

2014.09.09

3.12 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding the pursuance of cyber bullying cases:

Will the Minister advise Members whether the police have received any legal advice not to pursue cyber-bullying cases and, if not, would he investigate whether police officers are advising members of the public seeking to make complaints that such cases cannot be pursued?

Senator B.I. Le Marquand (The Minister for Home Affairs):

In his written answer today, Her Majesty's Attorney General has confirmed that he has issued what he describes as informal guidance to both the Data Protection Commissioner and the States of Jersey Police as to when a prosecution might be appropriate. I have seen that advice and I would expect the States of Jersey Police might quote that advice when advising complainants as to how they intended to proceed in relation to a particular complaint.

3.12.1 Deputy M.R. Higgins of St. Helier:

A supplementary? Would the Minister be surprised to hear that police officers laughed at one complainant and said: "You have got no chance" regarding their complaint about a cyber-bully? They have been told that unless the matter is exceptionally serious it would not be looked at. Does he think that is acceptable that police officers should not even investigate a case? It comes to the Attorney General on whether there is enough evidence to prosecute but the police should investigate and treat all these cases seriously. Does the Minister not agree?

Senator B.I. Le Marquand:

I am aware of the allegations which the Deputy has put because I have met with the particular complainant who made those allegations. I referred the matter on, as is my normal practice, to the senior officers and the individual. In fact, there was another individual also seeking to raise issues at the same time. I also referred matters on and provided details in relation to that. I think that the Deputy needs to understand that the nature of the advice, without going into it in detail because obviously that is a matter for the Attorney General, is really to try to advise investigating officers as to the level of seriousness of matters. He must understand, as I am sure the Deputy does, that there is a lot of criticism that takes place on blog sites, there are things which are said about different people from time to time, much of which I personally would deplore. But there is a difference of level which would warrant a charge of harassment, something of that nature, which would justify a full investigation leading on potentially to a charge.

3.12.2 Deputy M. Tadier:

The Minister said that he had met with the complainant and talked about the level of seriousness needed for an investigation. What was the level of seriousness of this and does the Minister believe it should have warranted an investigation?

Senator B.I. Le Marquand:

Well I do not want to be commenting on the level of seriousness test which is set out in the advice because that is a matter for the Attorney General. What I can say is I have subsequently seen some detailed analysis from the police in relation to these different cases and it is clear that they have looked very carefully at the matters and they have very carefully analysed them and come to certain conclusions. This is centrally an operational matter and it is a matter for them to decide upon.

3.12.3 Deputy M. Tadier:

Will the Minister comment on what the nature was of the alleged comments and the alleged threats that were made?

Senator B.I. Le Marquand:

No, I will not because that would be going into an operational matter in relation to the nature of allegations which are made. It does not seem to be right for the Minister for Home Affairs to do that.

3.12.4 Deputy M.R. Higgins:

Well the Minister will not say it but I will say it. Death threats were issued in one case and in others that they were going to ruin someone's career. Now I think that is serious and this is something that the police should be investigating. I find if there has been guidance issued from the Attorney General's office which is preventing the prosecution of individuals like that, that advice needs to be withdrawn and new advice given because it is a new threat, it is vile and these people should be put in their place. Does the Minister not agree?

Senator B.I. Le Marquand:

In his other question the Deputy has mentioned allegations of details of matters of which I am quite frankly unaware in terms of the seriousness of them. They were not mentioned, as far as I am aware, by any of the complainants who had contact with me. I think it is perfectly proper for the Attorney General to try to give some kind of guidance to police officers as to cases in which a prosecution might ensue. That is just part of a screening process so that officers are not spending huge amounts of time on matters which, at the end of the day, prosecutors are not going to proceed with. The precise nature of that advice is of course a matter for the Attorney General.