



Justice Reform Act 2021

Implementation Plan 2022

Issued 24 March 2022

**Last updated August
2022**



INTRODUCTORY STATEMENT BY THE MINISTER

The structure, legislation and processes underpinning the criminal justice system of the Island have been subject to much consideration for the last decade.

The Criminal Justice Strategy [[GD 0061/12](#)] published in 2012 was created following a period in which the Island's criminal justice system had been reviewed, and agencies supporting the system were asked to consider improvements. The Strategy, and the work undertaken in forming that strategy, paved the way for meaningful reform to take place.

This included the convening of the Criminal Justice Board, a dedicated body to support the implementation of the Strategy. This Board has created a dedicated forum with representation from Government, the Judiciary and the Island's legal community and allows input of all parties and a cohesive approach to address challenges and enable the provision of an open, fair, efficient and cost effective criminal justice system for the Island. The work of the Board on an ongoing basis has proved so critical that part of the change brought within the Justice Reform Act 2021 is placing the Board on a statutory footing.

During the review of the Criminal Justice System matters were identified which required legislative changes and initially a range of primary provisions were brought forward to consultation in 2018 and were finally approved for introduction into the Branches in 2020 as the Justice Reform Bill. The resulting Bill is a large and complex piece of legislation but one that makes important changes.

The Island's Criminal Justice System is a structure, built as our society is, on the principles of justice and fairness, and supported by services whose aims go beyond that system to ensure that, where possible, individuals are diverted into alternative pathways that benefit them, and society as a whole. However, where such diversion is not possible or appropriate, due to the actions of perpetrators being of a more serious or damaging nature, then it is important that suitable legislation is in place providing sanctions for those perpetrators, and ensuring that their victims have confidence in the Criminal Justice System as a whole.

The changes brought within the Justice Reform Act 2021 are an important step on the road to modernisation of this System, but they are just the first step of many yet to come.

Hon Jane Poole-Wilson, MHK
Minister for Justice and Home Affairs
24 March 2022

1. Overview and Background

1.1 Consultation

- 1.2 In Summer of 2018, a public consultation was undertaken comprising of several separate draft Bills which included provisions in relation to Criminal Justice, Offender Management, Sentencing and Domestic Abuse - <https://consult.gov.im/home-affairs/criminal-justice-2018/>

The draft Bills included in the consultation were:

- Criminal Justice, Police and Courts (Amendment) Bill
- Diversion of Offenders and Domestic Bill
- Council of Ministers (Amendment) Bill

Following that consultation and consideration of the feedback received the Council of Ministers (Amendment) Bill¹ and a separate Domestic Abuse Bill² were both progressed.

Remaining provisions from the Diversion of Offenders and Domestic Abuse Bill along with provisions formerly contained in the Criminal Justice, Police and Courts (Amendment) Bill were consolidated into the draft Administration of Justice (Miscellaneous Provisions) Bill.

Consultation on the draft Bill

On the 19 December 2019 Council of Ministers considered and agreed that a targeted consultation on the draft Administration of Justice (Miscellaneous Provisions) Bill might be undertaken with Members of Tynwald. Due to the specific nature of the Bill and it's largely "process driven" effect, this appeared to be a practical manner in which to consult.

The draft Bill was circulated to all Members of Tynwald on 24 December 2019, and also to the Constitutional and Legal Affairs and Justice Committee of Tynwald, and other key stakeholders such as the General Registry and the Isle of Man Law Society.

Following discussion with the drafter, the title of the Bill was changed to the Justice Reform Bill to be more representative of the final content of the Bill which now encompasses a wider range of provisions.

1.3 Covid-19 Emergency Period

During the Emergency period³ certain provisions which had been included in the draft Bill in relation to Police Conditional Bail and use of Live Links in the Courts were carried into Emergency Powers Regulations in order that they might be utilised to provide mitigations against the virus.

These measures worked efficiently under Emergency Powers Regulations and were later included within the Courts, Tribunals and Local Authority Procedures and Miscellaneous Provisions Bill 2020⁴, in order that they might continue to be utilised when the Emergency Powers Continuation Regulations fell away.

¹ Resulting in the Council of Ministers (Amendment) Act 2019 that has amended the [Council of Ministers Act 1990](#).

² Resulting in the [Domestic Abuse Act 2020](#).

³ <https://www.tynwald.org.im/education/about/Pages/emergency-proclamation.aspx>

⁴ Resulting in the [Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020](#).

1.4 September 2020

On the 17 September 2020 the draft Justice Reform Bill was discussed by Council of Ministers and approved for introduction into the House of Keys.

The provisions relating to Police Conditional Bail and Live Links that had formed part of the Emergency Powers Regulations were removed from the Bill prior to leave to introduce being given, and progressed separately as per 1.3.

1.5 October – November 2020 - Government Amendments

During the passage of the Courts etc. Bill 2020⁵ additional amendments that might properly be inserted into the Justice Reform Bill as Government Amendments were identified. These arose from discussion that Members of the House of Keys and Members of the Legislative Council had while scrutinising the Courts etc. Bill, and formed the basis for Government Amendments drafted to provide that assurances given by the Minister for Policy and Reform during the Courts etc. Bill's passage were brought into being.

These included placing the access to live links on a statutory footing for a wider array of proceedings (including Land Court/Tribunal), and specific provisions in relation to broadcasting/recording or proceedings held via live link, and also the matter of legal aid for Police to Police conditional bail.

Separate to these matters, amendments that improved the content or consistency of parts of the Bill were identified in engagement between the Department of Home Affairs and Members of the House of Keys and Legislative Council. One other amendment in relation to the retirement ages of the Judiciary which was a matter considered by Council of Ministers at the behest of Cabinet Office was also agreed for inclusion in the Justice Reform Bill as a Government Amendment.

1.6 Legislative Progress

Following finalisation and leave to introduce to the legislative branches, the Bill was introduced into the House of Keys on the 30 November 2020.

Government Amendments were formulated in the House of Keys and in the Legislative Council during the passage of the Bill that arose either from points raised during the passage of the Courts etc. Bill or from engagement the Department of Home Affairs had with Members of the House of Keys and Members of the Legislative Council. The full Hansard relating to each stage of the Bill's progress can be found [here](#).

One other key point raised during progression of the Bill was an amendment initially brought within the House of Keys in relation to Sentencing Guidance that was inserted into the Bill as an amendment and became clause 99. However, following additional engagement with interested parties including the Isle of Man Law Society that clause was not subsequently moved as part of the Bill in the Legislative Council, so does not form part of the Justice Reform Act 2021.

⁵ [Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020](#).

INTRODUCTION

1.7 Royal Assent

Royal Assent was given for the Justice Reform Act on the 20 July 2021.

THE ACT

2. The Act

2.1 Basis of the Act

The Justice Reform Act 2021 is a large and complex Act that comprises of largely distinct Parts which each fulfil a function in providing targeted improvement to an aspect of the Criminal Justice System. Many of the changes have come from matters identified within the work of the Criminal Justice Board and the preparation of the Criminal Justice Strategy. Other changes come from a desire to align existing Manx law with that of England and Wales and ensure that suitable harmony exists for matters such as Rehabilitation of Offenders and Human Rights.

Part 1 incorporates the short title, commencement and interpretation provisions for the Act.

