

# Cyberstalking and the Misuse of Technology in Teen Dating Violence Cases:

Strategies for Criminal Justice Professionals

June 2017

This project was supported by Grant No. 2016-TA-AX-K070 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this program are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.



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# How to Use This Technology



- Raise hand
- Text chat & private chat
- Powerpoint slides
- Phone
- Please send a private message for help
- Call ilinc technical support at 800.799.4510

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# Learning Objectives

1. Discuss the scope of gender-based cyber violence
1. Examine the most common technologies used to perpetrate these crimes
1. Identify strategic practices to effectively support young victims



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# What's your job role?

**A. Attorney/Prosecutor**

**B. Law Enforcement**

**C. Judge/Court Personnel**

**D. Youth Serving Professionals (incl. DYRs, etc.)**

**Other Options. Please type in chat box:**

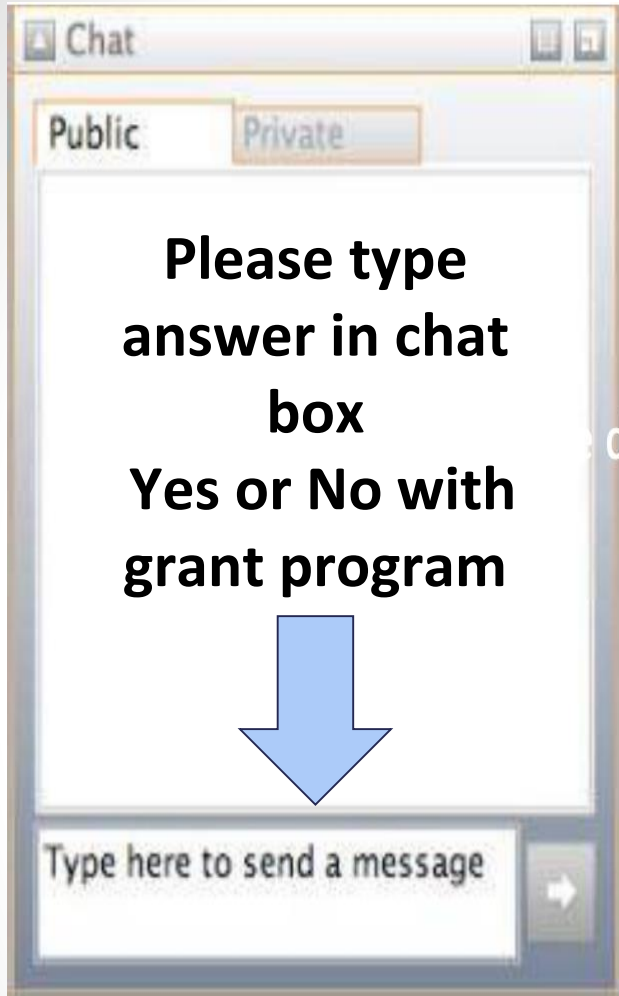
- Adult Protective Services
- Batterer intervention program staff
- Campus judicial/disciplinary board members
- Child welfare/protection workers
- Child advocates
- Community advocacy org. staff (NAACP, AARP, etc.)
- Corrections personnel (probation, parole, and correctional facilities)
- Culturally specific community programs
- Disability/Deaf organization staff (non-governmental)
- Domestic violence program staff (and boards)
- Dual sexual assault and domestic violence program staff (and boards)
- Educators (teachers, university faculty)
- Elder organization staff (non-governmental)
- Faith-based organization staff

- Government agency staff (vocational rehabilitation, DHC)
- Health professionals (excluding forensic examiners)
- Traditional housing staff
- Immigrant organization staff (non-governmental)
- Interpreters
- Mental health professionals
- Multidisciplinary group
- Personal care attendants
- Sexual assault forensic examiners
- Sexual assault program staff (and boards)
- Social service organization staff
- Spiritual leaders
- State, tribal and/or territory sexual assault coalition and/or domestic violence coalition (staff and boards)
- Substance abuse providers
- Supervised visitation and exchange center staff
- Transportation providers
- Tribal community groups
- Tribal council members
- Tribal elders
- Tribal government/Tribal government agency staff
- University student affairs staff
- Victim-witness specialists
- Volunteers
- Other national technical assistance providers
- Other (specify)



