

H.M. Attorney General and the Chief Constable of the Isle of Man Constabulary

CODE OF PRACTICE

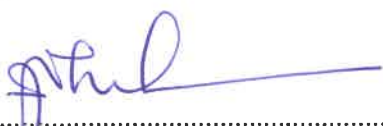
1. The Isle of Man Constabulary is entitled to seek advice from and consult with H.M. Attorney General on all matters of a criminal nature. In practice this function is delegated to the Director of Prosecutions and the staff of the Criminal Division of the Attorney General's Chambers subject to any directions given by H.M. Attorney General reserving any categories of case or specific case(s) to H.M. Attorney General or requiring any categories of case to be handled in a particular way.
2. The identification of groups of offences in paragraph 3 is not to be construed as limiting the matters upon which advice or consultation ought properly to be sought. If an offence does not come within the scope of paragraph 3 then it is still at the discretion of the appropriate officer whether to seek advice. If in doubt the officer should err on the side of caution and seek advice from Chambers.
3. The following matters must be referred to H.M. Attorney General for advice as to whether or not to institute a prosecution and if so the charge(s) to be preferred:-
 - 3.1. All alleged offences requiring in law the consent of H.M. Attorney General;
 - 3.2. All alleged offences triable only on Information;
 - 3.3. Offences alleged to have been committed by serving Police Officers of the Isle of Man Constabulary and their direct and close family members;
 - 3.4. Offences alleged to have been committed by ex-Police Officers of the Isle of Man Constabulary who have either retired or who have resigned within the last 5 years;
 - 3.5. Offences alleged to have been committed by members of the Isle of Man Special Constabulary and their direct and close family members;
 - 3.6. Offences alleged to have been committed by persons who are directly or indirectly employed by the Isle of Man Constabulary whether in a temporary or permanent or supernumerary position and their direct and close family members;
 - 3.7. Offences alleged to have been committed by members of a Police force (Police Officers and Non-Warranted Staff) from any external jurisdiction who were working on behalf of the Chief Constable of the Isle of Man Constabulary at the time,
 - 3.8. Offences alleged to have been committed by the Judiciary;
 - 3.9. Offences alleged to have been committed by Members of Tynwald;
 - 3.10. Offences alleged to have been committed by elected persons who are Members of Local Authorities;
 - 3.11. Offences alleged to have been committed by Heads of Statutory Boards;

- 3.12. Offences alleged to have been committed by Members of the Isle of Man Law Society;
- 3.13. Offences alleged to have been committed by Senior Members of the Isle of Man Civil Service – Corporate Leadership Group or equivalent (open structure Grade 7 or above); and
- 3.14. Alleged offences involving complex issues of law or where the assessment of the public interest is likely to involve consideration of unusual or particularly sensitive issues.
- 3.15. Offences committed upon prison staff whilst on Duty by serving prisoners or visitors.


If an investigating officer considers there is some evidence that an offence has been committed by a person in one of the above categories but is uncertain whether it is sufficient to justify proceedings, advice must be sought before a decision is taken not to institute criminal proceedings – this can protect the police against any suggestion of inappropriate influence.

4. In cases where it is considered necessary to prefer charges in respect of any of the matters listed in paragraph 3 urgently, telephone advice can be obtained. Where telephone advice is given, the officer must provide to the Attorney General's Chambers, within 24 hours and in writing, a synopsis of the facts and evidence on which the advice was based and given. The reviewing Legal Officer will then make any amendments as soon as practicable, and in any event within the first working day thereafter, to ensure that there is a definitive record of the advice and the basis upon which it was given.
5. Arrangements will be made for a Legal Officer Prosecutions to be on-call outside office hours at all times to deal with matters requiring urgent advice.
6. Advice must be sought from H.M. Attorney General's Chambers as to the statements and exhibits to be included in committal papers.
7. If advice is sought from or given by H.M. Attorney General's Chambers (whether by H.M. Attorney General in person or by his staff acting on a delegated basis; and whether or not the advice relates to matters mentioned in paragraph 3), the Isle of Man Constabulary is expected to accept and act on that advice. In circumstances where it does not intend to do so, then the matter shall be referred for professional consideration by H.M. Attorney General if that has not already been done. However, advice given will be reviewed periodically by H.M. Attorney General as the matter progresses and in particular when there is a change in circumstance or new evidence or there is any other material development.
8. H.M. Attorney General and the Chief Constable of the Isle of Man Constabulary adopt the principles of the Code for Crown Prosecutors (England and Wales) which is then the up-to-date version to the extent that its provisions are relevant to the case and compliant with Manx Law.

22 March 2018



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HM Attorney General



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Chief Constable

22/03/2018