

**HB**

**12**



# REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

## Sponsor Statement

CS HB 12 (JUD)am

**“An Act relating to the crime of harassment committed by use of electronic communication.”**

Under CS HB 12 (JUD)am, the list of methods of harassment under AS 11.61.120 will be expanded to include the sending of obscene electronic communications, or sending electronic communications that threaten physical injury or sexual contact.

The Internet and other telecommunication technologies are advancing every aspect of society. Unfortunately, many of the attributes of this technology - low cost, ease of use, and anonymous nature - make it an attractive medium for a new concern known as electronic communications harassment. As the online population has soared to an estimated 80 million users, the real-world crime of harassment has moved into cyberspace, causing annoyance and fear for victims.

Law enforcement agencies throughout Alaska have seen a rise in reported electronic harassment crimes. As the Internet becomes a more integral part of personal and professional lives, individuals can take advantage of the ease of communication as well as increased access to personal information and the benefit of anonymity. Whereas an individual may be unwilling or unable to confront a victim in person or on the telephone, he or she may have little hesitation sending harassing or threatening electronic communications to a victim.

The fact that electronic harassment does not involve physical contact creates the misconception that it is more benign than physical harassment or stalking. However, law enforcement agencies recognize the serious nature and extent of electronic harassment and are beginning to take aggressive action. In response to the growing number of reported email harassment claims, special units have been developed to investigate and prosecute email harassment and other computer related crimes. CS HB 12 (JUD)am would provide these agencies with a significant tool to protect and prosecute on behalf of Alaskans.

Last Updated: 2/21/2003

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1  
 Bill Version: CSHB 12(JUD)  
 (H) Publish Date: 2/12/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title "An Act relating to harassment." BRU Criminal Division  
 Component All  
 Sponsor Representative Meyer  
 Requester House Judiciary Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

HB 12 adds "electronic communication" as a means of harassment under AS 11.61.120(a). Harassment is a class B misdemeanor.

While this bill would create a new crime, the Department of Law does not believe there will be many new cases, and does not anticipate a fiscal impact from passage of this legislation.

Prepared by: Joan M. Kasson Phone (907) 465-5370  
 Division Attorney General's Office Date/Time 2/5/03 8:50 AM  
 Approved by: Kathryn Daughettee for Gregg D. Renkes, Attorney General Date 2/5/2003  
 Agency Department of Law

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: CSHB 12(JUD)  
 (H) Publish Date: 2/12/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title An act relating to harassment. BRU AST Detachment  
 Component AST Detachment  
 Sponsor Representative Meyer  
 Requester House Judiciary Component No. 2325

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Lieutenant Matthew Leveque Phone 907 269-0390  
 Division: Alaska State Troopers Date/Time 2/5/03 4:08 PM  
 Approved by: William Tandeske, Commissioner Date 2/5/2003  
 Agency: Department of Public Safety

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: 3  
Bill Version: CSHB 12(JUD)  
(H) Publish Date: 2/12/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
Title An Act relating to harrasment. BRU Legal and Advocacy Service  
Sponsor Representative Meyer Component Public Defender Agency  
Requester (H) Judiciary Component No. 1631

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	*	*	*	*	*	*
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	*	*	*	*	*	*

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 G/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	*	*	*	*	*	*

Estimate of any current year (FY2003) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*  
This proposed legislation broadens the crime of harrasment to include anonymous or obscene email or email that threatens physical injury. While the Agency doesn't handle a significant number of harrasment cases under the current statute, this proposed broadening of the crime to include any anonymous or obscene email sent with the intent to annoy will likely have a fiscal impact on the Public Defender Agency because it will result in more cases handled by the Agency. It is not possible to predict with any certainty, however, the number of new cases this bill will generate, therefore, an indeterminate fiscal note is submitted.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416  
Division Public Defender Agency Date/Time 2/3/03 9:35 AM  
Approved by: Sharon Barton, Acting Commissioner Date 2/3/2003  
Agency Department of Administration

# ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair  
Rep. Tom Anderson, Vice-Chair  
Rep. John Coghill  
Rep. Jim Holm  
Rep. Ralph Samuels  
Rep. Les Gara  
Rep. Max Gruenberg



State Capitol, Room 120  
Juneau, AK 99801-1182  
(907) 465-4990  
Fax (907) 465-6592

## House Judiciary Committee

### Letter of Intent CSHB 12 (JUD)

It is the intent of the House Judiciary Committee that the term "electronic communication," as it is used in AS 11.61.120(a), amended by CSHB 12 (JUD), means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by, but not limited to, the following forms of direct communication: electronic mail and text messages displayed by cellular, cordless, or digital telephones, or other electronic media. It is the intent of this committee to provide the most reasonable and common sense definition of "electronic communication" as it pertains to methods of harassment. As computer technologies evolve, communication will advance as well. By declining to limit and narrowly define methods of "electronic communication," this body is allowing for future methods of technology to be incorporated into the definition.