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**Are you a  
grantee of an  
OVW funded  
program?**

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**SARAH COLOMÉ**  
**Capacity Building Program Manager**  
**Break the Cycle**



**IMELDA BUNCAB**  
**Project Coordinator**  
**California Coalition Against Sexual Assault**



**ALEXANDREA SCOTT**  
**Staff Attorney**  
**Break the Cycle**

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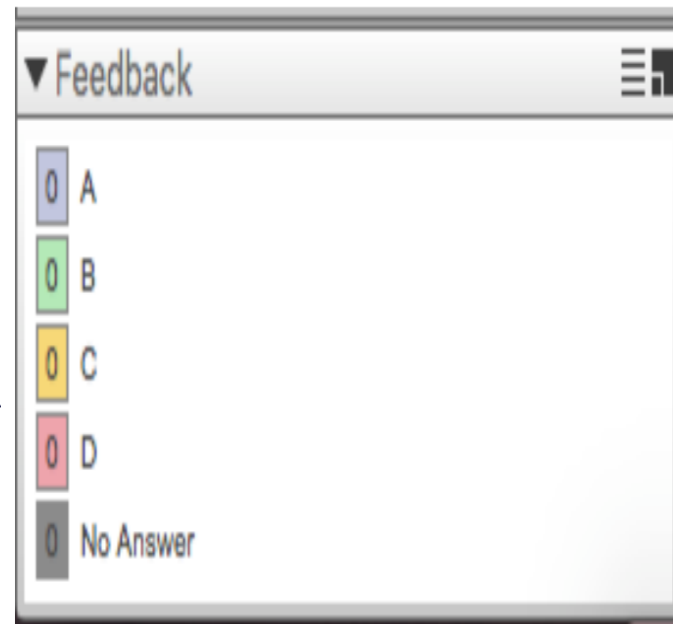


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**Please rate your  
comfort level in relation to  
working with young victims who  
have experienced technology-  
based dating abuse, or  
cyberstalking by a dating partner:**

- A. Not Comfortable
- B. Somewhat Comfortable
- C. Comfortable
- D. Very Comfortable



▼ Feedback

<input type="radio"/>	A
<input type="radio"/>	B
<input type="radio"/>	C
<input type="radio"/>	D
<input type="radio"/>	No Answer

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# TECHNOLOGY-BASED CRIMES

## What Does That Mean?



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# Intersections of Abuse

- **Digital Abuse:** The use of technologies such as texting and social networking to bully, harass, stalk, or intimidate a partner.
- **Dating Abuse:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- **Domestic Violence:** A pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over another intimate partner.
- **Sexual Violence:** Any type of sexual contact or behavior that occurs without the explicit consent of the recipient.



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**“Things have changed quite a bit in the world and society has been warming up to the idea that cyberstalking and cyberbullying [are] as real and as scary as direct, physical threats in person.”**

**- Diana Aizman, Los Angeles-based  
Criminal Defense Attorney**



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**stalking**



**cyberstalking**

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# Cyberstalking

**“The use of the Internet, e-mail, or other telecommunication technologies to harass or stalk another person. It is methodological, deliberate, and persistent. Essentially, cyberstalking is an extension of the physical form of stalking.”**

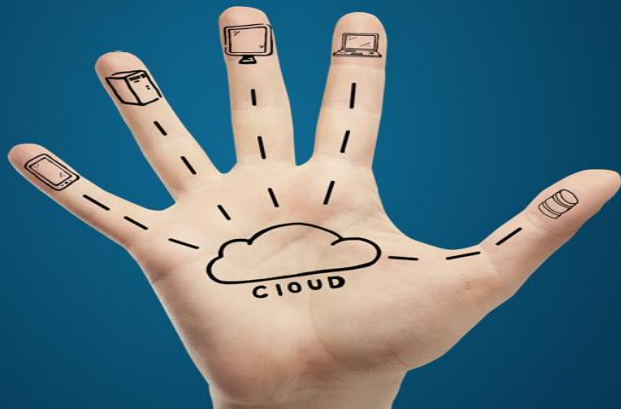
**- National Center for Victims of Crime, 2001**



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# #ENDCYBEREXPLOITATION



## WHAT IS CYBER EXPLOITATION?

CYBER EXPLOITATION IS DEFINED AS THE NON-CONSENSUAL DISTRIBUTION AND PUBLICATION OF INTIMATE PHOTOS AND VIDEOS ONLINE.