Part 2 brings fresh provisions placing the Criminal Justice Board on a statutory footing, providing that sub-Committees to the Board might be established and also setting out the manner in which the Department of Home Affairs might make Regulations authorising or requiring the disclosure of information for the purposes of public safety, preventing or reducing crime, disorder or anti-social behaviour, for safeguarding the welfare of a particular Person, or where it is otherwise in the public interest.

Part 3 is particularly noteworthy as, alongside Schedules 1 to 3, this brings extensive reform to the Summary Courts connected with the juvenile court's jurisdiction, and vitally that of the sentencing and trial powers of the High Bailiff and the Deputy High Bailiff. This is a complex change and, alongside the abolition of committal proceedings, and myriad miscellaneous changes, will mean that the provisions on the mode of trial are simplified and rationalised.

Part 4 brings changes to the procedure of the Court of General Gaol Delivery that largely reflect current practice or make changes to align with those changes made in relation to the Summary Jurisdiction Act 1989 by Part 3 of the Justice Reform Act 2021.

Part 5 clarifies and streamlines the legislation affecting costs in the Summary Courts, the Court of General Gaol Delivery and the Staff of Government Division of the High Court ("the Appeal Division"). The principal effect of the changes is to prevent a legally aided defendant from recovering a greater sum in costs on an acquittal than the amount payable under the legal aid certificate.

Part 6 relates to Cautioning of Offenders, and introduces unconditional and conditional cautions and consequential amendments which are similar to those found in England and Wales for both adults and those over the age of criminal responsibility⁶. In particular conditional cautions will provide an opportunity to achieve an early positive response to low-level offending behaviour for those persons willing to admit their offending and to comply with certain conditions, thus providing a suitable out of court disposal.

⁶ "youth cautions" meaning a caution administered under Part 6 to a child over the age of criminal responsibility or a young person – the age of criminal responsibility is set out in section 70 *Age of criminal responsibility* of the Children and Young Persons Act 2001 and is being over 10 years of age.

Part 7 creates a form of immediate financial penalty notice that might be issued by a constable or an authorised person to anyone over the age of criminal responsibility who has committed a penalty offence of the type specified within the Part, meaning that the person committing the offence may be given a penalty notice in respect of the offence, instead of appearing in court. This offers the opportunity to the person who has committed the offence that by paying a penalty in accordance with this Part they might discharge any liability to be convicted of the offence to which the notice relates.

Part 8 relating to Harassment and Stalking brings amendments to the Island's Protection from Harassment Act 2000 that are based on provisions within England and Wales and extend the law to include stalking, restraining orders on acquittal and other key points.

Part 9 brings a range of miscellaneous and general changes such as: those related to the retirement ages of members of the Judiciary, electronic communications for use in connection with land registration, and a number of targeted amendments to matters as diverse as Rehabilitation of Offenders and Human Rights, where the Island's laws are aligned with those in England and Wales.

2.2 Content of the Act

The Act comprises of a total of 115 sections spread across 9 distinct Parts. 4 separate Schedules also form part of the Act and make extensive targeted amendment to supplement changes brought within the Parts.

Briefly the layout of the Act is as follows:

Part 1 - Introduction

Part 2 – Cooperation between Agencies

Part 3 – Changes to the Jurisdiction and Procedure of the Summary Courts

Division 1: Preliminary

Division 2: Jurisdiction and procedure of summary courts

Part 4 – Changes to Procedure of Courts of General Gaol Delivery

Part 5 – Costs in Criminal Proceedings

Division 1 - Costs out of general revenue

Division 2 - Other provisions on costs

Division 3 - General

Part 6 – Cautioning of Offenders

Division 1 - Introduction

Division 2 - Unconditional Cautions

Division 3 - Conditional Cautions

Division 4 - Available Remedies and Out of Court Disposals

Division 5 - Consequential Amendments

Part 7 – Immediate Financial Penalties

Division 1 - Offences to which this Division Applies

Division 2 - Penalty Notices and Penalties

Division 3 - Procedure

Part 8 – Harassment and Stalking

Part 9 – Miscellaneous and General

Division 1 - Judicial Retirement

Division 2 - Electronic Communications in connection with Land Registration

Division 3 - Amendments

Division 4 - Repeals

Schedule 1 –

Division 1 - Amendments to the Criminal Code 1872

Division 2 - Miscellaneous Enactments

Schedule 2 – Proceeds of Crime Act 2008 amended in consequence of the extension of the High Bailiff's sentencing powers

Schedule 3 – Abolition of Committal Proceedings – Consequential Amendments

Schedule 4 – Schedule to be inserted as Schedule 1A to the Rehabilitation of Offenders Act 2001

KEY STAKEHOLDERS

3. Key Stakeholders

- Attorney Generals Chambers Drafters & Prosecutions Division
- Cabinet Office - Public Health
- Department for Enterprise – Land Registry
- Department of Education, Sport and Culture
- Department of Health and Social Care
- General Registry
- Isle of Man Constabulary
- Isle of Man Law Society
- Judiciary
- Manx Care
- Prison and Probation
- Third Sector
- Treasury and Legal Aid

4. Key Commitments

A suitably modernised Criminal Justice System

We aim to further develop the established governance framework formed under legislation and review and update the overarching Criminal Justice Strategy.

The Criminal Justice Strategy has led the way to meaningful change and it is vital that it is updated so that journey can continue.

Placing the Criminal Justice Board on a statutory footing and the use of sub-Committees to the Board to manage and have oversight of large and complex legislative and service delivery projects is critical to the success of true partnership working across organisations.

Other legislative commitments have been made that will see introductions of changes to the law providing for matters such as Sentencing during the forthcoming legislative period and beyond.

An open dialogue with stakeholders

We commit to engagement and transparency with all key stakeholders, in particular those who provide valuable support services to parts of the Criminal Justice System will be critical to the success of both legislative implementation and wider delivery of transformation.

A clear and transparent communication about what is being done and what is planned for the future.

We will focus on effective communications with all stakeholders to ensure that clarity exists about the work being done to enhance the Criminal Justice System and to ensure that specific and measurable progress happens. The publication of this Implementation Plan is a key step in enhanced communications.

KEY AREAS FOR IMPLEMENTATION

5. Key areas for Implementation

5.1 Statutory Guidance / Secondary Legislation

Detailed planning around the various items of Statutory Guidance and Secondary Legislation that may be required can be found within Appendix 1.

The complexity and sheer scope of the Justice Reform Act has presented a unique challenge and it is noted that in connection with Parts 3 and 4, additional work is required to bring forward corrective actions that have been identified and will need new primary legislation prior to enactment. These predominantly relate to small adjustments required once the amendments brought within the Justice Reform Act take effect.

In relation to Part 5, the Department will work alongside the Treasury to scope when suitable Regulations might be brought forward and once a clear timescale for these has been discerned that information will be incorporated into Appendix 1.

5.2 Wider Guidance/Resources/Training/Services/Systems

Detailed planning setting out the other matters that need to be addressed as part of the overall Criminal Justice System as a whole can be found within Appendix 2.

5.3 Related Topics

The implementation of the Justice Reform Act 2021 is the focus of this plan, and the legislation, guidance and other key deliverables needed to support this are set out within the Appendices to this plan. However it is noted that there are other topics which relate to the wider Criminal Justice System, these are captured at Appendix 3.

