

Cyberstalking & Cyberbullying

Our House Summit on Sexual Violence
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Topics

- Cyberstalking
 - ❑ Jane Hitchcock
 - ❑ Choosing Victims
 - ❑ Targeting Victims
 - ❑ Cyberstalkers
 - ❑ Law Enforcement Response
 - ❑ Applicable Law
 - ❑ Prevention
- Cyberbullying
 - ❑ Definition
 - ❑ Cases
 - ❑ Laws
 - ❑ Prosecutions
 - ❑ Prevention



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Based on lecture notes for CJ341 – Cyberlaw & Cybercrime – Lecture #8

Cyberstalking

- “Cyberstalking”
 - ❑ Relatively new term – since early 90s
 - ❑ Refers to *harassment or physical threatening* of a victim through *electronic or digital means* (Clifford)
 - ❑ Term sometimes used interchangeably with online harassment or online abuse
 - ❑ No uniform definition
- Emerging crime
 - ❑ Originally considered harmless
 - ❑ CA first state to criminalize “stalking” behavior – after high profile events

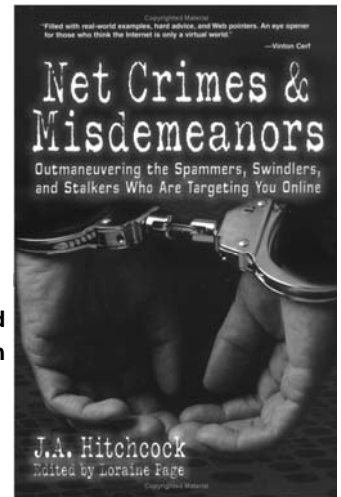


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Jane Hitchcock

- Literary agent & author
- Victimized by mail-bombing (flooding) attack of her e-mail account
- Targeted because of commentary she posted on a message board
- After changing her e-mail address, harassment continued
- Personal information posted on site
 - ❑ Listed as a sexual deviant
 - ❑ Looking to act out rape fantasies
- Feared for her life



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Cyberstalking

- Continuous process
- Not just one activity
- Activities may cross into physical world
- “*Make no mistake: this kind of harassment can be as frightening and as real as being followed and watched in your neighborhood or in your home.*”
 - ❑ Vice President Al Gore
 - ❑ <http://tinyurl.com/3sue7kl>



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Choosing Victims

- Accessibility
 - ❑ Cyberstalkers may not have to look far to locate personal / electronic contact information
 - ❑ Business cards
 - ❑ Personal Web sites
 - ❑ Google search
 - ❑ Myspace, Facebook
- Easy to communicate electronically

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Targeting Victims

- Cyberstalkers Target Victims
 - E-mail
 - Online forums
 - Bulletin boards
 - Chat rooms
 - Spyware
 - Spam
- Examples
 - Chat harassment /“flaming”
 - Unsolicited/unwanted e-mail
 - Tracing Internet activity
 - Sending viruses,
 - Sending obscene images

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Tracking Down Cyberstalkers

- Criminals take advantage of anonymity
 - E-mail forgery, spoofing, anonymous remailers
 - Fake registration information
- But difficult to remain completely anonymous
 - Methods may delay identification
 - Cooperation of ISPs can help trace traffic using IP headers
 - Wiretaps can collect evidence if suspect identified
 - Forensic evidence lies on computer systems

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Law Enforcement Response

- Enactment of state statutes
 - Many states have added cyberstalking-specific legislation
 - Or amended pre-existing laws to address stalking via technology
- Finite Resources of LEOs
 - \$\$
 - Time
- Coordination / cooperation needed
 - Tracking across state lines
 - ✓ Jurisdictional issues
 - ✓ Search warrants, court orders

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Applicable Law

- No federal statute specifically directed at cyberstalkers
 - Statutes do exist to prosecute sending of obscene, abusive or harassing communications [46 USC § 223(a) – see next slide]
- Patchwork application of state and/or federal law
 - State law varies from jurisdiction to jurisdiction
 - Some states have cyberstalking-specific statutes