## VICTIM IMPACT



51%

HAD SUICIDAL THOUGHTS



54%

HAD DIFFICULTY FOCUSING ON  
WORK OR AT SCHOOL



57%

OCCASIONALLY OR OFTEN HAD  
FEARS ABOUT EFFECT ON  
PROFESSIONAL ADVANCEMENT



90 PERCENT OF CYBER EXPLOITATION VICTIMS ARE WOMEN



**CYBER EXPLOITATION** HAPPENS  
ACROSS TECHNOLOGIES AND  
WEB PLATFORMS.

THE TOP 5 INTERNET SETTINGS  
WHERE ABUSIVE CONDUCT  
TAKES PLACE.



TOP SOCIAL NETWORK



PERSONAL EMAIL



OTHER SOCIAL MEDIA /  
PUBLIC ONLINE FORUMS



BLOGS



SMS/TEXTING

THIS GRAPHIC IS THE PRODUCT OF CALIFORNIA ATTORNEY GENERAL KAMALA D. HARRIS' CYBER EXPLOITATION WORKING GROUP: A PARTNERSHIP BETWEEN THE CALIFORNIA DEPARTMENT OF JUSTICE, LAW ENFORCEMENT, LEADERS IN THE TECH INDUSTRY, AND VICTIM ADVOCACY GROUPS. [WWW.DAG.CA.GOV/CYBEREXPLOITATION](http://WWW.DAG.CA.GOV/CYBEREXPLOITATION)

GRAPHIC CREATED / DESIGNED BY  
CALIFORNIA COALITION AGAINST SEXUAL ASSAULT / PHANTOM DESIGN

### SOURCES

1. CA DAG [WWW.DAG.CA.GOV/CYBEREXPLOITATION](http://WWW.DAG.CA.GOV/CYBEREXPLOITATION)
2. PRELIMINARY REPORT: "WITHOUT MY CONSENT SURVEY OF ONLINE STALKING, HARASSMENT AND VIOLATIONS OF PRIVACY," CONDUCTED BY DAN TAUBE, JD, PHD, KEELY KOLMES, PSYD, AND COLETTE VOGEL, CO-FOUNDER, WMC
3. CYBER CIVIL RIGHTS INITIATIVE [WWW.CYBERCIVILRIGHTS.ORG](http://WWW.CYBERCIVILRIGHTS.ORG)



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# What the San Bernardino Shooter's Facebook Page Reveals About Domestic Violence

By Kaitlin Menza

April 12, 2017  
3:00 p.m.

 Share

 Tweet

 Share

 Pin It

 Email

 Comment

 Print



Cedric Anderson and Karen Smith. Photo: Courtesy of Facebook/cedric.anderson.351

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# BROADER THAN YOU THINK

## Scope of the Issue



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# BY THE NUMBERS...

1.

1 in 6 teens with a cell phone have received a sexually suggestive image or video of someone they know.

2.

According to a 2012-2013 online survey, in cases of revenge porn, 60% of those who threatened to expose intimate photos of someone, followed through.

3.

Nearly 10% of dating teens report that a partner has tampered with their social media account without permission.

4.

Experiencing technology abuse and harassment makes you 2 times as likely to be physically abused, 2.5 times as likely to be psychologically abused, and 5 times as likely to be sexually coerced.