RISKS & CHALLENGES

6. Risks / Challenges

6.1 Some of the key risks and challenges that will need to be faced are set out in Appendix 2 alongside the key deliverables.

6.2 Key primary and secondary legislation, statutory guidance, and commissioned services will all be needed in alignment to effectively implement in a “joined up” way the Justice Reform Act 2021 alongside the Sexual Offences and Obscene Publications Act 2021 and the Domestic Abuse Act 2020.

Ensuring joined-up changes on such a broad scale is a challenge in itself; there are many “moving parts” within the process, multiple organisations and key stakeholders who will be impacted and require training programmes to be in place within those individual agencies so they are ready to operate under new legislation. In addition, understanding of the wider service requirements across the piece, and identification of gaps where these exist, is needed.

An overview of the stakeholders involved within the delivery of each piece of legislation can be found on the following page, as an illustration of this.

Stakeholder

Domestic Abuse

Third Sector
Department of Education, Sport and Culture
Department for Enterprise – Land Registry

Sexual Offences and Obscene Publications

Department for Enterprise
Department of Education, Sport and Culture

Liquor Licensing and Public Entertainments

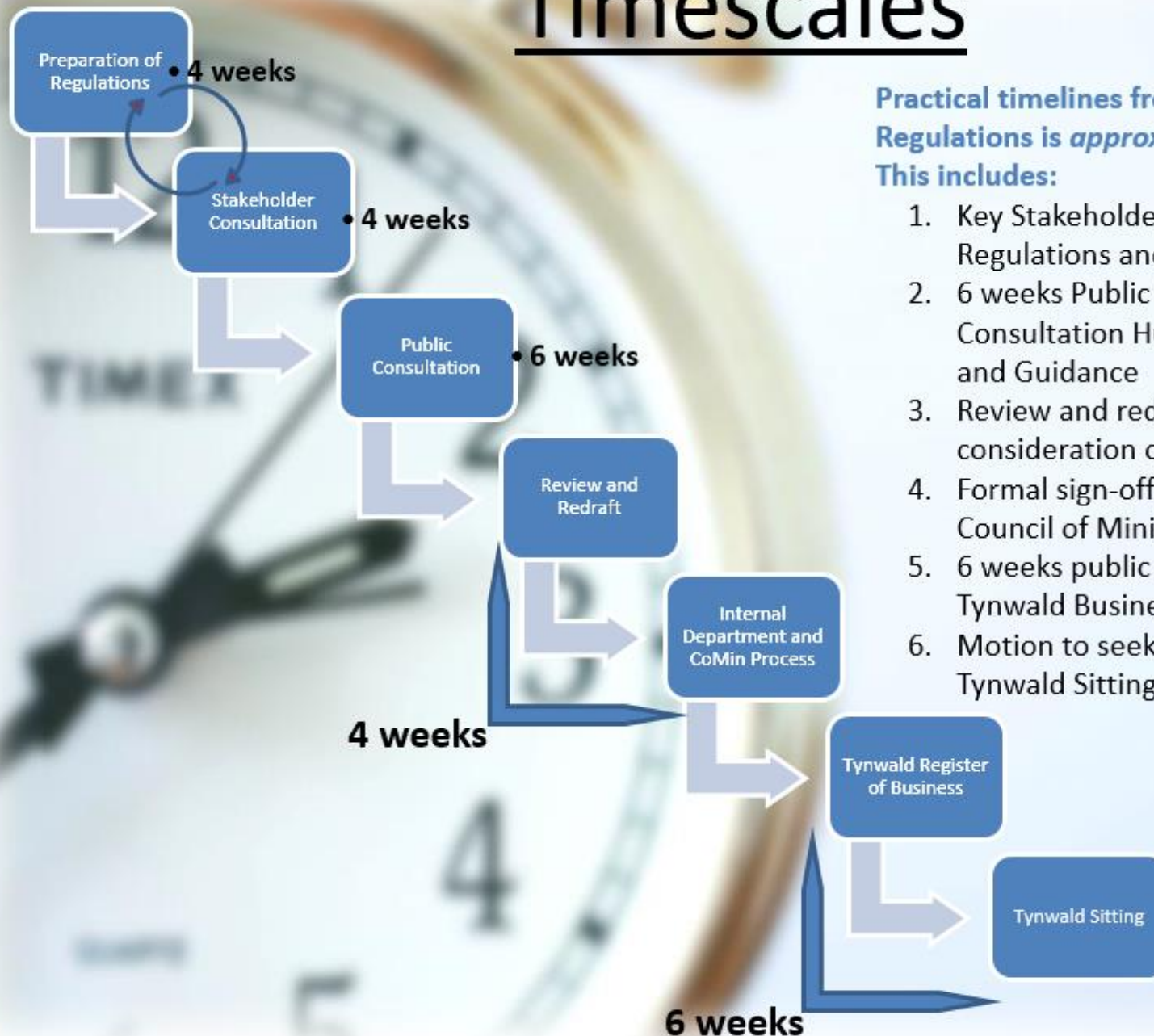
Licensing Forum
Department for Enterprise
Office of Fair Trading
Gambling Supervision Commission

Justice Reform

Criminal Justice Board

Isle of Man Constabulary
Attorney Generals Chambers - Drafters & Prosecutions Division
General Registry
Judiciary
Cabinet Office - Public Health
Prison and Probation
Isle of Man Law Society
Treasury and Legal Aid
Manx Care
Department of Health and Social Care

Timescales



Practical timelines from in-draft, to finalised Regulations is *approximately 5 months*.

This includes:

1. Key Stakeholder Consultation on draft Regulations and Guidance
2. 6 weeks Public Consultation via Consultation Hub on draft Regulations and Guidance
3. Review and redrafting time in consideration of consultation feedback
4. Formal sign-off by Department and Council of Ministers leave to progress
5. 6 weeks public entry on the Register of Tynwald Business
6. Motion to seek Approval/Lay before Tynwald Sitting

Please note any amendments made are highlighted in red, any deletions have been struck through, and commentary is included to provide reasoning for any changes.

Key:	
Q1: Jan-March	Q3: July – Sept
Q2: Apr – June	Q4: Oct - Dec

■ Complete
 ■ On track
 ■ Risk to delivery
 ■ Not on track

Part	Indicator	Appendix 1 - Key Deliverables Statutory Guidance / Secondary Legislation	Target Start	Target Finish	Status	Progress commentary
Part 1	✓	Appointed Day Order	Q4 2021	TBC Sept 2022		August 2022: On track. The ADO will enact sections: 2(3) 88 to 102 103(1)(2)(3)(6) and (7) 104 to 108 110 to 113
		Detailed review of the provisions of the Justice Reform Act 2021 is being undertaken by the AGs Drafters in connection with drafting of revised Rules of Court – as per note at 5.1 above.	Q3 2021	Q1 2022		August 2022: Complete. Review concluded. Issue log resulting from Review will be considered by the Criminal Justice Board at the end of Q3 2022. The Justice Reform (Amendment) Bill is included for introduction in the Legislative Programme for 2022-23.

Please note any amendments made are highlighted in red, any deletions have been struck through, and commentary is included to provide reasoning for any changes.

