

Protect Your Cyberspace

Practice Safety & Good Citizenship Online



Delaware Attorney General
Joseph R. Biden, III

The Internet Connects People



How do you
use the
internet?



Language

- ▣ Do we call elder abuse “geriatric management?”
- ▣ Problems with “sexting”
 - No definition (major surveys define it differently)
 - Over-generalizes
 - Sensationalizes
- ▣ Particular Problem
 - Grooming
 - Online Luring
 - Sexual Solicitation
 - Promoting Production of Child Pornography

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Female C-PP Teacher Served for Sexing Student Remits State!

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Language

- ▣ Child Produced Child Pornography
- ▣ Sexting: A Typology (Finkelhor 2011)
 - Youth Produced Sexual Images
 - ▣ Aggravated and Experimental

Child Produced Child Pornography

- ▣ Images
- ▣ Which meet the definition of child pornography
- ▣ Produced and distributed
 - By a minor
 - Without adult in any role or coercion

National Center for Missing & Exploited Children

4 Roles in Every Sexting Event

- | Subject
- | Producer
- | Possessor
- | Distributor

Implicated Statutes

- ▣ Obvious Ones
 - Sexual Exploitation of a Child (§ 1108)
 - Dealing in Child Pornography (§ 1109)
 - Possession of Child Pornography (§ 1111)

- ▣ Less Obvious
 - Sexual Solicitation of a Child (§ 1112A)
 - Obscenity (§ 1361)
 - Obscene literature Harmful to Minors (§ 1365)
 - Trafficking in Persons (§ 787)

Myths?

- ▣ Scope?
 - 5 major US surveys
 - Helpful, but not determinative
 - 4-20%, but defined differently
 - ▣ included young adults
 - ▣ lumped all behaviors together

▣ Scope

- 4% of cell phone owning 12-17 year olds “sent a sexually suggestive nude or semi nude” video or photo of themselves
- 15% have received such images
 - ▣ Teens and Sexting, Pew Center for Internet and American Life (Dec. 2009)

▣ Nature

- NOT “sexual expression”

- ▣ “not yet normative”

- Finkelhor, Sexting a Typology (March 2011)

- ▣ American Academy of Pediatrics

- Clinical Report the Impact of Social Media on Children, Adolescent, and Families (Marsh 2011)

- ▣ American Psychological Association

- Report on the Sexualization of Girls (2010)

American Psychological Association

- Distinguishes sexualization from healthy sexual development
- Sexualization occurs when:
 - | A person's value comes ONLY from his/her sexual behavior, to the exclusion of other characteristics and/or
 -
 - | A person is sexually objectified – that is made into a thing for others sexual use...and/or
 - | Sexuality is inappropriately imposed upon a person

Reality

Teen Dating Violence/Coercion/Pressure

- | Pew, MTV / AP, National Campaign all had youth reporting sending pictures under “pressure” often from romantic partner or peer
 - ú 61% of those who sent such a picture did so. (AP/ MTV)
 - ú 51% said “pressure from a guy” is a reason it happens
 - 12% said they did so for that reason (National Campaign)
 - ú 9/11 MTV/AP Digital Abuse
 - ú 71% 14-21 year olds say it is a serious problem
 - ú 15% share naked photos of themselves
 - ú Half pressured to do so
 - ú 10% with someone they knew online

Reality

- ▣ A picture says a thousand words...but we do not know if those words are right
 - Teen Dating Violence on the Rise
 - 1 out of 5 girls
 - 1 out of 6 boys
 - Example:
 - ▣ Anthony Stancl Case

- ▣ It also could be (depending on role)
 - Sexual exploitation of child
 - Online luring (sexual solicitation of a child)
 - Possession of Child Pornography
 - Dealing in Child Pornography



Predators use the same tools on the Internet to lure children of *all ages and backgrounds*

These Internet predators spin a web of lies to gain your trust

Predators tend to target kids in chat rooms, AIM, social networking sites, Stickam, ChatRoulette, and online games