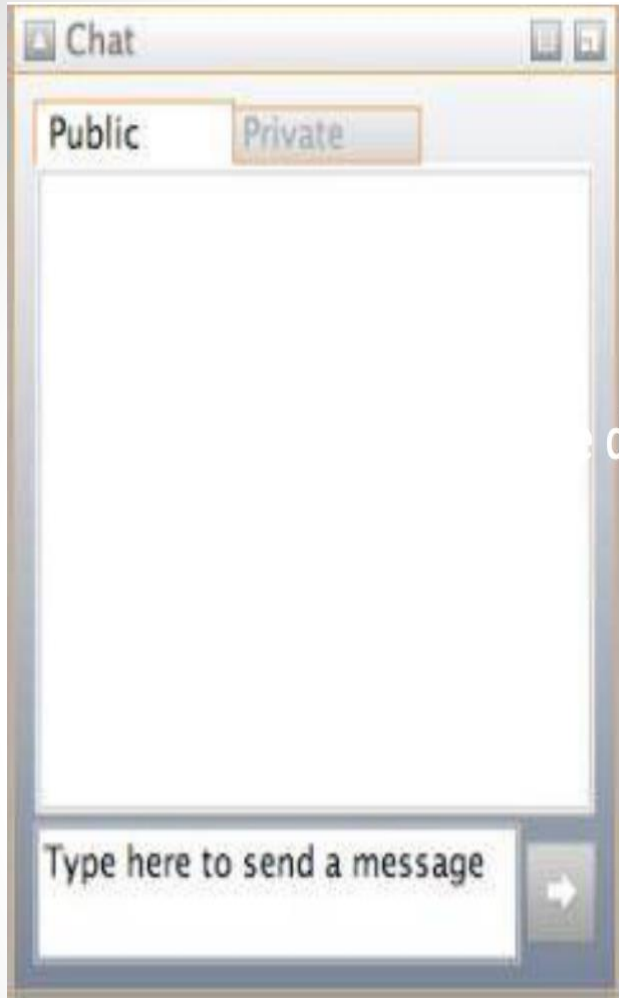
# KNOW THE LANDSCAPE

## Platforms & Methods



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**What platforms  
have you seen  
misused to  
perpetuate stalking,  
dating, domestic, or  
sexual abuse?**

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## TECHNOLOGY ABUSE

- Excessive texting
- Controlling online relationships
- Sharing pictures without permission
- Demands to look through your phone
- Hacking personal accounts
- Demanding passwords
- Monitoring through online accounts
- GPS tracking a partner





# WHAT CAN BE DONE?

## Strategic Practices



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# Criminal Remedies: Cyberstalking & Harassment

## STATE STATUTES

- Stalking, Cyberstalking, and Cyber Harassment statutes

## FEDERAL STATUTES

- Violence Against Women Act:
  - Interstate Stalking Punishment and Prevention Act
  - Felony Cyberstalking provisions
- Interstate Communications Act, Telephone Harassment Act, and Computer Fraud and Abuse Act

## FEDERAL RESOURCES

- FBI Field Offices and Internet Complaint Center: [www.ic3.gov](http://www.ic3.gov)



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# Criminal Remedies: Cyber Exploitation

(Also known as “Revenge Porn” or “Nonconsensual Pornography”)

- Currently no federal criminal remedy:
  - Comprehensive federal criminal law is needed
  - U.K. and other countries have criminalized
- At present:
  - 37 states and DC have Nonconsensual Pornography laws
  - Additional states have Nonconsensual Pornography laws pending



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# Civil Remedies: Cyber Exploitation

(Also known as “Revenge Porn” or “Nonconsensual Porn”)

- Federal copyright law applicable to Nonconsensual Pornography:
  - Digital Millennium Copyright Act -- applies if victim took original picture and hosting server is in U.S.
  - Victim then owns the copyright & can send “takedown notice”
- 9 states have civil statutes directly addressing Nonconsensual Pornography



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# Civil Remedies: Cyberstalking, Cyber Harrasment, and Cyber Exploitation

- State Civil Protection Order statutes covers Cyberstalking in most states
- Many potential applicable state tort claims exist:
  - Intentional Infliction of Emotional Distress
  - Public Disclosure of Private Facts/False Light Publicity
  - Intrusion Upon Seclusion
  - Defamation (requires false statements or altered photos)