Key:	
Q1: Jan-March	Q3: July – Sept
Q2: Apr – June	Q4: Oct - Dec

■ Complete
 ■ On track
 ■ Risk to delivery
 ■ Not on track

Part	Indicator	Appendix 1 - Key Deliverables Statutory Guidance / Secondary Legislation	Target Start	Target Finish	Status	Progress commentary
Part 2	✓	Section 4: Department of Home Affairs may make an Order to adjust Criminal Justice Board. Tynwald procedure - Affirmative resolution.	Q1 2022	Q1 2023		August 2022: On track. Order not required for initial implementation. Remains under consideration.
		Section 4: Department of Home Affairs may make Regulations to establish sub-Committees under the Criminal Justice Board. Tynwald procedure - Negative resolution.	Q1 2022	Q1 Q2 2023		August 2022: On track. Regulations will be brought forward as needed. Target finish revised to align with Department Delivery Plan.
		Section 5: Department of Home Affairs may make Regulations for information sharing. Tynwald procedure - Affirmative resolution.	Q1 2022	Q3 Q2 2022 Q2 2023		August 2022: On track. Regulations will be brought forward as needed. Target finish revised to align with Department Delivery Plan.
Part 3	✗	Section 10: Department of Home Affairs may make an Order to make adjustments identified in connection with extension of the jurisdiction of the High Bailiff. Tynwald procedure – Approval required.	TBC	TBC		Such an Order would only be brought if required.

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Key:	
Q1: Jan-March	Q3: July – Sept
Q2: Apr – June	Q4: Oct - Dec

■ Complete
 ■ On track
 ■ Risk to delivery
 ■ Not on track

Part	Indicator	Appendix 1 - Key Deliverables Statutory Guidance / Secondary Legislation	Target Start	Target Finish	Status	Progress commentary
		<p>Live Links: Regulations may be made under new section 30D of Criminal Justice, Police and Courts Act 2007 (see section 114 Justice Reform Act 2021). Tynwald procedure – Approval required.</p>	TBC	TBC		<p>Regulations would be brought only if required following a review.</p> <p>The implementation of section 114 will not take place until this review has taken place.</p> <p>The bringing into force of Part 3 will happen concurrent to any Justice Reform (Amendment) Bill.</p>
Part 4	x	<p>Section 32: Insertion of Schedule A1 into the Criminal Jurisdiction Act 1993 – Department of Home Affairs must provide Regulations under Paragraph 1 of that Schedule setting out the process in relation to documents containing evidence where persons are sent for trial on charge(s) related to 18C and 18D (of the Summary Jurisdiction Act 1989). Tynwald procedure – Approval required.</p>	TBC	TBC Q3 2023		<p>Regulations will be prepared once review of Parts 3 and 4 concludes and enactment is planned.</p> <p>August 2022: As noted above, the enactment of Part 4 will be concurrent to any Justice Reform</p>

Please note any amendments made are highlighted in red, any deletions have been struck through, and commentary is included to provide reasoning for any changes.

Key:	
Q1: Jan-March	Q3: July – Sept
Q2: Apr – June	Q4: Oct - Dec

■ Complete
 ■ On track
 ■ Risk to delivery
 ■ Not on track

Part	Indicator	Appendix 1 - Key Deliverables Statutory Guidance / Secondary Legislation	Target Start	Target Finish	Status	Progress commentary
						(Amendment) Bill. Noting that this Bill is included for introduction in the Legislative Programme for 2022-23. Target date amended accordingly.
Part 5	✗	Sections 43, 45 – 48: Treasury must make Regulations in connection with Costs in Criminal Proceedings and these may cover any matter specified in Part 5. Tynwald procedure – Approval required.	TBC	TBC		Timescales will be added following engagement with Treasury as per note at 5.1 above.
Part 6	✓	Section 57(4)(b): Department of Home Affairs will set out in Regulations the prescribed sum of reparation for conditional cautions. Tynwald procedure – Approval required.	Q1 2022	Q3 2022 Q1 2023		August 2022: Not on track. Timescales revised due to time required to undertake consultation for a minimum of 4 weeks prior to the making of such secondary legislation.
		Section 63: Department of Home Affairs must by Order provide for a Code of Practice in relation to Adult Cautions along with a separate Code of Practice for Youth Cautions. Tynwald procedure – Approval required.	Q1 2022	Q3 2022 Q1 2023		
		Section 66: Department of Home Affairs must prepare and lay before Tynwald a Statement of Available Remedies i.e. list of actions which might in the opinion of Department be appropriate in a particular case to be carried out by a person who has engaged in anti-social behaviour or has committed an offence and is to be dealt with for that behaviour or offence without court proceedings. Tynwald procedure – Laid before.	Q1 2022	Q3 2022 Q1 2023		

Please note any amendments made are highlighted in red, any deletions have been struck through, and commentary is included to provide reasoning for any changes.

Key:	
Q1: Jan-March	Q3: July – Sept
Q2: Apr – June	Q4: Oct - Dec

■ Complete
 ■ On track
 ■ Risk to delivery
 ■ Not on track

Part	Indicator	Appendix 1 - Key Deliverables Statutory Guidance / Secondary Legislation	Target Start	Target Finish	Status	Progress commentary
		Section 76: Department of Home Affairs may make an Order in connection with exceptions to disclosure of spent cautions under the new section 8A(5) of the Rehabilitation of Offenders Act 2001 (as amended). Tynwald procedure – Approval required.	Q1 2022	Q3 2022 Q1 2023		
Part 7	✗	Immediate Financial Penalties. At the present time it does not appear that enactment of this Part is currently required – enactment would follow detailed review of existing Fixed Penalty regime and how that might operate concurrently.	N/A	N/A		Timing for any enactment is linked to a detailed review of the present Fixed Penalty Notice legislation.
Part 8	✓	Harassment and Stalking. No specific legislative requirements under this Part.	Q1 2022	Q2 2022		August 2022: On Track. This Part will be enacted as part of the Appointed Day Order in September 2022.

Please note any amendments made are highlighted in red, any deletions have been struck through, and commentary is included to provide reasoning for any changes.

