

IN TYNWALD – MARCH 2008

Independent Investigation of Complaints Against the Police

Item 4: Statement by the Minister for the Department of Home Affairs

Thank you, Mr President.

In October 2005 a Select Committee of Tynwald was established to investigate a petition for Redress of Grievance with regard to the investigation of complaints against police officers.

The Committee investigated whether the present framework and its operation in practice was robust enough to guarantee that a complaint is investigated and supervised in a prompt, effective and sufficiently independent manner. The Committee made the following recommendations –

- a) that an independent system of investigation of all complaints against the Police be established;
- b) that the Department of Home Affairs be charged with developing such a system and incorporating it into the draft Police (Complaints) Regulations; and
- c) that the Department of Home Affairs report to Tynwald Court with detailed proposals to create an independent means of investigation of complaints against the police by March 2007.

I made a Statement, last year, to this Honourable Court and subsequently in Tynwald last July I submitted the Department's Report on proposals for a revised police complaints process. After debate the Department's Report failed to command sufficient support of this Honourable Court.

As you would expect, in coming to a view as to the preferred way forward, the Department has taken into consideration the views of this Court as expressed in that debate, consulted Honourable Members, and enquired further as to the process in other jurisdictions. After meeting the Police Ombudsman for Northern Ireland and discussing the Isle of Man circumstances, particular note was taken of the Police Ombudsman system for Northern Ireland. Whilst the Department does not consider it appropriate to follow exactly what other jurisdictions do, it does feel there is much merit in learning from them and seeing if anything done elsewhere could be adapted for use in the Isle of Man.

Due consideration was given to how the Department could adapt the Report previously submitted to Tynwald in 2007 to take into account the concerns of Honourable Members, however, having studied the models in other jurisdictions and discussed the process with the Northern Ireland Ombudsman it became clear that it was not practical or cost effective to have an Ombudsman scheme as in Northern Ireland for the limited number of complaints that there are against the police in the Isle of Man.

As an alternative the Department formed the view that the way forward was for the role of Police Complaints Commissioner to be combined with that of the proposed Tynwald Commissioner for Administration. The Department believes that by combining the role of Police Complaints Commissioner with that foreseen for the Tynwald Commissioner, this will emphasise the independence both in perception and in reality of the person charged with overseeing the investigation of complaints against the police. In addition combining the responsibilities will enhance the role of the Commissioner and is a far better use of resources than appointing two Commissioners, having two offices and separate investigators/staff etc.

In this connection, having considered this issue at length, the Department is of the view that it is important to advise Honourable Members of the suggested way forward in providing an enhanced police complaints process and complying with the recommendations of the Select Committee. This will enable the Department, subject to the views expressed here today, to firm up the proposals firstly in the Tynwald Commissioners for Administration Bill, which already has a place in the current Legislative Programme, and secondly in providing detailed regulations as to how the process will work.

Mr President, in summary the proposal is that police complaints will fall under the new Tynwald Commissioner, providing the independence found in Northern Ireland without the considerable cost involved in setting up a separate body and avoiding the problems being experienced by the Independent Police Complaints Commission in England.

The Department is eager to expedite matters and trusts that these revised proposals meet with the approval of this Honourable Court. The details are yet to be firmed up but would be subject to approval when the Tynwald Commissioner for Administration Bill is progressed through the Branches of the Legislature.

Mr President, I very much hope that we have found a unique solution for the Isle of Man with what I have outlined here today and I trust that it meets with the approval of Honourable Members I will of course be happy to answer any questions that Honourable Members may have.

Thank you, Mr President.