

Media Release

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Re: Covid-19 – Arrests & Policing

The Freedom of Information request made by Mr Kermode dated 27th July 2021 was submitted following unapologetic comments made by the Isle of Man Chief Constable Mr Gary Roberts in his Annual Report 2020-2021 and in a Manx Radio interview on 5th July 2021 in which he claimed that the Isle of Man Constabulary's approach to policing Covid Regulations was reasonable and compared favourably with UK Police forces.

A number of matters arise in relation to such comments as follows:-

1. The Chief Constable claims that the Isle of Man Constabulary adopted what is known as the 4E's approach to enforcing Covid regulations.

The 4E's approach being Engage, Explain, Encourage and Enforce.

This strategic approach was in fact adopted by UK Police forces but Advocates representing detainees at Police Headquarters in the Isle of Man during the first lockdown (March – May 2020) saw very little evidence of such measured policing.

If the 4E's policy had been properly and reasonably implemented perhaps 215 persons including 35 juveniles would not have been arrested (for normal everyday activities such as having 2 walks a day or staying overnight at a friend's house).

The Isle of Man Constabulary may have adopted a more sympathetic interpretation of the 4E's policy during the second (January 2021) and third (March/April 2021) lockdowns but the policing approach in spring 2020 could properly be described as draconian.

2. In England, Northern Ireland, Scotland and Wales, Coronavirus Regulations did not carry custody as a penalty, only a fine, usually by way of a Fixed Penalty Notice (FPN).

In England and Wales 110,332 FPNs were issued up to 16th April 2021. Breach of Regulations in the UK was treated as "non-recordable" Summary offences which did not carry custodial sentences.

In stark contrast, identical Coronavirus Regulations in the Isle of Man carried a fine or 3 month's custody for breaches, which were recorded as criminal convictions.

Significantly, FPN's were not issued by the Isle of Man Constabulary until the beginning of May 2020, there being an avoidable five week delay partly caused by the Constabulary not having printed the relevant paper notices. Hence the Chief Constable's Annual Report records FPN's only *from* May 2020.

However, even when FPNs did become available, the Constabulary issued a mere 37 during the entire period March 2020 – March 2021.

The glaringly obvious question therefore is why did the Isle of Man Constabulary choose to arrest and detain 215 people for breach of Covid Regulations and then charge 110 of such total (71 of which subsequently received a custodial sentence in Court), when all of such breaches would have been dealt with by FPN's in the UK?

The plain inference being that the tactical approach adopted by the Isle of Man Constabulary was disproportionate and unnecessarily heavy handed.

3. The Chief Constable in his radio interview on 5th July 2021 stated that the vast majority of Covid-19 breaches were committed by those who "*routinely and flagrantly break the law, not ordinary people who happened to make a mistake*".

No statistical evidence has been produced to substantiate such assertion, which runs contrary to the personal experience of Advocates practising in this field.

There were many examples where adults and children were arrested with limited or no previous convictions.

In any event, to insensitively disparage the "usual suspects" and in effect disrespect vulnerable persons who may be suffering from addiction or mental health issues is quite frankly disgraceful.

Conclusion

The Chief Constable's disingenuous characterisation of Covid policing on the Isle of Man in turn leads to a more sinister enquiry, namely is there within the IOM Constabulary a deep-rooted institutionalised authoritarianism which treats fundamental human rights and cherished freedoms as a mere afterthought?

Mr Roberts ought to be challenged for presiding over one of the darkest and most unmerciful chapters in the history of Manx policing.