A handwritten signature in cursive script, appearing to read "Lesil McGuire", written over a horizontal line.

Representative Lesil McGuire  
Chair

**Adopted by the House  
February 19, 2003**

STATE OFFICE  
**ALASKA PEACE OFFICERS ASSOCIATION**

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



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Wrangell  
Pres. Wrangell Chapter

January 14, 2003

Representative Kevin Meyer  
State Capitol  
Juneau, Alaska 99801-1182

Dear Representative Meyer:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing House Bill No. 12, an act relating to harassment.

The APOA State Board of Directors recently met and after discussing this proposed legislation, decided to unanimously support this bill.

Your legislative amendment will help to close the gap on those who are victims of harassment by means of electronic communication. In our ever-changing world of telecommunications we need legislation like yours to cover all methods and modes of communication involving the crime of harassment. We believe that this proposed legislation will be of benefit to both citizens and law enforcement of Alaska.

Please contact the APOA office in Anchorage at 277-0515 if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

Leo J. Brandlen  
State President

RECEIVED

FEB 06 2003

Detective Richard Rhea  
Anchorage Police Department  
4501 S. Bragaw  
Anchorage, AK 99507  
(970) 786-2637

RE: HB 12

To Representative Meyer and Committee members:

I am a Detective with the Anchorage Police Department. I have been a police officer for eleven years and a Detective for about two years. While on uniformed patrol, I handled hundreds of domestic violence related calls. As a Detective, I have worked as a general investigator, a Detective in the crimes against children unit and am now assigned to the computer crime unit.

I have handled Internet questions involving harassment before and I now have an actual case before me involving an ex-boyfriend who has posted personal information and photos of his ex-girlfriend. The victim, at one time had a restraining order on her violent boyfriend that the victim was eventually talked into dropping. The victim, as of a few weeks ago, has left state to get away from her ex. Since then, the victim has started to receive numerous e-mails. Some of the photos taken of the victim are of a compromising nature. The personal information posted by the suspect contains various items but specifically the phone number of the victim's out of state mother and the victim's e-mail address. The victim realized something was amiss when she started receiving e-mail about wanting more photos, dates etc. There were also lewd comments about her photos. The victim feels totally violated and humiliated. The victim would like this to stop.

I am assisting the victim and have told her that there are Municipal ordinances that cover this. Although we have those ordinances here in Anchorage, the nature of the World Wide Web (Internet) has made occurrences of computer crimes more than just a local phenomenon. These crimes may also have an Anchorage connection but suspect and victim may live out of Anchorage. In some cases, state charges add more bite to criminal justice system. The Municipality of Anchorage has recognized this and has amended their harassment/illegal use of telephone ordinances several years ago. This proposed legislation makes city and state laws more consistent and provides additional tools to law enforcement to combat this crime and assist victims.

Based on current state law, the victim would need to pursue civil means to address this (these incidents) and at what personal and financial cost? No one deserves to be harassed in any way either in person or electronically. With the dawning of a new century and Homeland Security, Alaska needs to become savvier with computer crimes. Alaska has the highest per capita computer users of any state in the union. We also, as of the writing of this letter, have two Anchorage Police Detectives that investigate computer crimes full time. There is also an Alaska State Trooper Sergeant white-collar crime supervisor that handles computer crimes in addition to his other duties. Neither of our organizations have an adequate budget for computer investigations so, any help we can get to make life easier for the victims and add additional law enforcement tools, is very much wanted and appreciated.

Thank you for your consideration in this matter,

Richard Rhea

Mike Messick  
1520 N. Aspen Place  
Wasilla, AK. 99654  
(907) 373-4858

RE: HB 12

To Whom It May Concern:

It is with great anticipation and relief that I am writing this letter of support for Representative Meyer's bill to amend AS 11.61.120(a). Due to the nature of my job duties for the past 6 years, I have had the opportunity to provide technical assistance to municipal, state, and federal authorities for numerous computer-related investigations pertaining to harassment and other crimes committed or assisted by the use of a computer.

On many occasions, criminal charges could not be brought against a perpetrator simply because he (or she) had used a computer in the commission of the crime. Had the perpetrator used a telephone or other "conventional" means to commit the same type of crime, a violation of AS 11.61.120(a) would have been committed, and appropriate prosecutorial action taken.

AS 11.61.120(a) currently only contains language pertaining to harassment by telephone, physical, and verbal contact. Given the proliferation of internet-connected computers, especially in Alaska, this statute needs to be expanded to also cover harassment by electronic communications. This proposed expansion of coverage does not change the intent of the statute in the least, but rather reinforces it by including one of the most common means of communication in use today.