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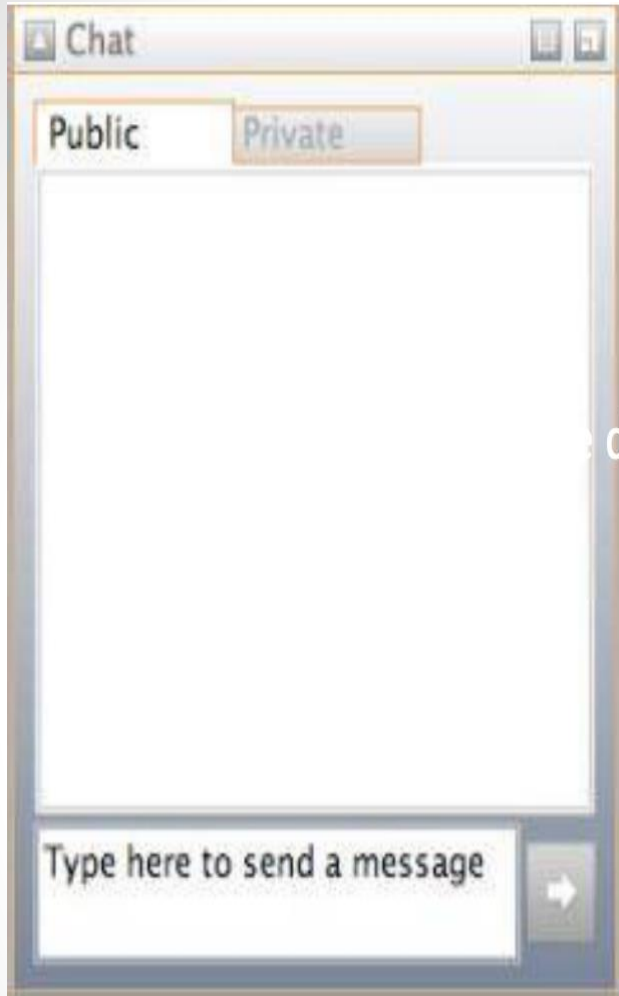
# Identify Strategic Approaches

- Know your laws and their limitations
- Know and leverage your local experts
- Get trained on trauma-informed care from a Domestic Violence or Sexual Violence agency
- Learn about survivor-centered, youth-informed safety planning strategies
- Host proactive cross-trainings and conversations with community organizers and organizations
- Create or join a local task force



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**What do you consider to be gaps in knowledge among criminal justice professionals when supporting young victims of cyberstalking or technology abuse?**

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# APPLICATION

Try It Out!



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# Elena & Taylor

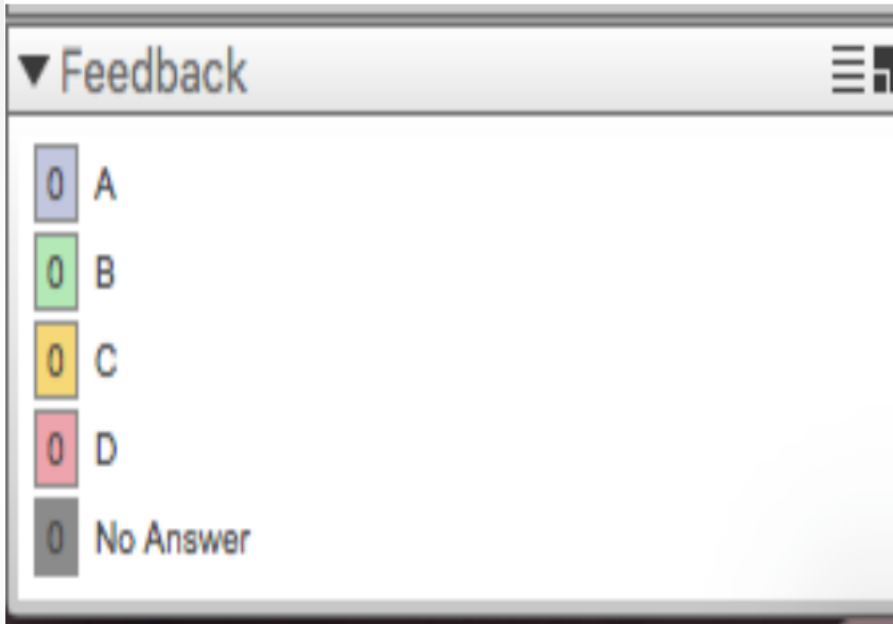
Elena and Taylor, are 15 years old. They dated for almost a year. Early on in their relationship, Taylor pressured Elena to let him take nude photos of her. Later, Taylor pressured Elena to send nude photos. Taylor also abused Elena physically during the relationship. Elena ended the relationship, but Taylor did not accept that. Taylor shared a picture of Elena with other teenagers over direct message on Instagram. In the picture, Elena was nude, but Taylor altered the picture to cover Elena's private areas with emojis. Elena believes Taylor did this to avoid being prosecuted under child pornography or nonconsensual pornography laws. Elena heard Taylor's done this before and bragged that they can do it without getting in trouble.