Complete

On track

Risk to delivery

Not on track

Appendix 1 continued - Key Deliverables Statutory Guidance / Secondary Legislation Part 9 – Miscellaneous and Supplemental		Target Start	Target Finish	Status	Progress commentary
Section 99: Ref: Retirement ages of the judiciary stand-alone section. Governor in Council may make Regulations, following consultation with the Deemsters, empowering those otherwise vacating office on 75 to continue to act to conclude proceedings which they are engaged in. Tynwald procedure – Laid before.	Q1 2022	Q2 2022			<p>Unless specifically stated, these sections have no specific secondary legislative requirements set out within them.</p> <p>August 2022: Target finish dates amended to align with the Appointed Day Order, which will bring this section of the Act into operation in September 2022, and potential enactment of Regulations.</p> <p>August 2022: Section 103 – target finish date revised to be consistent with target finish date of Appointed Day Order. Sections 104 – 108 (inclusive) will be enacted by the ADO.</p>
Section 100: Land Registration Act 1982. Inserts new s.3A provisions covering live links being used before Land Commissioner and Land Registrar.	Q1 2022	Q2 2022			
Section 101: Evidence Act 1987. Substitutes s.17 setting out documents (legislation) that might be admitted in evidence in any court on the Island without further proof.	Q1 2022	Q2 2022			
Section 102: Legal Aid Act 1986. Amends s.3, s.14 and s.21(1A) of the LAA particularly in respect of proceedings under Part 4 or 5 of the C&YP Act 2001, and in relation to confidentiality, and Police Conditional Bail under the Police Powers and Procedures Act 1998 respectively.	Q1 2022	Q2 2022			
Section 103: Jury Act 1980. Amends the JA in respect of age limits for jurors, excusal for cause, number of jurors and challenges in criminal trials (section no. amended, as per s.103).	Q1 2022	Q4 Sept 2022 ⁷⁸			
Section 104: Fatal Accidents Act 1981. Amends s.1A of the FAA around definitions of cohabiting.	Q1 2022	Q2 2022			
Section 105: Coroners of Inquests Act 1987. Amends the COIA at s.2, 8 and 9 in respect of deaths in custody and meaning of detention and also excusals for cause respectively (aligning with JA amendments at s.103).	Q1 2022	Q2 2022			
Section 106: Custody Act 1995. Amends the CA by inserting new para.10A in Schedule 2 ref. arrest without warrant after breach of licence conditions.	Q1 2022	Q2 2022			
Section 107: Criminal Justice Act 2001. Amends s.35 and para. 2(4) of Schedule 7 ref. maximum number of hours for reparation orders (now being 100), and by allowing reparation <u>and</u> compensation orders to be made, repeals sections 53 & 54 concerning convictions of persons other than the accused.	Q1 2022	Q2 2022			
Section 108: Human Rights Act 2001. Amends s.9 and 9A the HRA to allow that an amendment can be brought to any IOM statute to ensure ECHR compliance where needed	Q1 2022	Q2 2022			

⁷ In respect of 103(1)(2)(3)(6) and (7) age limit / excusal for cause amendments only.

⁸ In addition to the enactment of parts of this section – Department of Home Affairs plan to bring forward an Order under s.2(2) related to those who are Exempted or disqualified person within Schedule 1 of that Jury Act 1980

Please note any amendments made are highlighted in red, any deletions have been struck through, and commentary is included to provide reasoning for any changes.

■ Complete

■ On track

■ Risk to delivery

■ Not on track

Appendix 1 continued - Key Deliverables Statutory Guidance / Secondary Legislation Part 9 – Miscellaneous and Supplemental	Target Start	Target Finish	Status	Progress commentary
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e.g. where a court decision affects a piece of legislation which the IOM has an equivalent provision for.				August 2022: Section 109 – Target finish delayed as concurrent with the implementation of this section, an Order will be brought adjusting provisions within the Rehabilitation of Offenders Act 2001. Sections 110 - 113 (inclusive) will be enacted as part of the ADO.
Section 109: Rehabilitation of Offenders Act 2001. Amends the ROA to include sentences to max. of 48 months/rehab period, provide DHA can amend 2(1) (section no. amended, as per s.109)	Q1 2022	Q2 Q4 2022		
Section 110: Matrimonial Proceedings Act 2003. Amends Part 5 heading and s.109(6 to adjust a reference to Domestic Violence to Domestic Abuse and to add Tynwald Day to non-reckonable days respectively.	Q1 2022	Q2 2022		
Section 111: Interpretation Act 2015. Amends para.1 of Schedule to include definition for Deemster/Deemsters.	Q1 2022	Q2 2022		
Section 112: Criminal Evidence Act 2019. Inserts s.38A ref. signature of documents adduced in evidence.	Q1 2022	Q2 2022		
Section 113: Dormant Assets Act 2019. Amends s. 39.3 regarding to the omission of actions under the Act unless they are in bad faith or a Human Rights violation.	Q1 2022	Q2 2022		
Section 114: Criminal Justice, Police & Courts Act 2007. Inserts sections 30A – 30D in the CJ,P&CA which are provisions brought in relation to live links and broadcasting/recording of proceedings (links to Part 3)	Q1 2022	Q2 2022 TBC		August 2022: Section 114 – Regulations would be brought only if required following a review. The implementation of section 114 will not take place until this review has taken place. Section 115 - Adjustment will be required to this section as a result of the review conducted through the Justice Reform Act and will come under the Justice Reform (Amendment) Bill.
Section 115: Repeals. Relates to repeals of Criminal Evidence Act 1946 s.1(b) ref. comment by prosecution on a failure to give evidence by accused and CJ,PP&OAA for sections never enacted.	Q1 2022	Q2 2022 TBC		

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■ Complete

■ On track

■ Risk to delivery

■ Not on track

Appendix 2 – Key Deliverables Wider Guidance/Resources/Training/Services/Systems				
Version History		Version 2: Plan update August 2022		
Key Deliverables	Risks/Challenges	Time Frames	Status	Progress commentary
<p>Criminal Justice Strategy</p> <p>Key primary and secondary legislation, statutory guidance and a review of the overarching Strategy will all be needed in alignment to effectively implement the reform of the wider Criminal Justice System.</p> <p>The Criminal Justice Strategy has been the catalyst for the transformation that the Criminal Justice System has already undergone, and the future will be guided by this updated strategy. The steering of this process comes from the Criminal Justice Board and the Strategy has been the map which this journey has followed until now.</p> <p>Given that the Strategy was put in place in December 2012, and the Justice Reform Act achieves a number of the aims of this Strategy, a review and update is required.</p> <p>This will include specific Key Performance Indicators in the setting out of the strategy, in order to measure performance and effectiveness. Publication of these performance statistics would be alongside other matters such as the minutes of the Board. Framing of these indicators is key to</p>	<p>There has to be a cohesive approach to the development and implementation of each segment of the framework to be able to deliver every aspect of the service needed to provide an effective Criminal Justice System framework.</p> <p>The Criminal Justice Board will be focusing on implementation work related to Justice Reform, Sexual Offences & Obscene Publications Act and Domestic Abuse Act. A key challenge is time and resource to review the Criminal Justice Strategy. It is anticipated that work on the review can begin later in 2022.</p>	<p>Revised strategy published in 2023.</p>	<p>■</p>	<p>August 2022: On track.</p> <p>Criminal Justice Board will oversee review and update of strategy.</p> <p>Scoping work taking place to develop a plan for the review and delivery of an updated Criminal Justice Strategy by the end of 2023.</p>

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Appendix 2 – Key Deliverables Wider Guidance/Resources/Training/Services/Systems				
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monitoring progress and identifying future challenge areas.				
<p>Governance Role of the Criminal Justice Board and sub-Committees of the Board</p> <p>The Criminal Justice Board will be critical to the complex project delivery requirements of several wide ranging pieces of legislation⁹ and these projects will add to the extensive workload of the Criminal Justice Board which is also key to strategic planning for the wider Criminal Justice System.</p> <p>Ensuring that the Criminal Justice Board meets regularly and its new statutory make-up works effectively, and where needed is successfully supported by the establishment of new sub-Committees, are</p>	<p>Resourcing of the Criminal Justice Board e.g. support functions and other parts of that governance structure will represent a challenge and funding for the work of this Board and its sub-Committees.</p> <p>Another key challenge will be the workload faced by the Board in governing delivery of the various pieces of legislation the Department of Home Affairs has progressed¹⁰, all alongside other core functions of that Board in overseeing the wider Criminal Justice System.</p>	Beginning Q4 2021 to conclusion of delivery of fully enacted legislation and any supplementary requirements.		August 2022: Criminal Justice Board continues to meet quarterly.