Understanding Online Predators



Sites that attract your children will also attract *predators*



Predators pretend to be someone they're not – they choose a different age, a different gender, different interests... just to try to connect with your children



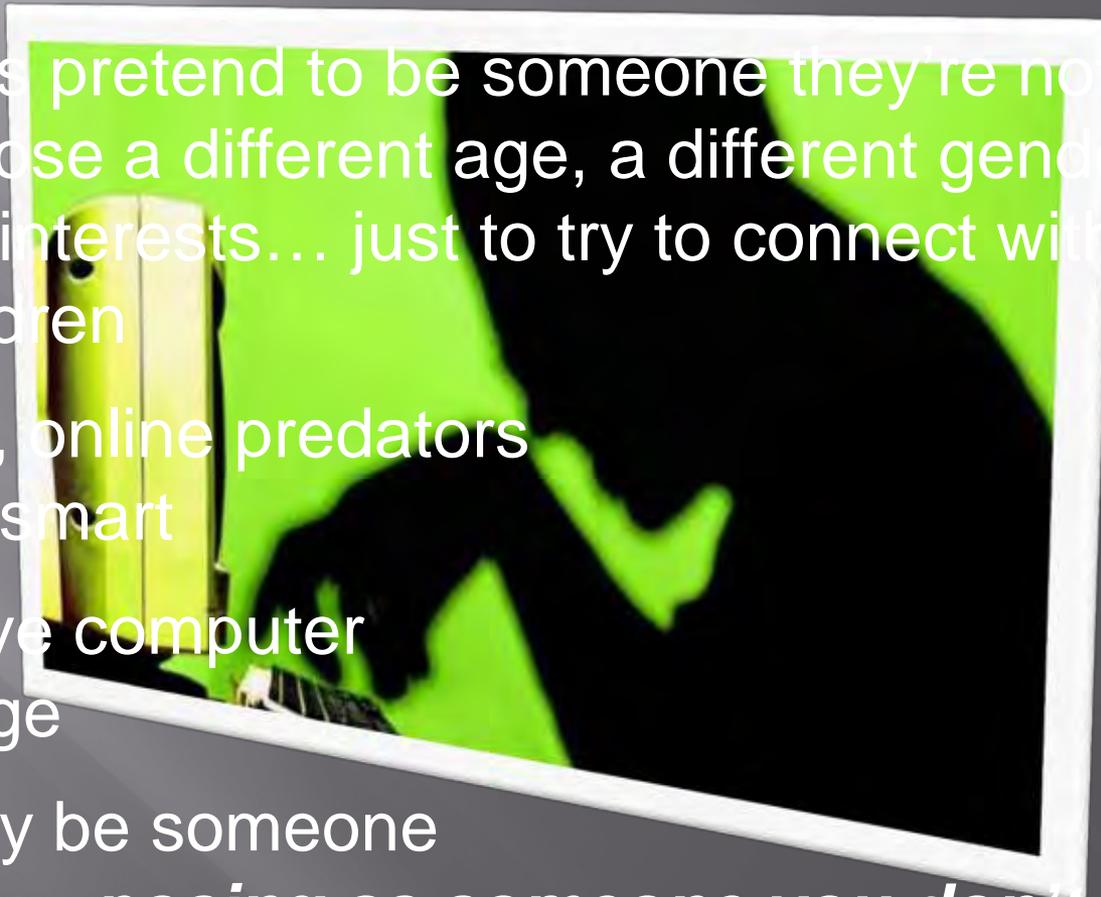
Typically, online predators are very smart



They have computer knowledge



They may be someone you know... *posing as someone you don't*



Sexual Exploitation of a Child

§ 1108

- ▣ Knowingly
- ▣ Photographs or films
- ▣ Minor engaged in prohibited sexual act
or
- ▣ Causes or promotes the production
- ▣ Of image of minor engaging in simulation of a
sexual act

Sexual Solicitation of a Child

§1112A

- ▣ (a) Defendant is 18 years or older
 - Intentionally or knowingly
 - (1) solicits, requests, commands, importunes or otherwise attempts
 - ▣ To cause a child (less than 18 years old) to engage in prohibited sexual act
 - (2) to meet for purpose of engaging in prohibited sexual act...