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# POLL



▼ Feedback

0	A
0	B
0	C
0	D
0	No Answer

- A. I am familiar with available remedies (federal and within my state) for revenge porn cases
- B. I am familiar with available remedies within my state, for revenge porn cases
- C. I am familiar with available remedies within my state for revenge porn cases, but not for younger clients
- D. I currently don't feel comfortable taking on cases related to revenge porn

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# Jess & Ash

Jess is 16 years old and dated Ash off and on for a couple years. During that time, Ash physically abused Jessie. Jessie is afraid that Ash is cyber-stalking them. Once, Ash clicked around on Jess's computer, and showed Jess how easy it is to figure out Jess's password based on metadata. Jess believes Ash has figured out all of the passwords. (Recently, Jess tried to end the relationship with Ash, and then Jess's gmail account was deleted.) Jess also believes Ash has been monitoring the phone or computer. The other day Jess said something on the phone about a specific topic. A short while later, Ash texted Jess about the same topic using Jess's words. Also, Ash has been showing up when Jess is out. Jess suspects Ash is tracking them with GPS. Jess has let her phone battery die and is afraid to charge it, thinking Ash could find Jess's location or learn other information about Jess. Jess has also changed all passwords, but to be safe, Jess has also created a new email account.

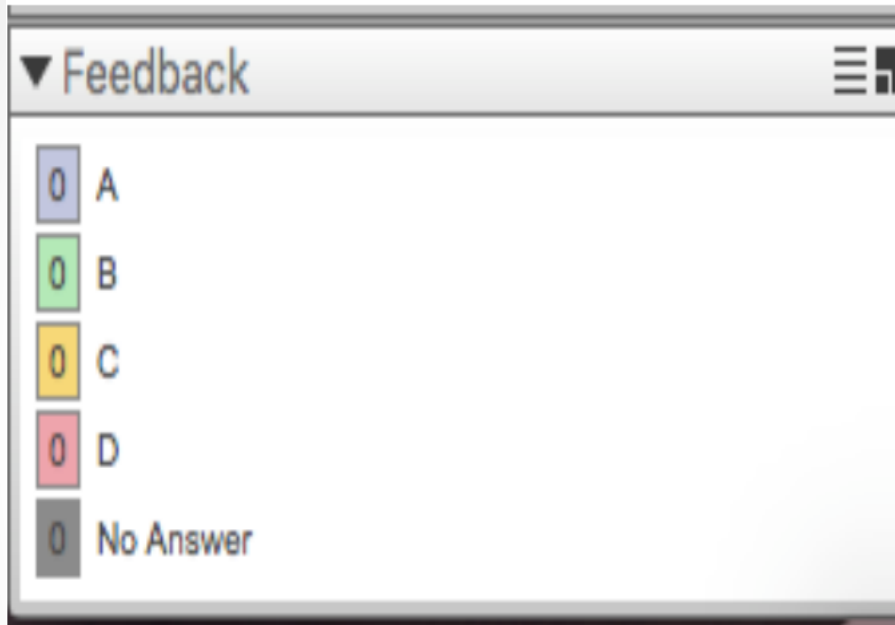


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# POLL



▼ Feedback

0	A
0	B
0	C
0	D
0	No Answer

- A. I am familiar with available remedies (federal and within my state) for cyberstalking cases
- B. I am familiar with available remedies within my state, for cyberstalking cases
- C. I am familiar with available remedies within my state for cyberstalking cases, but not for younger clients
- D. I currently don't feel comfortable taking on cases related to cyberstalking

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# Tiana & Cameron

Tiana is 21 years old. Her ex-boyfriend, Cameron, is 23. They met in college and dated for about 3 years. After Tiana ended the relationship, Cameron refused to stop contacting her by email, text message, and Snapchat. Sometimes Cameron would insult Tiana. At other times, he sent her long romantic messages. Snapchat does not keep a record of conversations, but Tiana took screenshots of the messages before they disappeared.

