice concerns, but acknowledge that 'influence' makes people nervous and we will consider how, and if, we move forward with this.

In view of the responses received, I was satisfied that there was sufficient support for the main themes and moved the Strategy in Tynwald at the December 2012 sitting, where it was unanimously received. I have requested that the Criminal Justice Board be convened to progress the implementation of the Strategy over the next five years.

Hon J P Watterson, BA(Hons) ACA MHK
Minister of Home Affairs
15th January 2013

BACKGROUND

In June 2011, the heads of the various agencies responsible for criminal justice in the Isle of Man came together to consider a common theme: "How to improve the Criminal Justice Service in the Isle of Man". The strategy sits within the context of the current financial challenge in addressing severely reduced revenue budgets whilst protecting the most vulnerable and growing the economy. An initial overview of the various parts of the system found a number of areas that could be improved and recommendations were made to promote a programme of work, making recommendations for greater efficiencies and increasing confidence in the criminal justice system.

In January 2012, the Chief Minister, Hon. Allan Bell MHK, asked the Minister for Home Affairs to present a strategy for modernising the Criminal Justice System.

During 2012 the members of the Criminal Justice Programme Board have worked together to identify priority areas and shared objectives and to draft a Criminal Justice Strategy.

METHODOLOGY

The Chief Secretary's Office has read all contributions submitted during the consultation. The questions posed in the Strategy Document contained open questions that allowed respondents to make detailed comments. A review was then undertaken to score the comments received as positive, neutral, or negative.

The consultation responses from the online survey and paper correspondence received have been merged. The results of the questions have been analysed and a sample of comments received included in the outcome report.

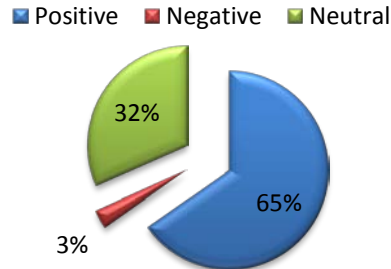
OVERVIEW

There were total of 69 responses to the survey, however not all online surveys were completed in full. The number of responses received indicates a moderate level of interest in the Strategy and ranged from one word answers to comprehensive, well researched, submissions.

Where respondents were happy for their responses to be made public we have included direct quotes; however, some respondents asked for their comments to be kept confidential and in some areas there was duplication, therefore we have paraphrased certain comments to capture valuable points.

Q1 In the current Criminal Justice System there is no overall accountability for the System as a whole. Whilst acknowledging that Judicial independence must be maintained, would structural reform of the Criminal Justice System to reflect greater accountability in one place deliver any real benefits?

Structual Reform



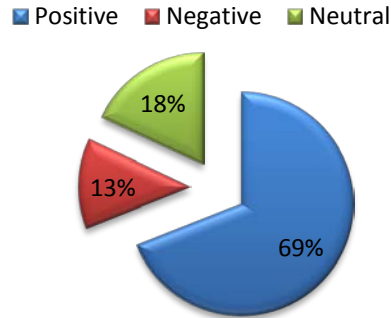
Total Response Count	57	
Positive Response	37	65%
Neutral Response	18	32%
Negative Response	2	3%

COMMENTS:-

- "The Isle of Man would benefit from having a Criminal Justice Board"
- "...it is important to clearly set out its' constitution, remit and membership"
- "Confidence in the criminal justice system is essential"
- "There should be no room for a perception that a Minister is seeking or able to seek to influence the judiciary"
- "...welcome the revised structure which it believes would provide greater accountability and transparency"
- "I support any move to ensure greater 'joined up' government in the area of criminal justice policy"
- "Having it all under one roof, under one structure would ensure efficiencies"
- "As long as it does not insert another layer of management and cost"
- "...accountability in Government is an issue and costs can be brought down with this method"
- "The need to recognise and make changes, where appropriate, is also necessary"
- "I have my doubts that this can be achieved within the present administration, but it will be a start"
- "simpler, faster, better and more *cost effective*"
- "the strategy should be closely aligned to the Drug and Alcohol Strategy"

Q2 Do you accept the principle that prison should only be used for the most serious and persistent offenders in our community? And, if so, what alternatives to the prison system do you think would not only demonstrate that justice has been done, but would assist in reducing reoffending rates?

