

**THIRTY-FIFTH LEGISLATURE OF THE U.S.
VIRGIN ISLANDS
COMMITTEE ON HOMELAND SECURITY,
JUSTICE, AND PUBLIC SAFETY
CHAIRMAN: THE HONORABLE KENNETH L. GITTENS
ST. CROIX, USVI
U.S. VIRGIN ISLANDS POLICE DEPARTMENT
TUESDAY, FEBRUARY 13, 2024**

Good morning to the Chair, The Honorable Kenneth L. Gittens, Legislative body and Staff, Members of the VIPD Team, and to the listening and viewing audience. My name is Mario M. Brooks, Assistant Commissioner of the United States Virgin Islands Police Department (VIPD). I come before you on behalf of Police Commissioner Ray A. Martinez to address the urgent issue of nonconsensual dissemination of sexually explicit images, commonly known as revenge porn or nonconsensual pornography. On behalf of the VIPD, I thank the bill sponsor, the Honorable Donna Frett-Gregory for her foresight.

Our organization has witnessed firsthand the devastating impact of nonconsensual pornography on individuals within our community, and we believe that legislative action is necessary to address this harmful phenomenon.

Currently, the Virgin Islands lacks specific laws addressing nonconsensual pornography, leaving victims without adequate legal recourse and allowing perpetrators to evade accountability for their actions.

By amending Title 14 of the Virgin Islands Code to include a new subchapter specifically targeting the nonconsensual dissemination of sexually explicit images, we can send a clear message that this behavior will not be tolerated in our community.

It is crucial to recognize that nonconsensual pornography is not only a violation of privacy but also a form of sexual abuse and harassment. Victims of nonconsensual pornography experience profound emotional distress, humiliation, and trauma, often leading to long-term psychological harm. Moreover, the widespread availability of digital technologies has made it easier than ever for perpetrators to distribute intimate images without consent, magnifying the need for legislative action to combat this problem.

Many states across the nation have already enacted laws criminalizing nonconsensual pornography and providing avenues for victims to seek justice. For example, California's Penal Code Section 647(j)(4) explicitly prohibits the distribution of intimate images without consent and imposes significant penalties on offenders. Similarly, states such as New York, Texas, and Illinois have implemented laws targeting revenge porn and nonconsensual pornography, recognizing the importance of protecting individuals' privacy and autonomy in the digital age.

These laws aim to hold perpetrators accountable for their actions and provide recourse for victims who have been subjected to this egregious violation of their privacy and dignity. It is crucial to emphasize that nonconsensual pornography is not limited to cases of revenge porn. It encompasses a spectrum of acts, including sextortion, troll attacks, and physical and sexual abuse among others.

Therefore, any legislative review must not narrowly focus on revenge porn but rather acknowledge the broader scope of nonconsensual pornography victimization.

By following the example of these states and enacting comprehensive legislation to address nonconsensual pornography, the Virgin Islands can take a crucial step towards protecting the rights and dignity of its residents. Bill-35-0182 proposes important provisions to address nonconsensual dissemination of private sexual images. However, in our opinion, based on what we have seen across the territory there are certain aspects of the bill that require careful consideration and refinement.

Firstly, the age limitation included in the bill should be revisited. Excluding minors from the scope of protection overlooks the significant prevalence of nonconsensual dissemination of sexually explicit images among young people, particularly within our school systems. It is imperative that the legislation addresses this issue comprehensively without excluding any demographic group. Territorially, there have been 23 cases filed from 2022 to present. Of the 23, sixteen involved distributions by minors.

Secondly, the criteria for determining the culpability of individuals who disseminate such images require clarification. While the bill rightly emphasizes the need for intent to harm and lack of consent, questions arise regarding the defense available to individuals who receive and disseminate such images without knowledge of their origin. Additionally, the distinction between images obtained in private versus public settings poses challenges, as there may be differing expectations of privacy in these contexts.

Furthermore, the proposed penalties for violations of the subchapter should be aligned with existing classifications of crimes and offenses within the Virgin Islands Code. The Department raises these concerns regarding the misdemeanor classification, particularly in light of the severity of harm inflicted on victims of nonconsensual pornography.

Additionally, it is essential to acknowledge the emergence of deepfake technology, which presents new challenges in combating nonconsensual pornography. This technology allows for the manipulation of images and videos to create realistic yet entirely fabricated content, further endangering victims and complicating legal recourse.

Finally, while the proposed legislation is appropriately housed within Title 14 Chapter 51, the Department suggests considering alternative placement under Title 14 Chapter 23, the Computer Pornography and Child Exploitation Prevention Act. This aligns more closely with the nature of the offense and avoids the incongruity of

addressing nonconsensual pornography within an indecency section of the Virgin Islands Code.

In conclusion, we urge the Senate to support the amendment of Title 14 Chapter 51 to address the scourge of nonconsensual pornography. By enacting comprehensive legislation, we can protect the privacy, dignity, and safety of all individuals within our community and hold perpetrators accountable for their harmful actions. By taking decisive action to combat this harmful behavior, we can uphold the principles of privacy, dignity, and justice for all residents of the Virgin Islands.

Senator Gittens, I thank you and this body for the opportunity to testify. The team and I stand by to answer your questions.