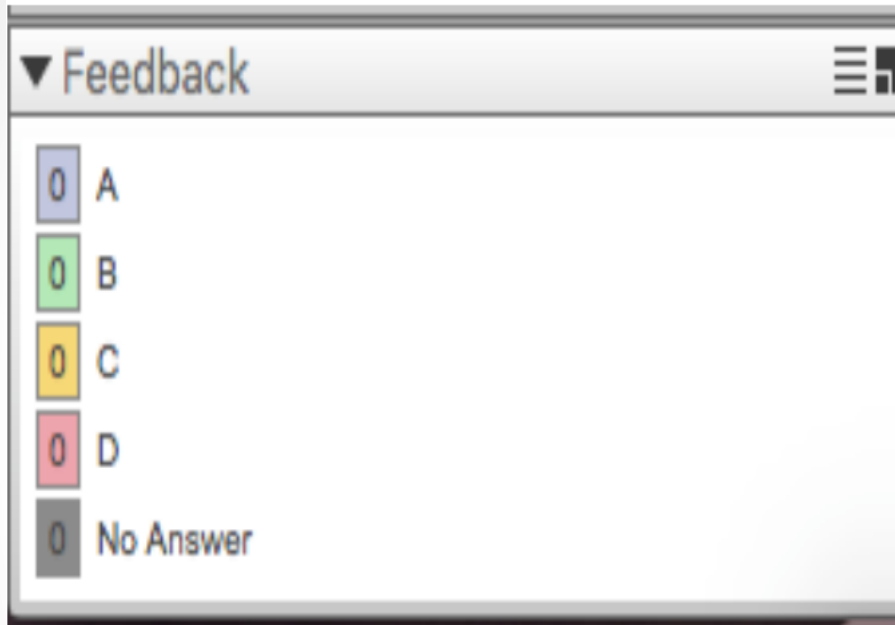
Tiana told Cameron to stop contacting her, and she blocked Cameron. Unfortunately, Cameron found other ways to contact Tiana. Cameron sent Tiana money through Square Cash on several occasions. The app allowed Cameron to write messages to Tiana in the memo field. On her birthday, April 18<sup>th</sup>, Cameron sent Tiana \$4.18. All Cameron needed was Tiana's phone number to make these payments. Tiana had to delete her app, even though she used it to exchange money with friends and family.



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# POLL



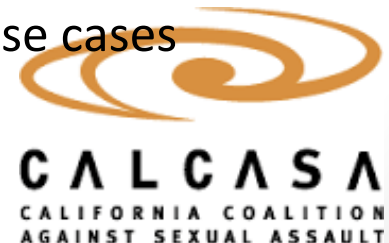
▼ Feedback

0	A
0	B
0	C
0	D
0	No Answer

- A. I am familiar with available remedies (federal and within my state) for technology- based dating abuse cases
- B. I am familiar with available remedies (within my state) for technology- based dating abuse cases
- C. I am familiar with available remedies (within my state) for technology- based dating abuse cases, but not for younger clients
- D. I currently don't feel comfortable taking on cases related to technology-based dating abuse cases

