**Dáil transcript:**

**Topical issues June 4th 2014**

**Deputy Pádraig Mac Lochlainn:**

 My Topical Issue matter follows a second report in *The Sunday Times* newspaper about the challenges faced by the computer crime investigation unit of An Garda Síochána. The challenge, in terms of resources and the apparent poor level of modern technology to keep up with changes, has led to a significant backlog. It is reported that there is a backlog of 1,000 cases. I hope the Minister can comment on the matter.

A court case was referenced in the article in *The Sunday Times* by the journalist, John Mooney. He referred to a case in Tipperary that was of a level 5 category, which is the most heinous type of child pornography. The case fell through because of the delays in coming to prosecution.

There is significant concern in child protection sectors that anybody allegedly looking at level 5 child pornography would get off because of resource issues.

Based on current resources, the reported backlog of more than 1,000 cases would take three years to clear. We need urgent assurance from the Minister that the technology, which apparently is antiquated, will be brought up to spec as soon as possible and that the necessary personnel resources will be deployed. The Minister, as a former Minister for Children and Youth Affairs, will appreciate we need to send a clear signal immediately that when we get intelligence, and apparently we receive intelligence on an ongoing basis from our international policing partners and the states with which we work on these matters, we have the ability to move quickly and act on this intelligence. We cannot have a situation where persons inclined to view the most heinous type of child pornography would have a sense they may get off due to resource or technology issues. Will we immediately address this? I call on the Minister to make a statement on the reports. I appreciate the Minister is new in the position and as such I will give her a fair wind. As these matters have been brought to her attention will she move to address them as soon as possible?

Apparently two offenders were convicted in 2012, but in 2003 there were 38.

I do not think anybody believes there has been a dramatic decline in these types of offences and due to the reports the concern is that there are resources issues in the computer crime investigation unit and the antiquated type of equipment with which it works.

This is backed up by assertions of the Association of Garda Sergeants and Inspectors, AGSI, that we are losing the battle against these people who are serious threat to our society. I ask for urgent reassurance from the Minister.

**Minister for Justice and Equality (Deputy Frances Fitzgerald):**

I thank the Deputy for raising this important matter and I am of course aware of the recent reports regarding the investigation of child pornography cases. At the outset let me assure the Deputy I am determined that we do all we possibly can to counteract the sexual exploitation of children. Very properly, we already have significant penalties for child pornography offences under the Child Trafficking and Pornography Act 1998.

When this matter came to my attention, I immediately sought a report from the Acting Garda Commissioner on the question of any backlogs in this area, including with respect to proposals to address any difficulties which have arisen. As Deputies will appreciate, specific investigative strategies are a matter for An Garda Síochána but I consider it essential, as does the Deputy, that gardaí are in a position to investigate these crimes effectively. I have now received a preliminary report on the matter from the Acting Commissioner which addresses the role of the Garda computer crime investigation unit, CCIU, and its central input in the investigation of these kinds of crimes.

A review of processes at the CCIU has been conducted with a view to reducing the time taken to conduct the forensic examination of suspect computer media in the context of seeking to identify evidence of child pornography images. Arising from this, and in the light of consultations with the Office of the Director of Public Prosecutions and senior counsel, new standard operating guidelines were put in place in October 2013. The guidelines seek to ensure that relevant procedures are as efficient as possible, consistent with what is required to support effective prosecutions. I am further advised that all examinations of suspect media are now conducted according to these guidelines.

The aim of the guidelines is to ensure effective action is taken in a timely way to deal with this issue.

The phenomenon of Internet and computer crime, with its transnational dimension, presents enormous challenges to police forces. I am informed that approximately 70% of crime in this area is transnational.

It is also challenging with respect to the deployment of resources to tackle this issue. It is complex, complicated and a continuously emerging area for An Garda Síochána to deal with and cuts across a number of other areas as well as child pornography.

The Acting Garda Commissioner has directed an immediate comprehensive review and a strategic realignment of capacity to deal with crimes of this nature, including in the area of child pornography. This will involve liaison with international partners because so much of it is transnational and a key part is linking with partners in Europe and worldwide so national experts can come together to figure out the best collaborative approaches to deal with this type of crime.

I welcome the important review done in this area by the Acting Garda Commissioner and following examination of the report which I received today, I intend to meet her to discuss the issues raised by the Deputy and, in particular, to ensure that child pornography cases are pursued rigorously and quickly. I will raise with the Acting Commissioner the points made by Deputy Mac Lochlainn in his contribution today.

The challenges faced in detecting and prosecuting this type of computer crime are very real and are faced by law enforcement throughout the world. In more than any other area, however, when it comes to the shocking abuse of children that child pornography represents, I will be insistent that we come up with strategies to ensure these cases are dealt with in a timely way and that the various obstacles mentioned by the Deputy are overcome.

I thank the Deputy for raising this issue. As I stated, I will meet the Acting Garda Commissioner shortly to discuss the detail of the report and see what are the implications for dealing with these cases quickly and effectively.

**Deputy Pádraig Mac Lochlainn:**

I thank the Minister for her statement and her efforts to address this. As I stated, what will be of profound concern to the public are reports that there is a possibility a person responsible for level 5 child pornography, which is the most heinous category, would not face the full rigours of the law due to an inordinate delay over a number of years in taking the case to prosecution.

If there is a backlog of 1,000 cases my concern and that of the public is that there are more persons, who should face the full rigours of the law, who may get off through an alleged loophole. Will the Minister seek a summary of the cases and give assurance today with regard to timeframes?

If there is a backlog, as reported, of 1,000 cases how quickly can we be assured it will be dealt with? When will the new technology be put in place? With regard to modern anti-encryption software, we know the technology deployed by the very important unit of An Garda Síochána is not up to spec in dealing with the issue. It is antiquated. When will the new equipment be in place? How many new personnel resources will be required? Will there be more people who may, if they go to court, get off because of inordinate time delays? What assurances can the Minister gave? Is she willing to give an update to the Houses in a few weeks regarding progress in this area?

**Deputy Frances Fitzgerald:**

These are precisely the issues I intend to raise with the Acting Garda Commissioner. There is no doubt the scale of the policing challenge is enormous when one considers all of the electronic storage devices which are seized by gardaí in contemporary investigations. They complete an average of 450 cases per year. If one looks at what is selling in the world of technology and computers, the fact that storage potential is getting much larger and the amount of work emerging in the area, it becomes clear that there are resource implications. While I am not in a position today to discuss any specific cases, I take the points raised by the Deputy. I will meet the assistant Garda commissioner who is looking at the strategic realignment of resources. I am happy to update the Deputy on the outcome of this. I will examine a number of cases and ascertain precisely what is happening on them at present.