

Countering Cyber Scams in Jamaica

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Presented on September 30, 2013 at the Cyber Security and Digital Forensics

Conference held at UWI, Mona

What are Cyber Scams

- **Crimes involving the use of one or more components of the internet to deprive a person of property by providing false or misleading information**
- **Examples cyber scams**
 - **Email letter frauds**
 - **Credit card scams**
 - **Romance scams**
 - **Lottery scams**
- **These represent a growing category of crimes and major problem for police in the future**

Jamaican Lottery Scams

- **Advance-fee frauds in which victims are contacted [mainly by telephone] and duped into advancing sums of money in order to draw down on lottery prizes.**
- **Target elderly American victims - send millions of dollars to scammers**
- **Negative consequences of Lottery Scamming**
 - **Crimes of violence. 40% of murders in St James in 2011 related to scams**
 - **Several gangs in Montego Bay developed exclusively around lottery scamming**
 - **Proceeds used to escalate arms race**
 - **Significant damage to Jamaica's reputation internationally**

Lottery Scam Task Force - Partnership

- **Lottery Scam Task Force brought public and private sector interest together to conduct multilateral, multiagency and multijurisdictional operations and investigations**
- **Major partners**
 - **Jamaica Constabulary Force**
 - **Office of the Director of Public prosecutions**
 - **Financial Crimes Division**
 - **Tax Administration**
 - **Remittance Services**
 - **United States Customs and Immigration Enforcement and Postal Inspection Service**

Activities of the Lottery Scam Task Force

- **31 major operations mostly in Western Jamaica**
- **355 alleged lottery scammers arrested**
- **85 charged, only 21 for scamming related offences**
- **133 mostly high value motor vehicles seized**
- **Several hundred computers, tablets, magic jacks, smart phones**
- **Lead lists with hundreds of thousands of names**
- **Result - Handful of convictions**
- **Operations served to disrupt the activities of scammers**

Challenges Faced by the Task Force

- **Operate in an environment where scams were not seen as wrong**
- **Little success in persuading victims to come to Jamaica to assist with investigations and trials**
- **Insufficient evidence presented by overseas investigators when statements are recorded**
- **Problem in getting the court to accept electronic evidence**
- **Slow pace of trials**
- **Prior to this year, legislation failed to keep pace with cyber scams**

Legal Support against Cyber Scams

- **Inadequate Legal Framework**
 - **Larceny Act 1942**
 - **Forgery Act 1942**
 - **Unlawful Possession of Property Act 1952**
 - **Money Laundering Act 1998**
 - **Proceeds of Crime Act 2007 (POCA)**
 - **Cyber Crime Act 2010**
- **Mostly old laws ineffective in addressing this new type of crime**
- **Unable to do anything about lead lists, unemployed youths with large sums of money etc**
- **Result - few prosecutions, few convictions, little or no jail time**

Law Reform (Fraudulent Transaction) (Special Provision) Act 2013

- **Increase battering of Jamaica's image overseas**
- **Closure of Western Union in Montego Bay**
- **Discussion around new law**
- **Nigerian Advanced Fee Fraud Law**
- **Less than 7 months from concept to enactment**
- **Also called the Lotto Scam Act**
- **Makes provision for lottery scams, advance fee frauds, other fraudulent transactions**

Offences under the Lotto Scam Act

- **Obtain property by false pretense**
- **Possess identity information in circumstances which give rise to reasonable inference that information has been used or is intended to be used to commit an offence under the Act or any other law**
- **Use of premises for offences under the Act**
- **Thwart investigation or trial of an offence under the Act**
- **Use access device etc. to move money across national borders**
- **Do or to attempt to do a transaction with proceeds from unlawful activity**
- **Invite someone by false pretenses or induce them to visit Jamaica for any purpose under the law**

Close to 80 persons charged. Seeking to have Special sittings

Additional Legislation

- **Cyber Crime Act - outdated from the day it was passed, already undergoing amendment**
 - **New provisions dealing with fraud, forgery and malicious communications**
 - **New provisions to support forfeiture**
 - **Unauthorised disclosure of passwords, unlawful divulging of information, identity theft, data theft**
- **Evidence (Special Measures) Act, 2012 facilitate the giving of evidence by vulnerable and other specified witnesses via audio visual link.**

Initiatives to Reduce Cyber Scams

- **Legislative amendments**
- **MOCA - Lottery Scam Task Force**
- **CFCU to become autonomous division of the Jamaica Constabulary Force**
- **Governments should ensure that their laws apply to previous and trending cybercrimes**
 - **Private companies, government, civil society and the Police should work cooperatively**
 - **to strengthen legal frameworks for cyber security identify and report emerging cyber threats**
 - **Implement timely responses**

Simple Tips to Prevent Victimization

- **Protect your identity - Never disclose your details and vital financial information to strangers**
- **If you don't have a ticket, you don't have a chance - Never reply or click on to the link that declares that you are the winner for some kind of lottery or competition**
- **Never send money to people who have contacted you on e-mail**
- **If it sounds too good to be true, it is not true – Don't fall for stories about people's wish to share loot**

Answers

- **Strong laws**
- **Sound, meaningful partnerships among public, private and security sectors as well as the legal fraternity and academia**
- **Public education**
- **Personal responsibility**
- **Well trained security personnel**