⁹ Domestic Abuse Act 2020, Justice Reform Act 2021 and Sexual Offences and Obscene Publications Act 2021

¹⁰ See also the Domestic Abuse Act 2020 Implementation Plan 2022, Sexual Offences and Obscene Publications Act 2021 Implementation Plan 2022

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<p>all key to the wider role that the Board plays.</p> <p>Following the enactment Part 2 of the Justice Reform Act 2021 where section 5 <i>Criminal Justice Board to continue to exist</i> deals directly with placing the Board on a statutory footing, consideration will need to be given to the profile of the work of the Board and publication of matters such as the minutes of the Board within a dedicated area of the government website.</p>				
<p>Review and revision of Court Rules and additional primary amendments required.</p> <p>Attorney General's Drafters are undertaking a review and revision of Court Rules, particularly those rules that will be required to support the implementation of the court processes brought by the Act.</p> <p>As part of this review, and with specific focus on Parts 3 and 4 of the Act, additional work has been identified that is required to bring forward corrective actions within primary law for "snags" encountered when planning enactment.</p> <p>Additionally where key stakeholders have identified other potential or related issues from the "bedding in" of the complex</p>	<p>Alignment across all key stakeholders for implementation of the Act will be critical and time is being taken to ensure that this enactment is seamless for the wider Criminal Justice System.</p> <p>In addition to this Act, Domestic Abuse Act and Sexual Offences & Obscene Publications Act, resources within General Registry will be focused on delivery of both the new General Registry computer system project and a number of other major legislative reforms including those in relation to adoption, capacity and divorce.</p>			<p>August 2022: The review of the provisions of the Justice Reform Act 2021 has concluded.</p> <p>The Justice Reform (Amendment) Bill is included the legislative programme for the parliamentary year 2022-23.</p> <p>At present it is planned that the Bill be introduced in Q4 2022.</p>

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changes brought by the Act, small adjustments will be needed to address these.				
<p>Improved joint working</p> <p>There is far greater collaboration across the different agencies than when the original Criminal Justice Strategy and related Factbook¹¹ was first put in place. The aim is to maintain and continue to see improvement in these collaborative ways of working.</p> <p>The recent response to the COVID-19 pandemic demonstrated exceptional collaboration and cooperation. This included the establishment and operation of a shelter for homeless persons within 14 days, and the move to Video Courts held in the Police Custody Suite which were set up</p>	How to make current agile ways of working part of the overarching Strategy, and how to build on them without creating a scenario where key participants' time is spent in meeting and discussions rather than direct action.	Ongoing.		<p>A Criminal Justice Digital Strategy Project Group has been established which co-ordinates and prioritises technology projects across the System.</p> <p>A Criminal Justice Users Committee has been established to discuss operational and practical issues to ensure the smooth running of the Justice System.</p>

¹¹ <https://www.tynwald.org.im/business/opqp/sittings/20182021/2021-PP-0153.pdf> see Appendix 1 of that Report

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rapidly and operated throughout the lockdown period.				
<p>Improved recording and sharing of data</p> <p>The agencies across the Criminal Justice System are now capturing and using greater management information than when the Criminal Justice Strategy was formulated.</p> <p>The Police implemented their new core system 'CONNECT' in mid-2019 replacing 18 previous systems and manual processes.</p> <p>A tender process for a new Courts case management to both integrate with "CONNECT" and meet wider Courts needs completed in February 2022 and implementation planning is underway. The progress to completion and realisation of benefits of such a major project will take time (to avoid adverse impact on day to day Court operations) and resource to achieve.</p> <p>In terms of data sharing more widely, the goal remains for a single offender record or identifier used throughout the Criminal Justice System, but this is some way off both in terms of the Information Sharing that would be needed and the joined up systems that will have to be in place. The</p>	<p>Presently the AXIOM system utilised within the General Registry only serves Summary Court matters and does not easily capture basic amounts of management information relating to Court appearances and sentencing and allow for these to be extracted easily.</p>	Ongoing.		<p>The Police's new core system rolled out in mid-2019 and has significantly increased the ability of the Police to capture and exploit more meaningful data. This new system has also meant case files are generated electronically and transferred to the Attorney General's Chambers digitally. The improvements to data collection can be seen in the Chief Constable's Annual Reports in recent years.</p>

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<p>implementation of “CONNECT” and the new Courts Case Management System are however significant enablers on this journey.</p> <p>Amendments have been made to the Prison and Probation system (PIMS) and some reoffending data is now produced, but developments are still required to allow this information to be easily extracted and analysed.</p> <p>Meaningful statistical re-offending rate data and a method of understanding how the risk of recidivism can be managed, where that is possible, are important here.</p>				
<p>Digitisation and use of modern technology</p> <p>Work towards improved and alternative uses of technology has long been an aim of the Criminal Justice Strategy, and continues to be so.</p> <p>At most levels within the Criminal Justice System the individual organisations have put in place their own Digital Strategies and made individual cases for funding to put in place new systems and improve capabilities</p>	<p>Access to funding and business as usual workloads for the staff involved within these organisations are all key to delivery of alternative solutions.</p>	<p>Ongoing.</p>		<p>The inclusion of a Criminal Justice Digital Strategy in the 2016 Programme for Government was key to securing both political support and wider Isle of Man Government portfolio prioritisation.</p> <p>The creation of the supporting Criminal Justice Digital Strategy in 2016 and formulation of a cross agency Steering Group which has since met on a periodic basis, to oversee</p>

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within the way that these organisations operate. ¹²				<p>initiative delivery and priorities that support the Strategy.</p> <p>The Digital Strategy was reviewed in late 2019 to ensure focus on cross agency initiatives.</p>
<p>Prosecutions process</p> <p>The original Criminal Justice Factbook¹³ was critical of the transition of Prosecutions from the Police to the Attorney General's Chambers which had not always been smooth and was at times problematic.</p> <p>Since that time, a number of improvements have been implemented and relations with the Defence and the Police are much improved.</p> <p>The Prosecution Service still capture data manually, although it is hoped that a case management system can be purchased for the purpose of streamlining caseloads.</p>	<p>Ref current IT systems: The application is not a mobile platform and access can be difficult remotely. The working space within the court rooms also leaves a lot to be desired and specific changes would have to be made to enable digital courts to become a reality – appropriate bench height and movable lecterns to balance a device.</p> <p>Ref One Drive: This progress has been very slow due to what appears to be lack of resource within GTS and the policies within the application itself.</p>	Ongoing.		<p>Instantaneous recording of Court activity now allows administration to update cases, Police Officers and witnesses in 'real time' as the Court progresses.</p> <p>Additional work is being undertaken currently to pilot the use of new solutions such as OneDrive within Microsoft Teams.</p> <p>General progress: Modernisation of the charging process and driving improvement in file submission sees more consistent</p>

¹³ <https://www.tynwald.org.im/business/opqp/sittings/20182021/2021-PP-0153.pdf> see Appendix 1 of that Report in addition to Appendix 2 at page 89 in relation to Prosecutions

