



Isle of Man
Government

Reiltys Ellan Vannin



Department of Home Affairs

POLICE CODES 2014

SUMMARY OF RESPONSES TO THE CONSULTATION

November 2014

1 Police Codes 2014

- 1.1 The current codes Order has been in operation since 1998. Over the last 15 years operational policing practice has developed and changed. Policing practice, and the codes that support and guide that practice, broadly follow practice by police forces in the United Kingdom. The United Kingdom has updated its codes over the years and most recently did so in May 2014.
- 1.2 Following the grant of Royal Assent to the Criminal Justice, Police Powers and Other Amendments Act 2014 there are a number of new provisions that either substitute existing provisions or insert new provisions into the Police Powers and Procedures Act 1998. As the provisions introduce new powers or amend existing provision, it follows that the codes need to be brought up to date to guide the exercise by police officers of their functions in January 2015 and the years to come.

2 The consultation

- 2.1 The Department published the draft of the Order, the draft Police Codes and Impact Assessment for consultation on 22 September 2014 and the consultation closed on Monday 3 November 2014.
- 2.2 The consultation document, in line with the Isle of Man Government's Code of Practice on Consultation, was sent directly to various persons or organisations, including the following –
 - Tynwald Members
 - Attorney General
 - Local Authorities
 - Chief Officers
 - Isle of Man Law Society
 - Liberal Vannin
 - Mec Vannin
 - Positive Action Group
 - Chief Constable
 - Police Federation
 - Social Affairs Policy Review Committee of Tynwald
- 2.3 This document was also published on the Isle of Man Government's consultation website.

3 Outline and summary of responses to the consultation

- 3.1 The Department received nine responses to the consultation either by letter or email, of which –
 - one was from a Third Sector body concerned with the criminal justice system;
 - one was from a person working within the criminal justice system;
 - four were from Local Authorities; and
 - three were from Government/Public Sector bodies;
- 3.2 In issuing the Police Codes for public consultation the Department accepted the Codes were likely to only be of particular interest to those persons or bodies involved in the criminal justice process or, in the case of the codes relating to licensing matters, the licensing industry.

4 Question relating to the visual recording of interviews

- 4.1 *Code F provides that persons alleged to have committed serious offences may be interviewed using visual and sound recording equipment.*
- *Your views would be welcome as to whether or not you think, in principle, the interests of justice would be served by permitting the visual recording of police interviews.*
 - *If you do think it would be in the interests of justice to permit the visual recording of interviews, should every offence be subject to a visually recorded interview or only serious (or certain serious) offences?*
- 4.2 There was support among some consultees for the visual recording of interviews as proposed on the basis it is limited to serious cases.
- 4.3 One consultee argued that the visual recording of interviews would constitute 'best evidence' and would help to show, beyond reasonable doubt, that an interview had been conducted in a manner that did not interfere with the human rights of an individual. Whilst that consultee did not indicate support for restricting the types of case in which a visual recording may be undertaken the consultee nevertheless conceded such recording should only take place in appropriate cases.

5 Other matters in relation to the Police Codes

- 5.1 In general consultees expressed support for the codes. One consultee felt more work was required in relation to Code D and another felt some of the language in relation to identification needed revisiting.
- 5.2 Two consultees assisted by pointing out some grammatical or other minor errors in the drafting of some of the codes.
- 5.3 Another consultee raised issues concerned with operational matters connected to Code C (detention, treatment and questioning of persons).
- 5.4 In respect of the Code relating to licensing matters a consultee questioned the definition of a public place.

6 Outcome of the consultation

- 6.1 The Department, having considered the responses to the consultation, will address the drafting issues highlighted by some consultees, and indeed is grateful for their attention.
- 6.2 Code D has been withdrawn in order to enable further work to be undertaken on it. The intention is to submit that Code to Tynwald early in 2015 once that work has been completed. As the work is not expected to change the fundamentals of the code significantly, it is not considered necessary to undertake a further consultation on the final version of that code.
- 6.3 As it is not yet the intention of the Department to bring into operation the new powers in respect of bail, because of the number of matters that are already being introduced at this time, paragraph 16.1BA, which had been inserted to guide Manx police officers in relation to aspects of proposed new procedures relating to bail, has been temporarily removed.
- 6.4 In respect of the definition of a public place, for the purposes of dealing with drinking in public places or the confiscation of alcohol from a minor, the Department believes it will assist police officers in the exercise of their functions. In determining whether or not they have exercised their functions correctly a Court may refer to the relevant part of the Code.

6.5 The Department has submitted Codes A to C and E to G as well as the Code in respect of licensing matters to the December 2014 sitting of Tynwald for approval. Subject to further work being satisfactorily completed, it is intended to bring Code D either to the January or the February 2015 sitting of Tynwald for approval.

21st November 2014
Department of Home Affairs



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