

## Chapter 6

# Online Harassment and Cyberstalking

### Chapter Outline

#### I. Introduction

#### II. Online Harassment

- A. The sending of repeated threatening or harassing electronic communications, via e-mail, websites, or other digital medium, that causes another individual to be harmed or deeply disturbed.
- B. Harassment does not involve receiving one bothersome message: messages must be repeated and must cause the recipient discomfort or harm.
- A. Examples of online harassment: unsolicited emails or text messages containing information about yourself or someone you know, inappropriate postings on Internet websites, and repeated, unsolicited chat messages.
- B. Online harassment must be distinguished from spam.
- C. An important change in the realm of online harassment is the development of social networking sites and anonymous gossip sites such as Facebook, MySpace, Twitter, and CollegeGossip.com.
- D. Cyberbullying is a form of online harassment that has gained the interest of academics and educators alike, as more emphasis has been placed on understanding the phenomenon of bullying.
  - 1. According to the Cyberbullying Research Center, cyberbullying could be defined as intentional and repeated harm inflicted upon another by use of a computer, cellular telephone, or other electronic device (i.e. a social networking site).
- E. Some states have developed statutes specific to online harassment, but many states and federal statutes include harassment provisions within the statute's anti-stalking legislation.

#### II. Cyberstalking

- A. Cyberstalking refers to a process in which electronic communications, such as e-mails, instant messages and any other form of electronic communications, contain psychologically threatening remarks that harass a recipient or causes a victim to fear for his or her life.
- B. Stalking first became a topic of interest and concern in the early 1990s after California passed legislation criminalizing the behavior.
  - 1. Within five years of California passing legislation, many other states followed suit and criminalized stalking-related behaviors.
  - 2. These original statutes, however, failed to consider situations that involved high-technology devices.
- C. While a person of any age can be a victim of stalking, college-age individuals are considered more likely to become a victim.
- D. Through a series of presentations to state legislatures and conferences, Jane Hitchcock (a victim of a literary agency that employed a mail bomb attack on her and her husband's e-mail account) was instrumental in Maryland's and California's passage of legislation to criminalize cyberstalking.

1. Following in the footsteps of these states, many other states have also criminalized the activities associated with Hitchcock's victimization.

#### E. How Cyberstalkers Operate

1. Today, there is some support for the belief that many physical-realm stalkers may begin their activities through electronic means, only to continue their activities into physical acts.
2. Former co-workers, classmates, and neighbors are common targets of cyberstalkers.
  - a. Individuals looking to locate a user's personal information may not have to search very hard to locate the data.
    - i. Business cards
    - ii. Universities and some private business provide contact information and e-mail addresses.
    - iii. Use of the Internet to search for information about potential victims.
3. Once the electronic contact information is obtained, then the stalker may begin one of serious actions that result in the harassment of the victim.
  - a. Three of the more commonly employed tactics involve e-mail bombs, forgery of messages, and the posting of harassing messages online.
4. Many statutes require the victim be capable of proving that they are in fear for their life before the actions can be statutorily defined as cyberstalking.
  - b. One method of determining whether a threat is in fact legitimate, versus only being a perceived threat, may involve examining the frequency and content of the messages involved in the case.

#### F. Cyberstalkers, once they have chosen their victims and have established their method of assault, will normally take advantage of one of the Internet's greatest benefits—anonymity.

1. While complete anonymity is almost impossible given the nature of computers and networks, there are many methods of delaying identification on the Internet.
2. E-mails and message board postings can all be easily faked, thereby initially leading blame away from the actual suspect and making such investigations very time-consuming.
3. Another development in electronic communication that warrants discussion in this section is the use of anonymous remailers to send out threatening electronic communications—work by allowing messages to be routed through their computers.

#### G. The Criminal Justice Response to Cyberstalking

1. After California passed legislation in the early 1990s to criminalize stalking, federal lawmakers recognized that the behavior needed to be better defined by statutes around the country.
2. The Violence Against Women Act (VAMA) of 1994—protects women against acts of domestic violence.
  - a. Was modified in 1996 to include criminal statutes prohibiting stalking.

- b. Amended in 2000 and specifically addressed harassment and stalking that takes place via electronic communications such as e-mails and other electronic messages.
- 2. As of December 2009, there were 47 states to pass such legislation, recognizing that new and improved statutes would allow for easier investigation and prosecution of cyberstalking cases.
- 3. Investigators who are tasked with investigating these crimes will often find that cyberstalking is not so different from stalking cases in the physical world.
  - a. Begin with an examination of the victim's neighbors, classmates, and co-workers.
  - b. Then the investigation would turn to online groups of which the victim is a member.
  - c. Cyberstalking leaves a digital trail, and that trail can oftentimes allow the investigation to return to the computer where the threatening or harassing messages originated.
- 4. Free speech arguments have erupted as the debate over the legislation of cyberstalking and online harassment has evolved.
  - a. Cyberstalking is leading to a form of censorship for women.
- 5. The only way to secure personal information at a level of 100 percent would be to never allow that information to reach cyberspace.

### III. Conclusion

### Key Terms

**Cyberbullying:** The intentional and repeated harm inflicted upon another by use of a computer, cellular telephone, or other electronic device.

**Cyberstalking:** A process in which electronic communications such as e-mails, instant messages, and any other form of electronic communications that contain psychologically threatening remarks that harass a recipient or cause a victim to fear for his or her life.

**Online gossip websites:** Websites that allow users to log on and post anonymous information about their friends, classmates, any anyone else that they wish to post information about.

**Online harassment:** The sending of repeated threatening or harassing electronic communications via e-mail, websites, or other digital medium that causes another individual to be harmed or deeply disturbed.

**Social networking sites:** Online "virtual communities" where users can sign up for an account and post information about themselves and their friends.