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<p>The data capture is basic and does not lend itself to evidence based improvement or change; notwithstanding that some positive changes have already taken place.</p> <p>Device roll out to Prosecutors and administrative staff has enabled agile working in all settings and the Pandemic response was immediate default to paperless working for service and Court purposes.</p> <p>The Prosecutions Division are in the process of making changes to the current system in use to try and capture offence and timeliness related data to assist in driving improvement and reducing duplication and delay. However, this does not represent a long term solution for a bespoke case management system capable of interface with CONNECT.</p>	<p>General risks/challenges: Greater change, such as investment in, and uptake for, suitable technology are still needed to see the processes underpinning the transition from entry to the Criminal Justice System through to despatch from Court improve in efficiency and seamlessness.</p> <p>However, for the longer term, practitioners are still reluctant to accept a digital service. It may be that this is an issue that can be resolved within the Legal Aid review funding process.</p>			<p>prosecution involvement. However, charging is the gateway to the Criminal Justice System and should be robust enough to allow only those cases with a realistic prospect of conviction to pass.</p>
<p>Community Safety Partnership Committee/Youth Justice Committee</p> <p>The Department has made various commitments to establish sub-committees on Community Safety and also Youth Justice, amongst other key issues. The establishment of these sub-Committees would enhance the drive to prevention and diversion of individuals away from the Criminal Justice System.</p>	<p>It is perhaps not ideal that these important preventative committees sit as a sub-Committee of the Criminal Justice Board, however this would ensure that these Committees can be established rapidly while a longer term home for cross-agency partnerships is found in due course.</p>	<p>Community Safety Board: 1) to develop terms of reference in order that these might be consulted on in December 2022. 2) to draft and consult on Regulations in order that these might be laid before Tynwald in February March 2023.</p>		<p>August 2022: On track. Scoping work taking place to finalise terms of reference.</p> <p>Revised Delivery date for Regulations that may be required under the Act to support information sharing.</p>

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Many of these matters are intricately linked and addressing their root causes will require focus on multiple contributing factors, and high profile issues such as drugs and the role that technology places in crime in the modern world noted.	The ability of the Department to provide appropriate resourcing and support to the Criminal Justice Board and any additional sub-committees will need to be addressed.	3) Bring the Board into operation no later than April 2023.		Department Delivery Plan commits to bringing the Board into operation by April 2023.

Appendix 3 – Related Topics

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<p>Legal Aid</p> <p>Legal Aid administration was moved to Treasury in 2018.</p> <p>Significant progress has been made by Treasury in improving the administration of Legal Aid and clearer performance management information is in place.</p> <p>In most cases, applications are normally dealt with in less than a week, and emergency applications are dealt with within 24 hours (usually on the same day).</p> <p>With that said the Review of Legal Aid is still ongoing and the outcome of the review will be key to ensure that fair access to legal representation continues.</p> <p>Some of the changes in Part 5 of the Justice Reform Act 2021 also link with Legal Aid.</p>	<p>A review of both Criminal and Civil Legal Aid has been undertaken by the Attorney General.</p> <p>A dedicated page containing links to the aims and objectives of that review can be found here.</p> <p>This commenced in September 2018 and the information surrounding planned next steps for that process is available here.</p> <p>The system is complex and proposed change to that system needs to be carefully approached.</p> <p>Improvements to the Legal Aid application process are also planned as part of the wider Treasury led Social Security Transformation Programme.</p>		
<p>Greater focus on victims and their experience of the Criminal Justice System</p> <p>The original Criminal Justice Factbook¹⁴ stated that little apparent consideration was given to the welfare of victims in the Criminal Justice System.</p>	<p>Part 6 of the Justice Reform Act will include a requirement to consult with victims under certain circumstances in relation to cautions and conditional cautions.</p> <p>Significantly, other changes around the way that matters are progressed within the court process, and the removal</p>		

¹⁴ <https://www.tynwald.org.im/business/opqp/sittings/20182021/2021-PP-0153.pdf> see Appendix 1

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<p>Since then the Department of Home Affairs has moved to fund Victim Support in the Isle of Man and to provide support, signposting, and practical advice to victims. The Department has also appointed 2 Victim Liaison Officers whose jobs are to work with victims of crime and their families to ensure they understand the offender's sentence, help to develop a Victim Impact Statement for inclusion in parole reports where appropriate and update victims on developments in the offender's sentence.</p> <p>The probation service also provides a qualified Independent Sexual Violence Advisor who addresses the safety and support needs for victims of sexual crime.</p> <p>The development of new legislation including the Domestic Abuse Act 2020 is major step forward for victims of Domestic Abuse defining Domestic Abuse in law and giving powers to the Police to remove perpetrators from victims and put measures in place to protect victims¹⁵. The new Sexual Offences and Obscene Publications Act 2021 modernises the Island's law in respect of sexual offences and sexual abuse and puts in place new offences dealing with use of technology¹⁶. Additionally Part 8 of the Justice</p>	<p>of the step of 'committal' to higher Court, will reduce the amount of time a victim is waiting for trial to take place in most instances.</p> <p>These are positive changes but their use and effectiveness will need to be carefully monitored to understand the effect they have on both offenders and victims.</p> <p>Further discussions are required with Victim Support and other victim/survivor organisations to ensure appropriate services are available. A wide range of associated matters such as the review and update of the Victims Code will need to be scoped and timescales set for work streams to address these¹⁷.</p> <p>Identification of work streams and timescales including those that relate to the Victims Code will be set out here once these are in place as part of the wider review of the Criminal Justice Strategy.</p>		

¹⁵ See Domestic Abuse Act 2020 Implementation Plan 2022

¹⁶ See Sexual Offences and Obscene Publications Act 2021 Implementation Plan 2022

¹⁷ See Sexual Offences and Obscene Publications Act 2021 Implementation Plan 2022

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<p>Reform Act introduces new measures to protect victims of stalking and harassment.</p> <p>The Criminal Justice Board oversaw the development of a joint Victims Code which set out for the first time, a commitment to Victims in how various agencies in the Justice System will deal with them and a clear description of how the system works.</p> <p>These are all positive steps but more work is still needed, effecting signposting of services, a review of the effectiveness of the Victim's Code and an understanding of other issues that make a victim's experience of the Criminal Justice System more traumatic will all be key to the revision of the Criminal Justice Strategy.</p>			
<p>Minister of Justice role</p> <p>The Constitutional and Legal Affairs and Justice Standing Committee of Tynwald's first report brought forward a recommendation that there be ministerial responsibility for Justice, a recommendation that was unanimously approved by Tynwald in February 2019. The Committee deliberately did not seek to prescribe how that recommendation should be implemented.</p> <p>In October 2020 in Tynwald, the Chief Minister made his announcement that that he would be</p>	<p>There is a Justice sub-Committee of the Council of Ministers which is Chaired by the Minister for Justice and Home Affairs and includes the Minister for the Cabinet Office and a Departmental Member from the Treasury and will consider matters related to wider criminal and civil justice policy.</p> <p>The full scope of what the Minister for Justice portfolio means to the wider justice systems and to the work of both the Island's Government and specifically the Department of Home Affairs, is gradually evolving.</p>		