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# Quinn & Riley

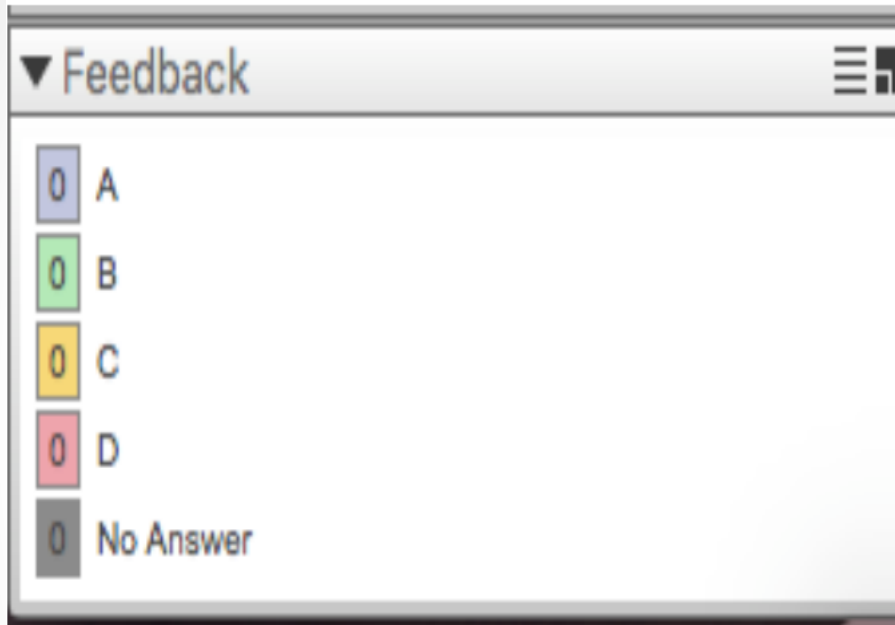
Quinn and her ex-boyfriend, Riley, are 15 years old. They dated for almost a year. During the relationship, Riley was physically abusive. Quinn recently ended the relationship. Riley recently recorded a song using Quinn's name. In the song, Riley threatens Quinn. Riley posted the song to Soundcloud, and posted a link to Instagram. Quinn was alerted to the link by a friend concerned for her safety.



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# POLL



- A. I am familiar with available remedies (federal and within my state) for online harassment perpetrated by an intimate partner
- B. I am familiar with available remedies (within my state) for online harassment perpetrated by an intimate partner
- C. I am familiar with available remedies (within my state) for online harassment perpetrated by an intimate partner, but not for younger clients
- D. I currently don't feel comfortable taking on cases related to online harassment perpetrated by an intimate partner

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# WHAT IS OUR ROLE?

## Resources & Next Steps



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# RESOURCES

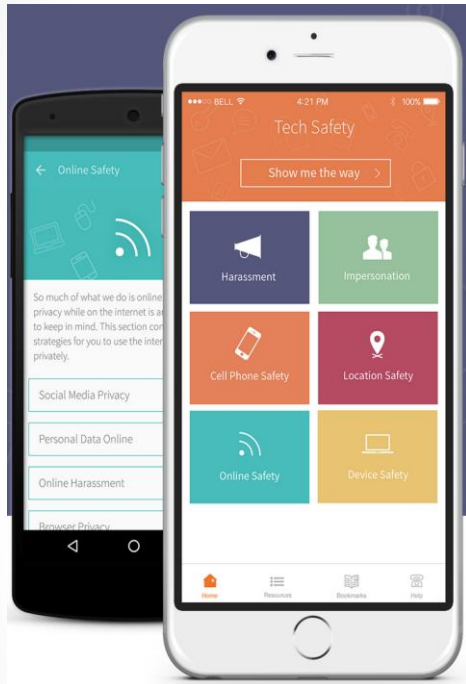
**CYBER CIVIL RIGHTS INITIATIVE**  
[www.cybercivilrights.org](http://www.cybercivilrights.org)

**TECH SAFETY PROJECT**  
[www.techsafety.org](http://www.techsafety.org)

**TECH SAFETY APP**  
[www.techsafetyapp.org](http://www.techsafetyapp.org)

**WITHOUT MY CONSENT**  
[www.withoutmyconsent.org](http://www.withoutmyconsent.org)

**CYBER SECURITY AWARENESS MONTH**  
[www.staysafeonline.org](http://www.staysafeonline.org)



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# NEXT STEPS

Stay up to  
date on  
social media  
trends

Stay informed  
on youth- and  
survivor-  
centered  
strategies for  
service  
provision

Stay up to  
date on  
trauma-  
informed care  
practices



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# STAY CONNECTED

## SARAH COLOMÉ

Capacity Building Program  
Manager

[scolome@breakthecycle.org](mailto:scolome@breakthecycle.org)

(424) 265-7346

[www.breakthecycle.org](http://www.breakthecycle.org)

## IMELDA BUNCAB

Project Coordinator

[imelda.buncab@calcasa.org](mailto:imelda.buncab@calcasa.org)

(916) 446-2520 ext. 392

[www.calcasa.org](http://www.calcasa.org)



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