Trafficking of Persons §787

- ▣ Recruits, entices
- ▣ A minor (less than 18)
- ▣ Knowing that the minor will engage in... the production of pornography

Dealing in Child Pornography

§1109

- ▣ Distributes or disseminates
- ▣ Knowingly transmit or transport by any means including by computer or by any other electronic or digital method
- ▣ Any... video or film or other visual depiction
- ▣ Depicting a child engaged in prohibited sexual act or simulation of such an act

- ▣ Intentionally
- ▣ Compiles, accesses, receives, enhances, stores
- ▣ Visual depiction
- ▣ Children engaged in prohibited sexual act or simulation
- ▣ Or: pandering same

Possession of Child Pornography

§ 1111

- ▣ Knowing
- ▣ Possesses
- ▣ Visual depiction of
- ▣ Child engaged in prohibited sexual act or simulation
- ▣ Or a visual depiction so as to appear that child is doing so.

Obscenity §1361

- ▣ Knowingly
- ▣ Provides
- ▣ Obscene picture or videotape to a person under 18
- ▣ Strict liability (§ 1361(d))

Obscene Literature Harmful to Minors § 1365

- ▣ Transfer or displays
- ▣ Any...picture, photograph... or similar visual representation
- ▣ Knows is harmful to minors (i)

Prevention

- ▣ MDT
- ▣ Identifying
 - CPCP
 - CPSI
 - Sexual exploitation
 - Solicitation
 - Domestic violence

Prevention

- ▣ Identify
 - Social consequences of all rules
 - ▣ Jan Hoffman, *A Girl's Nude Photo and Altered Lives*, *The New York Times*, March 26, 2011
 - Ultimate market- adult consumer
 - Legal consequences
- ▣ Audience
 - Children
 - Adults- digital divide

Detection

- ▣ MDT
 - Identify
 - Mandatory reporting
 - Relationship
 - Need for investigation
 - Understand your office
 - Protocol- Generation Safe

Options - Response

- ▣ Decriminalization
 - De Facto or Actual
 - What is the harm?
- ▣ Zero Tolerance
- ▣ Complete Discretion
- ▣ Structured Prosecutorial Discretion in a Multidisciplinary Context

What is CYBERBULLYING?

Cyberbullying

When someone uses the internet or other technology to post or send messages that hurt or embarrass another person.

How is Cyberbullying different from traditional bullying?

1. Victims often do not know who the bully is, or why they are being targeted.
2. A larger number of people can be involved in a cyberbullying because they can sit back and watch it happen.
3. It is easier to be cruel using technology because victims don't have to see the response by the bully.

Never say online what you would not say in person.