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<p>designating the Minister for Home Affairs as the Minister for Justice and Home Affairs.</p> <p>The proposed mandate of the Minister for Justice was:</p> <ul style="list-style-type: none"> • to lead on criminal justice policy; • to speak for Council of Ministers on all other matters of justice policy; • to co-ordinate the development of justice policy; • to advocate for a more efficient and effective justice system; • to promote the principles of open, transparent and independent justice; and, • to chair the Council of Ministers' Committee for Justice. 			
<p>Constitutional and Legal Affairs and Justice Standing Committee of Tynwald</p> <p>A number of matters relating to the Criminal Justice System have been highlighted within the inquiries and reports of the Constitutional and Legal Affairs and Justice Committee and the wide ranging question sessions that accompany this Committee's workings.</p> <p>Appropriate consideration of the key issues highlighted by this Committee, particularly in their Report on the Criminal Justice Strategy which includes:</p>	<p>Many of the themes explored in the work of this Committee will be expanded upon within the formation of the revised Criminal Justice Strategy and identifying and capturing these matters will be part of the wider piece of work undertaken to update the Strategy with new achievable goals.</p> <p>The Department of Home Affairs Delivery Plan 2022 – 2023 commits to the revised Criminal Justice Strategy being published in 2023.</p>		

Appendix 3 – Related Topics

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<ul style="list-style-type: none"> Appendix 1: the Collinson Grant Isle Of Man Criminal Justice System Fact Book Final Report Appendix 2: Department of Home Affairs Progress Update. <p>More recently within their End of Term Report 2020/21 the Committee flagged key issues such as Youth Justice, Drug Crime and Sentencing for future consideration.</p>			
<p>Rehabilitation of Offenders and Community Supervision of Offenders</p> <p>The creation of a Head of Prison and Probation service, rather than the Prison Governor and subordinate role of Head of Community Rehabilitation, has resulted in great improvements towards rehabilitation in the community.</p> <p>The provision of a Community Rehabilitation Centre at Tromode House is a direct result of the change in approach from the separate custodial and then probation services to a joined up approach to keep the community safe.</p> <p>A closer working relationship between the Prison and Probation Service now sees co-operation up to 12 months prior to prisoners becoming eligible for parole and ensures that work is done to</p>	<p>The Prison and Probation Service is currently trialling GPS tracking and Restorative Justice conferences however both of these approaches are resource and personnel dependent which presents its own challenges.</p> <p>Other approaches that are being considered, and which sit alongside other digital or new technology areas of transformation, are the use of Body Worn cameras, Peer Mentoring, Home Detention Curfew, Mental Health Forensic Pathway as well as more work on an</p>		

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<p>prepare for release into the community. This includes Resettlement Day Release and Overnight Release which are both successful in helping strengthen family ties which in turn improves mental health, supports families and contributes to reduced levels of reoffending. Both programmes provide a 'testing' of community release prior to being released and improves sustainability due to levels of support provided.</p> <p>A focus on rehabilitation has also resulted in establishment of an enhanced wing for those offenders who demonstrate behaviours which enable them to be released to the community for day work. In addition, further investment in community supervision has resulted in a number of community projects being completed by the Community Service Team and the Prison Work Party. Also, the Segregation Unit has been relaunched as a Close Supervision Unit with</p>	<p>appropriate Public Protection Arrangements¹⁸ and how these are used to manage offenders within the Island's community and mitigate any risks they represent.</p> <p>Within the Department of Home Affairs Delivery Plan 2022 – 2023 objectives include:</p> <ul style="list-style-type: none"> • Enable the Rehabilitation of Offenders through a new Workshop facility which will provide support for the development of construction skills, and increasing resettlement day release opportunities by May 2022. • Phase one rollout of Electronic Tagging to manage offenders in the community to be completed in 2022. • Revision and update of existing Licence Conditions to ensure the effective management of offenders within the Community by April 2022. 		<p>August 2022: Complete. Workshop facilities being installed by Prisoners.</p> <p>August 2022: On track.</p> <p>August 2022: Complete.</p>

¹⁸ See Domestic Abuse Act 2020 Implementation Plan 2022 and Sexual Offences and Obscene Publications Implementation Plan 2022 for additional information around Public Protection Arrangements

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<p>individual plans and incentives to return offenders to their wings as soon as possible.</p> <p>In response to the Karran enquiry into the Island's Parole System published in 2017, there was a recommendation to expand the range of Offender Behaviour Programmes (OBPs). Recognising the limitations and high cost of delivering OBPs in traditional ways in a small jurisdiction such as the Isle of Man, a web based Cognitive Behavioural Therapy solution was launched in 2018. The overall aim of the solution is to ultimately support the reduction of the rate of reoffending by individuals currently under supervision and the Intervention Hub has proved a popular and effective tool for addressing offending behaviour and reducing harm in the community.</p> <p>Significant progress has been made on the work done in rehabilitation. However, there are always further improvements to strive towards and these need to be "teased out" and benchmarked within the revised Criminal Justice Strategy. Understanding what more can be done and setting timescales towards this goes beyond the changes brought within the Justice Reform Act 2021.</p>	<ul style="list-style-type: none"> Undertake a review of the Adjudications Guidelines and Procedures to address any deficiencies to ensure disciplinary procedures used within the Prison are appropriate and fairly applied by not later than May 2022 July 2022. 		<p>August 2022: Not on track. Initial review completed but further work and stakeholder consultation required. Revised delivery date of July 2022.</p>

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<p>Alternatives to Custody</p> <p>The Criminal Justice Board’s collective focus has not prioritised prevention to date.</p> <p>The Board has attempted to address this by expanding the scope and membership of the Board, but it is still early days.</p> <p>Youth justice and safeguarding vulnerable young people from criminal exploitation is an increasing issue and will be a priority for the Board’s consideration.</p> <p>The disbanding of the Youth Justice Team may have removed the core group focussed on young people and how they might be engaged with however individual organisations such as the Isle of Man Constabulary, the Department of Health and Social Care and Isle of Man Prison and Probation Service continue to support aspects of the way in which young people engage with the criminal justice system.</p> <p>Every effort should be made to keep young people away from the criminal justice system by the use of diversionary schemes, including restorative measures, education and training schemes, mentoring and the use of acceptable behaviour contracts, which are a non-statutory</p>	<p>Identification and implementation of alternatives to custody is a vital change needed to ensure that children are not unnecessarily criminalised and where possible their lives are set on a track that takes them away from crime and towards other opportunities and support, these schemes are not simple to implement, and will require dedicated cross-agency resources.</p> <p>Changes such as:</p> <ul style="list-style-type: none"> the inclusion of Conditional and Youth Conditional Cautions within the Justice Reform Act 2021 (Part 6), the extension of hours that can be worked for community service/under a conditional caution/ under a reparation order to 100, the removal of the anomaly in relation to reparation orders made under the Criminal Justice Act 2001¹⁹ <p>Contributors towards these aims, and other objectives identified within the Department of Home Affairs Delivery Plan 2022 – 2023, include:</p> <ul style="list-style-type: none"> Initial Co-location of the Police Early Action Team (PEAT) with social services by April 2022 December 2022. 	<div></div> <div></div>	<p>August 2022: Risk to delivery due to resource constraints. Revised target date of December 2022.</p>

¹⁹ That presently allows only for reparation or compensation to be given rather than a combination of both.

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means of trying to improve the behaviour of young people.	<ul style="list-style-type: none"> • Work with Public Health to undertake a joint strategic needs assessment on “Starting well and developing well” which will address Adverse Childhood experiences is being launched in April 2022. • Undertake a review and update of the Criminal Justice Strategy which see a revised strategy published in 2023. 		<p>August 2022: On track. Joint Strategic Needs Assessment underway.</p> <p>August 2022: On track. Scoping work in progress.</p>



Isle of Man Government

Reiltys Ellan Vannin

