

2015.02.24

### **3.1 Deputy C.F. Labey of Grouville of the Minister for Home Affairs regarding addressing cyber-crimes:**

What progress, if any, are the police making to enable them to target and bring to justice perpetrators of cybercrimes committed from domains and servers hosted in other countries?

#### **Deputy K.L. Moore of St. Peter (The Minister for Home Affairs):**

The States of Jersey Police continue to develop both their own local expertise and jurisdictional liaison in order to deal in the most appropriate way with any reported incident of cybercrime, including those that originate from domains and servers in other countries. Work is continually being done to ensure that the Island is able to comply with the Council of Europe Convention on Cybercrime. The convention is the main international agreement on tackling cybercrime. The States of Jersey Police also work with Action Fraud, which collates all incidents of cyberfraud, both actual offences and attempts, originating from foreign jurisdictions. The information is used to target those reports or individuals who are causing the most harm. The States of Jersey Police play their full part in this process. So far this year there have been 5 referrals and in 2014 there were 52. It is also acknowledged that the origin of some crimes is extremely difficult to obtain, if not impossible, and that is why the States of Jersey Police continue to develop links with Action Fraud, the National Crime Agency and other U.K. (United Kingdom) high-tech crime providers in order to take advantage of their expertise, extended links and influence through a wide range of foreign jurisdictions. The force have had recent success of their own in a case involving 2 foreign nationals charged with cyberfraud offences and are currently liaising with a number of jurisdictions in order to secure related evidence. The Assembly will also be aware of the involvement of the States of Jersey Police Force in the successful convictions following Operation Enamel, which uncovered an international paedophile and sex exploitation ring and also another case where a man received a 5 and a half year sentence for targeting young girls over Facebook. The States of Jersey Police continue to focus on cybercrime prevention and have recently undertaken an Island-wide leaflet drop. The force is constantly working to protect the community from future incidents of this nature.

#### **The Bailiff:**

Excuse me, the young lady in the back there, would you mind just closing the curtain behind you because the sun is shining right in my eyes? Thank you very much.

#### **3.1.1 The Deputy of Grouville:**

At a recent conference I attended at the C.W.P.A. (Commonwealth Women's Parliamentary Association), it was a recognised fact by the women there that perpetrators will not remove abusive, harassing material unless it is made into a criminal offence. I gather we have a convention and we also rely very heavily on data protection controls, which seem to be applied in a discretionary fashion. Would she not agree these are woefully inadequate and the public would take some comfort in having a timescale when these sorts of crimes, which they are, become a criminal offence?

#### **The Deputy of St. Peter:**

As the Deputy, I saw in last night's *Evening Post*, there is some work being done currently by the Economic Development Department. It has been decided that the Electronic Communications (Jersey) Law would be the best fit for such legal work and, therefore, an officer is currently working on developing the correct framework for such offences to fit under that law.

#### **3.1.2 The Deputy of Grouville:**

A further supplementary: as I alluded to before, could she give us some form of timescale that the police will be bringing or she will be bringing in legislation - so that the public can take some comfort - to make these sorts of actions a criminal offence?

**The Deputy of St. Peter:**

As I just said, it is the Economic Development Department who are working on the Electronic Communications (Jersey) Law and they will develop the framework to cover those incidences within that law. I am not aware of the current timescale.

**3.1.3 Deputy A.D. Lewis of St. Helier:**

The Minister may well be aware of a term called cyberstalking, which maybe even some of us in the Chamber have been victims of. Will the Minister be considering further legislation to cover that element of cybercrime, which is very, very disturbing and upsetting for many individuals and could be incorporated within other stalking laws that already exist?

**The Deputy of St. Peter:**

There are many different types of cybercrime, as I am sure the Deputy will be aware, and, as I say, I am due to have a briefing with the relevant officer who is working on the Electronic Communications (Jersey) Law. I am aware that they are very closely following progress in other jurisdictions in relation to various types of cybercrime and we will be having very in-depth discussions about what elements will be placed within this framework.

**3.1.4 Deputy J.A. Martin of St. Helier:**

I thank the Minister for her answers so far. The last Minister for Home Affairs had grave concerns that this piece of legislation had passed to Economic Development. Can she assure the House that she is literally on the Minister for Economic Development's back saying: "This is very important" or at least find out how important it is so her department can function properly because really this should be under Home Affairs? The Minister said "best fit", but how important is it to Economic Development? It is a policing matter.

**The Deputy of St. Peter:**

It is a good point but I am not really territorial about these matters. I think that as long as the work is done then I am very happy. We have a briefing very shortly with the Economic Development Department to discuss their progress on that legislation.

**3.1.5 Deputy J.A. Martin:**

A supplementary then: once that meeting has been held could the Minister then come back to the House or even email us and inform us when this legislation will be brought to the House?

**The Deputy of St. Peter:**

I would be most happy to.

**3.1.6 Deputy M.R. Higgins of St. Helier:**

Can the Minister advise us what prosecutions have taken place about cyberbullying within the Island? On numerous occasions, I have mentioned a particular cyberbully who seems to claim he has immunity from prosecution and I have not heard of his prosecution or anyone else's. Will she confirm whether or not the States Police have asked the Attorney General to prosecute anyone for cyberbullying in the last year?

**The Bailiff:**

You have just saved the question. It was out of order until that last question.

**The Deputy of St. Peter:**

I obviously cannot comment on individual cases and I am not aware of the specifics in that particular area, but I can find out for you and I will happily get back to the Deputy.

**3.1.7 The Deputy of Grouville:**

Is the Minister aware that the U.K. is very, very close to bringing forward or introducing legislation to make it a criminal offence for those involved with revenge porn? I would like her to explain to the House if we are close to following suit with this legislation. Again, some kind of timeframe that this can be introduced would be of comfort.

**The Deputy of St. Peter:**

As I described in my first answer, the element of revenge porn is being included in the Electronic Communications (Jersey) Law and I have already agreed that I will come back to the Assembly as soon as I have received my most recent briefing and I will inform the Assembly of the timescale.