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Obscene, Abusive or Harassing Communications 46 USC § 223(a)

- An offense to use a telecommunications device in interstate or foreign communications to:
 1. make, create, solicit, and initiate transmission of any comment, request, suggestion, proposal, image, or other communication which is obscene, or child pornography, with intent to annoy, abuse, threaten, or harass
 2. make, create, solicit, and initiate transmission of any comment, request, suggestion, proposal, image or other communication which is obscene or child pornography knowing recipient is under age 18, regardless of whether the maker initiated the communication

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Obscene, Abusive or Harassing Communications (cont'd)

3. make telephone call or utilize telecommunications device, whether or not conversation or communication ensues, without disclosing identity and with intent to annoy, abuse, threaten, or harass;
 4. make or cause the telephone of another repeatedly or continuously to ring, with intent to harass;
 5. make repeated calls or initiate communication with a telecommunication device, solely to harass;
 6. knowingly permit any telecommunications facility under his or her control to be used to commit any of the above activities
- Penalties include fines, imprisonment up to 2 years or both

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Corporate Cyberstalking

- Corporate Cyberstalking: incidents that involve organizations – companies, government
- 46 USC § 223(b)
 - ❑ Federal crime to make an obscene or indecent communication for commercial purposes or to allow a telephone facility to be used for this purpose
 - ❑ Federal crime to use telephone to make an indecent communication for commercial purposes which is available to anyone under the age of 18 or to allow a telephone facility to be used for this purpose

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Threats: 18 USC § 875

- Federal crime to transmit in interstate or foreign commerce a communication:
 - ❑ Demanding a ransom for the release of a person;
 - ❑ Intending to extort money;
 - ❑ Threatening to injure a person;
 - ❑ Threatening to damage to property
- Requires a *threat* (so may not always apply to cyberstalking)



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Threats (2): *U.S. v. Kammersell*

- 10th Circuit Court
- Defendant allegedly sent threatening communication from his computer to another
- Could be prosecuted under the statute
 - ❑ Even though defendant and recipient in the same state
 - ❑ Jurisdictional element (Interstate commerce) satisfied
 - ❑ Message transmitted over interstate telephone lines & traveled through server located outside state

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Threats (3): *U.S. v. Alkhabaz*

- Defendant: Uof Michigan student
- Used e-mail to communicate with friend
- Much description of fantasized sexual violence against female classmate
- Prosecuted for sending “threats” via interstate commerce
- District court dismissed, finding e-mail was not “true threat” & thus protected speech
- 6th Circuit Court affirmed decision
 - ❑ Did not rise to level of threat

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Stalking: 18 USC § 2261A

- Federal crime to
 - ❑ Travel in interstate or foreign commerce with intent to kill, injure, harass, or intimidate another, placing that person in reasonable fear of death or serious bodily injury to themselves or to a family member; or
 - ❑ Use mail or any facility of interstate or foreign commerce to engage in a course of conduct that places a person in reasonable fear of death or serious bodily injury to themselves or to a family member
- Key: Person must be placed in *reasonable fear of death or bodily injury*



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Resources: Alexis A. Moore’s “Cyberstalking” series

- [What is cyberstalking?](#)
- [When Stalking Goes Online - Examples of Cyberstalking](#)
- [Cyberstalking and Women - Facts and Statistics](#)
- ["I Was a Victim of Cyberstalking" - One Woman's Story](#)
- [Cyberstalking, Spyware, and Privacy Protection](#)
- [Cyberstalking and Your Credit Rating](#)
- [What is Datafurnishing?](#)
- [How Cyberstalkers Obtain Your Personal Information](#)
- [12 Tips To Protect Yourself From Cyberstalking](#)

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12 Tips to Protect Yourself from Cyberstalking (Moore)*



