

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY THE DEPUTY OF ST. MARTIN
ANSWER TO BE TABLED ON TUESDAY 23rd FEBRUARY 2010**

Question

Given that the Minister's written response of 2nd February 2010 requested that I refine my original question, would he –

- (a) inform Members of the number of properties, since January 2007, that have been searched by the States of Jersey Police specifically in connection with the alleged misuse of personal computers and other electronic devices?
- (b) advise how many of these searches were conducted with the authority of a search warrant and how many without?
- (c) advise how many people, if any, have been arrested specifically as a result of searches in connection with the alleged misuse of personal computers and other electronic devices, and how many, if any, have been charged?
- (d) inform members what the average time is that personal computers, and other items seized following such searches, are retained by the police?

Answer

- (a) & (b) A total of 299 search warrants were issued for the period 2007-2009, with over 760 premises searches under PPCE provision. Individual records would need to be interrogated to identify the specific offences, nature of items seized, and charges that followed.

6 crime investigations were conducted under the specific offence heading of computer misuse.

- (c) & (d) Answering these questions would require researching custody records for January 2007 to 2010, examination of Criminal Justice Unit files, each crime file, and analysis on a case by case basis.

It is not possible to give a clearer indication in the absence of such work. Records show that the type of investigation involving the use of such equipment is broad and encompasses incidents such as harassment and assault.

In my view, the questions posed are still too broad and answering them more precisely would place an unreasonable burden on Police time. However, if the Deputy of St Martin would like to refine the questions further, perhaps by explaining the context or purpose behind them, the Department will do its best to ascertain the information. In the meantime, the following background information will expand upon the difficulties we envisage:

Powers of entry, search and seizure and dealt with under the provisions of the Police Procedures and Criminal Evidence (Jersey) Law 2003 and associated Codes of Practice.

Searches may be conducted as a result of stop and search powers (persons & vehicles), Article 19 entry to arrest or save life, Article 20(1) entry and search after arrest with Inspector's written authority, Article 21 general power of seizure (when lawfully on premises, Article 29 (1) search upon arrest and Article 29(2b) entry to premises following arrest.

The question enquires about the number of 'properties' entered, but it is not clear what is regarded as

'property' in the question.

In the context of searches, PPCE refers to 'premises' rather than 'property', and includes any vehicle, vessel, aircraft or hovercraft; and any tent or movable structure.

It is possible that premises entered under the respective power concerning specific offence(s), may then result in property seizure, previously unconnected with the initial entry. For example, if officers entered premises under authority of a firearms warrant and found illicit drugs, seizure powers would obviously be engaged.

The terms 'personal computers and other electronic devices' is broad. Whilst a personal computer is regarded as a desktop, laptop, tablet or handheld device, portable media players such as MP3's, iPods, along with mobile phones, and other instruments may also be considered in this category.

As indicated, whilst the purpose of premises search may result in items not originally sought being seized, establishing the precise details of every phone, iPod, computer and other device seized under powers engaged across the spectrum is a considerable task that would require interrogation of records in assorted locations. For example, drugs searches will often result in the seizure of electronic devices suspected of use in conducting illegal trade.

Whilst items seized are recorded, eliciting the specific information sought, purely for those cases resulting in a custody record, would require a search of over 9000 custody records.

When persons are detained, the arrest classification is based on broad categories and not specific offences. For example, the reason for arrest will show as 'Street violence & disorder', 'drugs' or 'Traffic / Motoring' etc. Custody records do not show the reason for detention as 'misuse of personal computers and other electronic devices'.

It is unclear what offences the question considers to be 'in connection with the alleged misuse of personal computers and other electronic devices'. Does this include Child Protection Offences, Data Protection, Unauthorised Access, Hacking, Nuisance Phone calls, Harassment or other criminal offences conducted by misuse of such devices?