

CYBERBULLYING

PRESENTED BY:

Kane County State's Attorney

Joe McMahon

ASA Jamie L. Mosser

DEFINITION

- Occurs when a teen or child is embarrassed, humiliated, harassed, tormented or otherwise, targeted by another person using the Internet or other form of digital communication.

Statistics

- Around half of teens have been the victims of cyber bullying
- Only 1 in 10 teens tells a parent if they have been a cyber bully victim
- Fewer than 1 in 5 cyber bullying incidents are reported to law enforcement
- 1 in 10 adolescents or teens have had embarrassing or damaging pictures taken of themselves without their permission, often using cell phone cameras
- About 1 in 5 teens have posted or sent sexually suggestive or nude pictures of themselves to others
- Girls are somewhat more likely than boys to be bullied

PERSONAL CONSEQUENCES OF CYBERBULLYING

- It can lead to anxiety, depression, and even suicide.
- Once things are circulated on the Internet, they may never disappear, resurfacing at later times to renew the pain of cyber bullying.

REAL LIFE EXAMPLES

○ Alexis Pilkington

- 17 year old from New York
- Committed suicide due to hateful remarks on Formspring and other social network sites

○ Tyler Clementi

- 18 year old from Rutgers University
- Committed suicide due to roommate videostreaming gay encounter

○ Megan Meir

- 13 year old from California
- Committed suicide after acquaintance's mom bullied her through Myspace

CRIMINAL CONSEQUENCES OF CYBERULLYING

- Harassment by Telephone Communication
 - 720 ILCS 135/1-1
- Harassment by Electronic Communications
 - 720 ILCS 135/1-2
- Cyberstalking
 - 720 ILCS 5/12-7.5

HARASSMENT BY TELEPHONE

- ⦿ (1) Making any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent with an intent to offend; or
- ⦿ (2) Making a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number;

HARASSMENT BY ELECTRONIC COMMUNICATION

- (1) Making any comment, request, suggestion or proposal which is obscene with an intent to offend;
- (2) Interrupting, with the intent to harass, the telephone service or the electronic communication service of any person;
- (3) Transmitting to any person, with the intent to harass and regardless of whether the communication is read in its entirety or at all, any file, document, or other communication which prevents that person from using his or her telephone service or electronic communications device;
- (3.1) Transmitting an electronic communication or knowingly inducing a person to transmit an electronic communication for the purpose of harassing another person who is under 13 years of age, regardless of whether the person under 13 years of age consents to the harassment, if the defendant is at least 16 years of age at the time of the commission of the offense
- (4) Threatening injury to the person or to the property of the person to whom an electronic communication is directed or to any of his or her family or household members; or
- (5) Knowingly permitting any electronic communications device to be used for any of the purposes mentioned in this subsection (a).

HARASSMENT BY TELEPHONE AND ELECTRONIC COMMUNICATION

○ Penalty

- Class B Misdemeanor (first offense)
- Class A Misdemeanor (second offense)
- Class 4 felony (third or more offenses or threatened to kill the victim)

CYBERSTALKING

○ Cyberstalking

- (a) A person commits cyberstalking when he or she engages in a course of conduct using electronic communication directed at a specific person, and he or she knows or should know that would cause a reasonable person to:
 - (1) fear for his or her safety or the safety of a third person; or
 - (2) suffer other emotional distress.

CYBERSTALKING

- (a-3) A person commits cyberstalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions, harasses another person through the use of electronic communication and:
 - (1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person, or
 - (2) places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or
 - (3) at any time knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.

CYBERSTALKING

- (a-5) A person commits cyberstalking when he or she, knowingly and without lawful justification, creates and maintains an Internet website or webpage which is accessible to one or more third parties for a period of at least 24 hours, and which contains statements harassing another person and:
 - (1) which communicates a threat of immediate or future bodily harm, sexual assault, confinement, or restraint, where the threat is directed towards that person or a family member of that person, or
 - (2) which places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint, or
 - (3) which knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.

CYBERSTALKING – COURSE OF CONDUCT DEFINITION

- Means 2 or more acts, including but not limited to acts in which a defendant directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, engages in other non-consensual contact, or interferes with or damages a person's property or pet. The incarceration in a penal institution of a person who commits the course of conduct is not a bar to prosecution under this Section.

CYBERSTALKING

○ Penalty

- Class 4 Felony (first offense)
- Class 3 Felony (second offense or if there is an active Order or Protection, Civil No Contact Order, or Stalking No Contact Order in Place at the time of the Cyberstalking)

FORUMS FOR CYBERBULLYING

- ◉ Facebook
- ◉ MySpace
- ◉ Formspring
- ◉ Instant Messaging
- ◉ Text Messages

As anonymous as you think your posts may be, this information is saved and can be obtained by a court subpoena.

WHAT CAN YOU DO AS A PARENT?

- ⦿ Keep the computer in a shared place.
- ⦿ Keep open communication with your child.
- ⦿ Talk to your child about the dangers of cyberbullying.
- ⦿ Watch for signs that your child's behavior has changed.
- ⦿ Talk to your child about the dangers of the internet and what they post.

SIGNS YOUR CHILD IS BEING ABUSED

- ⦿ Does your child often make excuses not to go to school?
- ⦿ Is your child often angry, sad, depressed, withdrawn or full of self-loathing?
- ⦿ Is your child ever emotionally erratic?
- ⦿ Does your child come home frequently hurt or injured by a particular person or group of people?
- ⦿ Is your child frequently picked on in the presence of others?
- ⦿ Does your child often have his/her belongings missing, stolen or taken?

WHAT CAN YOU DO TO AVOID BEING A VICTIM?

- ◉ Facebook, MySpace and Formspring privacy settings.
- ◉ Know who is on your friends list.
- ◉ Caller blocking for text and phone.
- ◉ Search for your own name (fake websites).
- ◉ Never share your password with anyone.
- ◉ Never share your personal information with anyone you do not know.

WHAT CAN YOU DO IF YOU ARE A VICTIM?

- Print out all instances of cyberbullying or take a screenshot of the message.
- Report improper content and usage to the perpetrator's website or Internet Service Provider.
- Ignore the sender.
- Block the sender.
- Tell a trusted adult (parent, teacher, social worker, or law enforcement).
- If you feel you are in danger, call 911 immediately.

ADDITIONAL WEBSITES

- ◉ http://www.illinoisattorneygeneral.gov/cyberbullying/about_us.html
- ◉ www.stopcyberbullying.org
- ◉ www.isafe.org www.ncpc.org/
- ◉ www.cyberbullying.org www.stopcyberbullying.org
- ◉ www.cyberbullying.us

ANY QUESTIONS?

THANKS!