

2024.09.10

2.10 Connétable K. Shenton-Stone of St. Martin of the Minister for Justice and Home Affairs regarding developing a statutory spiking offence (OQ 152/2024):

Will the Minister advise whether the Government has capacity to develop a statutory spiking offence within its ongoing work, responding to the recommendations of the Taskforce on Violence Against Women and Girls' report?

Deputy M.R. Le Hegarat of St. Helier North (The Minister for Justice and Home Affairs):

I thank the Connétable for the question. Spiking is a serious and concerning phenomenon which will not be tolerated. I am reassured that existing legislation designed to address spiking is fit for purpose and, as such, there is no need to develop a new offence to address this behaviour. Spiking for the purpose of carrying out some kind of sexual assault is under the Sexual Offences Law with a 10-year penalty. Spiking for any reason is a form of assault and where it is done to facilitate another offence such as theft, I understand it would be a serious aggravating factor. Where spiking is done with an illegal drug, possession of that drug in itself would be an offence. There is currently no capacity to develop additional legislation to address spiking within the ongoing work to implement the recommendations of the Violence Against Women and Girls Taskforce. The Government's legislative programme in this area of violence against women and girls has been defined by the recommendations of the taskforce, which made recommendations to strengthen legislation around domestic violence, online abuse, stalking and sexual harassment. The taskforce did not make any recommendations for additional legislation to address spiking. The taskforce recommendations in relation to legislative development were informed by a legislative mapping exercise undertaken by the Law Officers' Department. This exercise considered a number of behaviours that relate to violence against women and girls, including drink spiking. This mapping exercise identified a number of gaps in legislation. However, the need to develop additional legislation to address spiking was not identified.

[11:00]

2.10.1 The Connétable of St. Martin:

The U.K. Government confirmed its plans within the King's Speech to introduce a new law to make spiking a specific criminal offence in the U.K.. I believe that Jersey should be proactive in this rather than reactive. Would the Minister be able to confirm what sort of resources would be needed for such an offence to be developed, and could she see that such an offence, if it is not being developed now, can she see that in the next few years there would be resources made available for a specific law and follow with the U.K.'s lead?

Deputy M.R. Le Hegarat:

The Connétable is correct in that the new Labour Government in the U.K. has put this on their political agenda to look at in relation to a specific offence. The previous Government had also got it on their agenda, but it was removed by a member of the previous Government as they did not necessarily think it was necessary. However, also the U.K. Government is looking at that piece of legislation as a specific legislation, but they are also looking at what other things may or may not need to be done. In relation to what the Connétable asks, my delivery plan is up to and including, obviously, the middle of 2026, and there is a strict, very tight plan. At this time, as I said, it would be detrimental to be considering doing this as a separate offence, from the point of view I am concerned of what other things may have to be dropped, but it is not off the agenda if things move forward.

2.10.2 Deputy L.M.C. Doublet of St. Saviour:

Does the Minister agree that while legislation is there to punish offences made, it is also there to shape behaviour, and that having a specific offence in this area would send a strong message to any potential perpetrators that this behaviour will not be condoned?

Deputy M.R. Le Hegarat:

I fully see what the Deputy is saying and I would not disagree, but obviously as a Government we have to look at what we are trying to achieve, and we are trying to put in place all of the other offences which were identified in the taskforce. This is not only about legislation, but it is about education as well and as I think it is necessary ... as I said, the taskforce, in all of their work, did not find this one of their largest concerns. However, what it does say was that there was an indicator from those who provided information that there was a thought that they could potentially be spiked. What I would like to see is more work done in relation to education and looking at how we can develop this forward. Because it is not only about violence against women and girls in relation to spiking, it is about all our population. I would like to make one point here; we are 49 States Members who all attend our Parish Assemblies. Within that Parish Assembly there will be licensing requests; as States Members, we can ask questions. We can ask questions of those people who have licensed premises, and we can ask them if they are educating their staff in relation to the matters of spiking. I will leave them with that thought.

2.10.3 Deputy L.M.C. Doublet:

The Minister mentioned education; what conversations or work is she doing with the Minister for Education and Lifelong Learning to increase education available in schools and, indeed, lifelong learning for our population in this area?

Deputy M.R. Le Hegarat:

I thank the Deputy for that question. The new school programme started following the reintroduction of Building a Safer Community. I think within those programmes that they will be doing, there are inputs from police, fire, ambulance, *et cetera*, and the schools. That will be something, I am sure, that the co-ordinator of that programme will ensure is within that, because I am fully aware, certainly from the ambulance services, that they provide information for young people about how they deal with a friend who may be in difficulties. This is primarily what we need to look at; the fact that if somebody has been spiked, we need to take action and we need to take it quickly. We need to report it to the police and all the necessary evidence gathered, in order that we can successfully do something about it. As I said, because that is one of the biggest things that needs to happen. Because it is very difficult to be able to identify an offender in relation to this type of offence, so I think the quicker that we can do that and the matters are reported, the better.

The Connétable of St. Martin:

I thank the Minister for her answers, and I do not have any further questions.