Prison for Serious Offenders



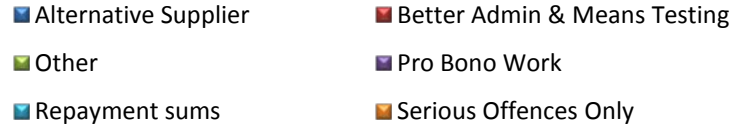
Total Response Count	59	
Positive Response	40	69%
Neutral Response	11	18%
Negative Response	8	13%

COMMENTS:-

- "Work in the community and the supervision of such schemes is critical and they must be available immediately on sentencing"
- "People need to understand that the rehabilitation of offenders will, in the long run, reduce the number of victims"
- "...community centres... could provide an holistic approach ...to address the reasons for an offenders behaviour, mental health issues, housing benefits and any addiction be it drugs or alcohol"
- "There is a mass of evidence of 'what works' in reducing crime rates and re-offending but these solutions are both initially expensive and need properly resourcing"
- "There needs to be a change of attitude towards community penalties"
- "mentoring of offenders has worked well if offender sensibly selected and volunteers properly trained"
- "A proper and meaningful job on release from prison is the most effective way of reducing reoffending"
- "I spent some months in prison....but I still believe an alternative remedy would have been more beneficial to society"
- "I congratulate...the emphasis on rehabilitation"
- "A weekend prison sentence, particularly for alcohol-related crime"
- "...this has been the case for years"
- "...also costs to the purse for Social Security in looking after the person's family"

Q3 A fundamental cornerstone of ensuring justice for all, is access to Legal Aid. How can Government ensure that legal aid is available to those who need it whilst balancing the financial realities faced by the Isle of Man?

Legal Aid Sustainability



Total Response Count	56	
Better Administration & Means Testing	27	50%
Other	10	18%
Alternative Supplier (Public Defenders)	6	11%
Serious Offences Only	6	10%
Repayment of Sums	5	8%
More Pro Bono Work	2	3%

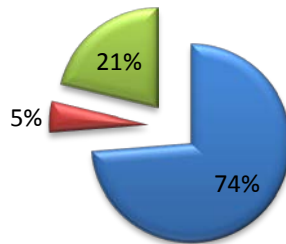
COMMENTS:

- "Consideration should be given to having a public defenders office"
- "if legal aid were not available people would be forced to defend themselves and this would probably cost the public purse far more in court time"
- "there are a number of advocates who show their solid and continuing commitment to the principle and practice of providing their services for free for the public good"
- "Consideration should be given to introducing a merits test for criminal legal aid applications"
- "Duty advocates at court ensure that clients are dealt with speedily so that cases take up less judicial time than a litigant in person appearing"
- "consideration could also be given to fixed fee arrangements for many cases"
- "expand the power of summary courts to deal with more cases"
- "legal aid should be available for those who are facing criminal charges which may result in imprisonment only"
- "Offenders who are found guilty would have to repay wither the whole or a proportion of the legal aid bill"
- "Community Legal Centre where people can go for advice and information"

Q4 Do we accept the principle of early intervention (working with at risk people and families) and how can the agencies of the Criminal Justice System and other parts of Government support this?

Early Intervention

■ Positive ■ Negative ■ Neutral



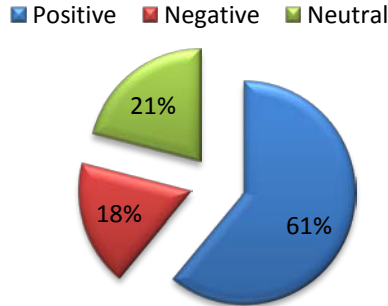
Total Response Count	56	
Positive Response	41	74%
Neutral Response	12	21%
Negative Response	3	5%

COMMENTS:-

- "Support, guidance and encouragement can be offered to vulnerable people at an early stage and they can be kept away from criminal offending behaviour"
- "This is already happening with young offenders through the Youth Justice Team's mixed office of probation officers, police and officers from the Department of Social Care all working together"
- "...more could be done in infant and primary school to identify children with literacy problems and provide support before frustration and low levels of self esteem manifest themselves in anti-social behaviour"
- "The Department of Community, Culture and Leisure through its Sports Development Unit is well placed to provide assistance in the approach of early intervention and would be willing to work ...to identify and implement agreed interventions"
- "If no offence has been committed, on what grounds would the agencies of the CJS become involved? What form would the involvement/intervention take?"
- "Diversion is better than dealing with offending"
- "we need to intercept the chaotic and problem families and all agencies need to be able to work cohesively together across the government boards and agencies"
- "The Youth Justice Team....are at the forefront of early intervention"

Q5 A key part of the strategy proposes an increased range of fixed penalty notices for many more lower level offences. Do you agree with this approach? If not, what is the alternative?

Use of Fixed Penalty Notices



Total Response Count	55	
Positive Response	34	61%
Neutral Response	12	21%
Negative Response	10	18%

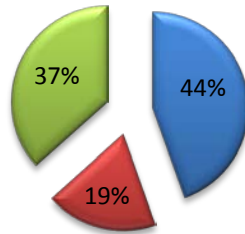
COMMENTS:

- "I would need to see a comprehensive definition of 'lower level offences' before I could respond meaningfully"
- "an increased use of fixed penalties would be a cheaper, speedier and more efficient alternative to the current system"
- "there is a need to ensure that they are only used in appropriate cases and avoid their repeated use for multiple offences or for offenders who already have convictions for similar offences"
- "...the introduction of conditional cautions....to comply with a condition such as to pay compensation, attend drug and alcohol referral, attend a driver awareness course or make.. reparation"
- "...the current fines collection system is not operating effectively....this extra burden is likely to worsen rather than improve the situation"
- "the extended use of Fixed Penalty Notices are well worth experimenting with"
- "This is very strongly disapproved. There is a fundamental right to a fair and impartial trial"
- "must be very careful that we do not unintentionally decriminalise activities"
- "we have reparation orders, we have curfew orders, we have anti-social disorder penalties....I suspect these are not being used"

Q6 Should victims and witnesses play a bigger part in the justice process? If so, how?