1. Never reveal your home address.
2. Password protect all accounts
3. Conduct an Internet search using your name and phone number
4. Be suspicious of any incoming emails, telephone calls or texts asking for your identifying information
5. Never give out your Social Security Number
6. Utilize stat counters or other free registry counters that will record all incoming traffic to your blogs and Web sites

*With minor spelling and capitalization corrections

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12 Tips to Protect Yourself from Cyberstalking (cont'd)

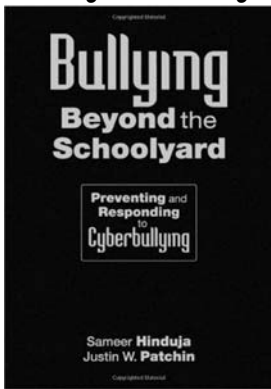


7. Check your credit report status regularly
8. If you are leaving a partner, spouse or boyfriend or girlfriend, reset every single password on all of your accounts to something they cannot guess
9. If you encounter something suspicious it could be a cyberstalker so act accordingly
10. If you think you're a target, have your PC checked by a professional
11. If you think you have a cyberstalker, move fast
12. Get lots of emotional support to handle the cyberstalking period and to deal with the aftermath

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Cyberbullying



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Ryan Halligan (2003)



- 13 year-old
- Essex Junction, VT
- Small, learning disability
- Schoolmates tormented him using IM
 - ❑ Started 1999
 - ❑ Continued in middle school
 - ❑ Accused of being gay
 - ❑ Incessant threats, taunts & insults
- Also bullied in "realspace"
- Began corresponding with penpal about suicide
- Hanged himself 2003-10-07 in bedroom



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Megan Meier (2006)



- "Josh Evans" became friends with child
 - ❑ Indicated fondness
 - ❑ Then wrote "The world would be better off without you"
- Megan hanged herself 20 minutes later
- Lori Drew (mom) & daughter created "Josh"
 - ❑ "Joke" after daughter stopped being friends
 - ❑ Mother charged 2008 but acquitted 2009



Megan Meier

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Tyler Clementi (2010)



- Freshman at Rutgers University 2010
- Roommate Dharun Ravi & his friend Molly Wei broadcast Clementi's homosexual kiss in room
- Ravi Twittered to 150 followers & e-mail to friends about encounter
- Clementi jumped off GW Bridge 2010-09-22
- Ravi convicted 2012-03-16 of 15 counts of invasion of privacy, witness tampering & evidence tampering + bias intimidation



Tyler Clementi

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Prevention

➤ STOP cyberbullying site

☐ <http://www.stopcyberbullying.org/index2.html>

☐ Sections for various ages:

- ✓ 7-10
- ✓ 11-13
- ✓ 14-17
- ✓ Parents
- ✓ Educators
- ✓ Law enforcement

STOP cyberbullying

**Join the
Don't Stand By -
Stand Up!
Campaign**

Don't be part of the
problem. Be part of
the solution!

more...

what is it? :: how it works :: why cyberbully? :: prevention :: take action :: what's the law?

:: Please help by taking our survey

wired
SAFETY

?

7-10

11-13

14-17

?

?

?

contact us :: donate :: volunteer :: media
translations :: privacy policy :: terms of use

Download the new free Alex Wonder Kids Cyberdetective Agency Game to help stop
cyberbullying

ALEX WONDER
KID CYBERDETECTIVE

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Prevention

➤ Foster awareness in children

- ☐ Encourage communication with parents & teachers
- ☐ Ensure positive support for children reporting bullying of all types including cyberbullying

➤ Define rules explicitly for children

- ☐ Consider putting computer into family-accessible room for younger children
- ☐ Consider monitoring tools to check inbound and outbound messages

➤ Use stories that teach morals

➤ Be sensitive to children's mood changes

➤ Educate children in school for awareness of issues and where to get help

➤ Stay aware of trends and cases & apply lessons

DISCUSSION