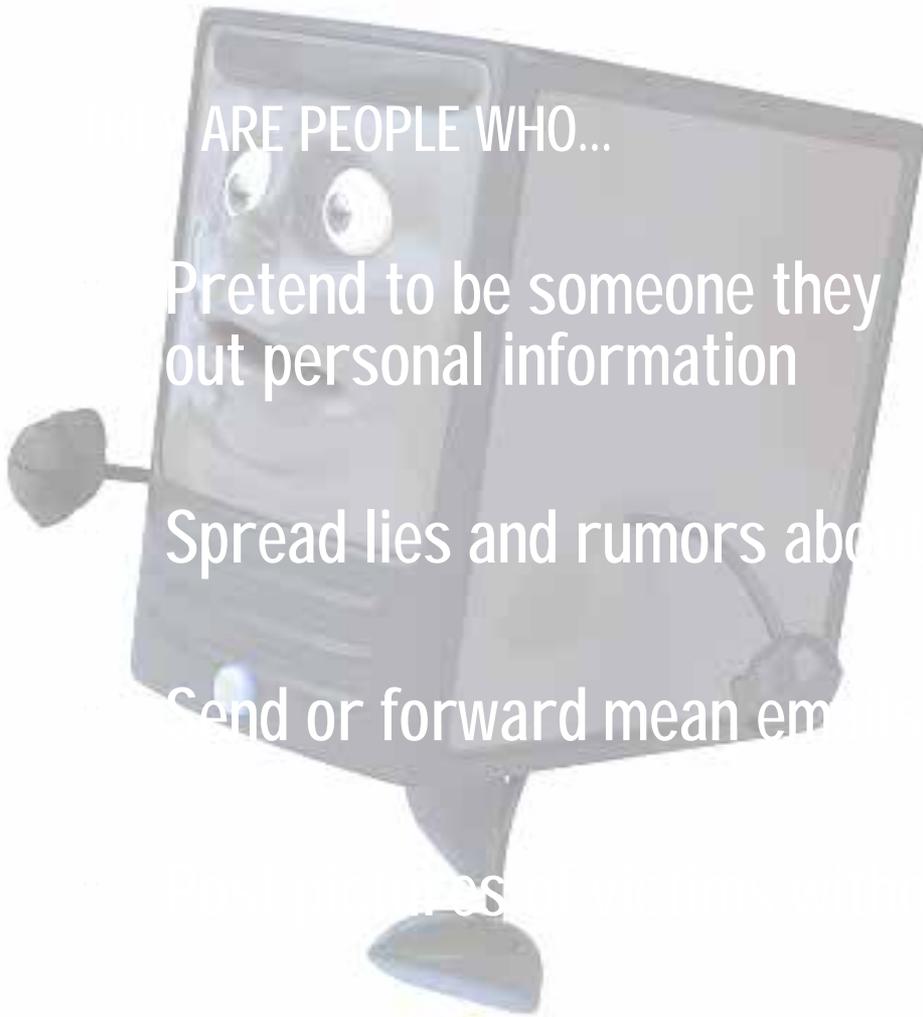
Who Are Cyber bullies?

ARE PEOPLE WHO...

Pretend to be someone they are not to trick others into giving out personal information

Spread lies and rumors about others

Send or forward mean emails even to those who have blocked them



Cyberbullying is a BIG DEAL

There are positive ways to “Protect Your Cyberspace”

- ⊞ Blocking communication with the Cyberbully
- ⊞ Delete messages without reading them
- ⊞ Talk to a friend or trusted adult about the bully
- ⊞ Report the problem to an Internet service provider.
- ⊞ Report the problem to the police or your school

10 Tips to Protect Your Cyberspace



1. Tell a parent, teacher or trusted adult when something you see online makes you uncomfortable
2. Don't trust that people you meet online are who they say they are
3. Keep your profile private and carefully screen the friends you accept
4. Never post or give out personal information online like your real name, address, phone number or school you attend
5. Keep your username, ID, and online profile generic and anonymous

Youth- Based Factors

- ▣ *the juvenile's age*
- ▣ *cause behind the activity*
- ▣ *presence or absence of support network to prevent repeating this behavior*
- ▣ *amenability to rehabilitation*
- ▣ *the frequency of this activity*
- ▣ *the likelihood of rehabilitative success*

Not Exclusive List

- ▣ Sexting: A Typology (March 2010), Crimes Against Children Research Center
 - Backgrounds of youth, including whether victims of sexual abuse or prior involvement with criminal justice system
 - Coercive relationship?

Why it Matters

“Pornography poses an even greater threat to the child victim than does sexual abuse or prostitution. Because the child’s actions are reduced to a recording, the pornography may haunt him in future years, long after the original misdeed took place. A child who has posed for a camera must go through life knowing that the recording is circulating within the mass distribution system for child pornography.”

| New York v Ferber, 458 U.S.747,760 n. 10 (1982)(internal quotations omitted)



10 Tips to Protect Your Cyberspace

6. Do not send any type of photo to someone you met online.
7. Do not post pictures of you or your friends in a school or sport uniform.
8. Never agree to a face-to-face meeting with someone you meet online.
9. Do not post revealing or embarrassing pictures of yourself or your friends.
10. Practice good cyber citizenship – if you would not say it in person, do not say it online.



~ The End ~