Victims & Witnesses

■ Positive ■ Negative ■ Neutral



Total Response Count	51	
Positive Response	23	44%
Neutral Response	19	37%
Negative Response	10	19%

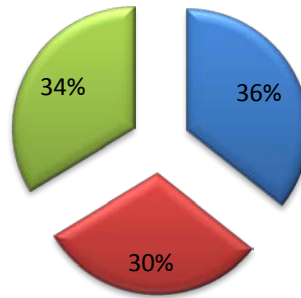
COMMENTS:

- "Victims and witnesses should feel that they are treated as being at the heart of the criminal justice system and that their rights are respected as well as the rights of those accused and those convicted of crime"
- "It is not appropriate to permit the victim to unduly influence the sentencing process or to dictate to the court the sentence the court should impose"
- "Victims could be given a voice... by means of Victim Impact Statements, such statements are occasionally used in the courts...would mean that victims had a voice that was heard not only in Court by also by the offender"
- "Recently witnesses were called for a criminal court case and kept waiting for 4 days before they gave evidence...they could have been called to court at an hour's notice rather than waiting nearly 30 hours"
- "When a plea has been changed or bail has been granted the victims and witnesses are not notified automatically"
- "The reality is that the victim has little rights in the whole criminal justice process compared to the offender and the Island needs to do more to protect the vulnerable"
- "I do not think that courts should put the wishes of victims above proper principles of sentencing"
- "Restorative justice may have a valuable part to play in bringing home to offenders the seriousness of what they have done"
- "Victims and witnesses already play a part in the system...the balance I feel is right at the moment"

Q7 Should local communities have the ability to deal with or influence matters relating to the impact crime has had on their area? If so, how?

Local Communities

■ Positive ■ Negative ■ Neutral



Total Response Count	53	
Positive Response	19	36%
Neutral Response	18	34%
Negative Response	16	30%

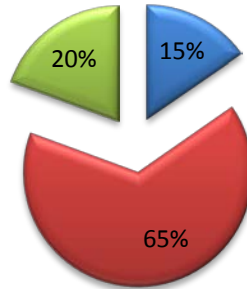
Comments:

- "Members of the community must not be allowed to take the law into their own hands"
- "This seems to ignore the fact that this compact Island is one compact community"
- "Regular public meetings chaired by the police would again mean local people would have the chance to influence local criminal justice issues relevant to their area".
- "There are dangers in minority groups/vested interests distorting both the perception of crime and policing if such direct community involvement steps are taken"
- "I very much believe in the courts...and this is where it must stay"
- "Yes, local communities should have the ability to deal with or influence matters relating to the impact crime has had in their area"
- "It is finding ways of engaging with the community effectively. We must be ready to experiment with meetings with different groups and representatives of those most concerned about offending"
- "Developing clear, effective communication mechanisms and seeing that robust action is taken"
- "I firmly believe in community policing which should include effective police/community consultation"

Q8 What sort of information do you think the criminal justice system as a whole should be providing to the public in respect of its performance?

Performance Reporting

■ Court Outcomes ■ Reporting Structure ■ Other



Total Response Count	51	
Reporting Court Outcomes	8	15%
Better reporting structure	33	65%
Other	10	20%

COMMENTS:

- "Data collection and sharing, subject to the appropriate safeguards, is important and much further work is necessary in that respect"
- "Justice cannot simply be measured in financial terms or in terms of how long it takes a case to reach determination"
- "type and frequency of offences in a particular area, recidivist rates and time for matters to be resolved"
- "without good data we will never know if our Criminal Justice System is working or not"
- "the length of time from offence to judgment should be made visible to all agencies"
- "courts are not there for 'performance', but they can have better accountability"
- "on line transcripts of ALL judicial rulings and judgments"
- "a well developed, consolidated, reporting system that is made available to the public will engender confidence in a newly established regime"
- "regular reporting of all stages of processes"
- "the time taken to court, I find absolutely staggering"
- "any changes that could be made to speed up these legal processes must be universally accepted and welcome – in particular, reducing recidivism"
- "It is vitally important that...we have statistics on reoffending rates"

Thank you to all who contributed to the Consultation.



This document can be provided in large print or in audio format on request

Transforming Government
Chief Secretary's Office
Bucks Road
Douglas
IM1 3PN