

## **Criminal Justice, Police and Courts (Amendment) Bill 2018**

### **CRIMINAL JUSTICE BOARD, LIVE LINKS IN COURT PROCEEDINGS, BAIL AND THE ENFORCEMENT OF FINES**

The background to this proposal is set out in the document that set out the Criminal Justice Strategy<sup>1</sup> in 2012.

“In June 2011, the heads of the various agencies responsible for Criminal Justice in the Isle of Man (Police, Attorney General’s Chambers, Prison & Probation, General Registry, and the Department of Home Affairs) came together to consider a common theme: ‘How to improve the Criminal Justice System in the Isle of Man.’ The agency heads agreed there was much that could be done to improve the system for those administering it, managing it, the recipients of it and the taxpayers who pay for it. This strategy sits within the context of the Isle of Man’s current financial challenge in addressing severely reduced revenue budgets whilst protecting the vulnerable and growing the economy.

The Chief Secretary commissioned a review of the Criminal Justice System in the Isle of Man and it found that the system was not working well for victims, witnesses, those accused of crime, offenders or the public. As a result, it was agreed improvements should be made to the administrative systems and processes which underpin the Criminal Justice System, and to the public policy which informs those parts of Government which comprise the Criminal Justice System.

In order to make these changes, the heads of all the services involved in the Criminal Justice System, as well as a representative from the Isle of Man Law Society, agreed to take collective responsibility for driving forward change in the form of a governance board.”

Clause 3 places the Criminal Justice Board on a statutory basis by stating there will continue to be such a body comprising the heads of the Criminal Justice Agencies and Chaired by the CEO of the Department of Home Affairs. Placing this Board on a statutory footing will enhance its ability to continue to address the challenges posed by divergent cultures within the organisations and work towards a sense of common understanding across all areas of the criminal justice service. This matter was discussed at a criminal justice workshop held in January 2018 where the consensus was that this would enhance existing avenues of co-operation and co-ordination of work between agencies thereby improving accountability, efficiency, effectiveness and quality in terms of the delivery of criminal justice functions and service.

Clause 4 improves and extends legal provision empowering the courts to hold proceedings by means of “live links” (video) where the accused is in custody. This is so that a person in custody may not only have preliminary hearings (that is hearings prior to the start of a trial or when a person pleads/indicates an intention to plead guilty) heard by means of a live link but also be sentenced by means of a live link. Currently a person may appear in court for a preliminary hearing by means of a live link from custody to the court. The main effect of the provisions in this clause is to make that the norm and to extend it so sentencing hearings may also be undertaken by this means (if a person has pleaded guilty through the live link it makes sense to enable the rest of the proceedings to be undertaken by means of the same link).

Clauses 5 to 9 provide for the police to release a person on bail with conditions attached. Currently, only the courts may authorise a person’s release on conditional bail. At the moment that sometimes means a court has to sit on a Saturday in order to agree to a person’s release. By enacting this provision the courts will not be required to sit on Saturdays simply to agree bail conditions. The provisions only empower the police to grant

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<sup>1</sup>Received by Tynwald in 2012 [GD 0061/12].

such bail for up to 14 days, so the person must be brought before a court before then to have that bail, or such other terms as the court determines, confirmed.

Clauses 10 to 19 are concerned with the enforcement of fixed penalty notices where the notices remain unpaid. What the clauses do is to ensure that whether a person is issued with a fixed penalty notice or a court imposes a fine the action to be taken if the penalty or court fine is not paid can be the same.

In the case of fixed penalty fines, there is currently the option of prosecuting a person who fails to pay the fixed penalty by the due date. These clauses make amendments to sections 94, 94A, 94C, 94E, 94F, 95, 95A and 99, and insert a new interpretation provision as section 102A, of the Summary Jurisdiction Act 1989 to provide a further alternative course of action. The proposed amendments enable an application to be made to the court for the enforcement of the penalty or fine either by attachment of earnings, application for benefit deductions, a term of custody or a community service order.

### **QUESTION 13**

Do you have any comments or observations in relation to any clause or proposal within this Bill?