Simply put, this bill would empower municipal and state law enforcement officials to more adequately carry out the intentions of the legislature. As many law enforcement officials investigating cyber-harassment will attest, the current law is insufficient; therefore, I ask for your support of this amendment.

Thank you for your consideration in this matter.

Sincerely,

Mike Messick  
Information Security Architect  
ConocoPhillips

**Subject: The Electronic Harassment Bill**

**Date: Sun, 16 Feb 2003 11:14:45 -0500**

**From: WHOA <whoa@haltabuse.org>**

**To: Representative\_Kevin\_Meyer@legis.state.ak.us**

Rep. Meyer,

I don't know if you've heard of me before, but as a result of my cyberstalking case, Maryland became the first state in the nation to pass an online-harassment law back in 1997. Since then, I've helped get similar laws passed in many states by providing in-person or written testimony and I'd like to make that offer to you as well. My testimony is compelling, not only because I was a victim, but because I am now an expert in cybercrime.

I am currently living in Maine, so I don't know if you have the budget to fly me to Alaska, but if written testimony will help, I'll be glad to e-mail it to you.

Since 1997, several things have happened to me:

I am now president of WHOA (Working to Halt Online Abuse) at [www.haltabuse.org](http://www.haltabuse.org) - we help online victims from around the world, have the latest in cyberstalking statistics and many resources.

I am considered one of the nation's leading experts in cybercrime and travel the country training and lecturing law enforcement, security personnel and advocates on how to track down cybercriminals, work with victims and more.

My latest book, *Net Crimes & Misdemeanors* ([www.netcrimes.net](http://www.netcrimes.net)), came out in August and covers many aspects of online crimes and how consumers can protect themselves, their families and their computers.

I write for several computer and Internet-related magazines - *LAPTOP*, *SmartComputing*, *TechEdge*, *Link-UP*, *Intranet Professional* and *Police Chief*.

I am a consultant to the IACP (International Association of Chiefs of Police), NCVIC (National Center for Victims of Crime), the OVC (Office for Victims of Crime) and the Department of Justice, as well as law enforcement agencies worldwide.

I am an assistant for online Basic and Advanced Internet courses for the University of Maryland University College.

My cyberstalkers were finally arrested by the US Postal Inspection Service in January of 2000 and one is in jail right now. You can read the whole story at [www.jahitchcock.com/cyberstalked](http://www.jahitchcock.com/cyberstalked).

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Forty-four states now have online harassment or cyberstalking laws - I would love to see Alaska become the 45th.

You can contact me at this e-mail address or via phone at 207-351-9965. My mailing address is 161 Long Sands Road, York, Maine 03909.

Sincerely,

Jayne

J.A. Hitchcock

from the September 03, 2002 edition - <http://www.csmonitor.com/2002/0903/p02s01-usju.html>

## As stalkers go online, new state laws try to catch up

One of the first trials for 'cyberstalking' in the US opens in Illinois this week.

By Terry Costlow | Special to The Christian Science Monitor

**CHICAGO** - Angela Moubray used to love her hobby of chatting about wrestling and soap operas with others in an Internet chat room at night. Then, one day, a regular participant sent her a menacing e-mail. And then another. Soon, she says, he barraged her with a stream of threats such as "I hope you get raped."

Over nearly two years, the Virginia resident received unrelenting messages from a person whom she had never met, culminating in the missive: "I will kill you Ang, I mean it."

Angela Moubray is one of a growing number of people who have become a victim of an emerging new crime - cyberstalking. Upwards of 100 new cases are reported each week of someone using the Internet to intimidate another person.

"Probably two-thirds of the cases involve revenge; someone loses an argument or is turned down romantically," says Colin Hatcher, president of SafetyEd, one of a handful of private groups that help victims of Internet stalking.

Despite the prevalence of such incidents, arrests are rare. This week, however, one of the first cases of cyberstalking in the US will be played out in a suburban Chicago courtroom. The trial offers a window into how difficult such cases are to prosecute, but also signals that authorities are beginning to take the crime seriously.

All but six states have cyberstalking statutes on the books, but the Illinois case is "one of very few arrests I've heard of," says Jayne Hitchcock, president of Working to Halt Online Abuse (WFOA).

Legislators and policemen acknowledge the seriousness of the problem, but more pressing offenses often force them to overlook a crime that can be time-consuming to prosecute. Not to mention difficult. The global nature of the Internet means that the culprit could live in another state or country, and is unlikely to be extradited for what's usually a misdemeanor.

The Illinois case is the state's first arrest for cyberstalking since a statute was passed a year ago. Profirios Liapis scheduled to go on trial this week for allegedly e-mailing death threats to another man. Police say that Mr. Liapis - who could face three years in prison if convicted - is a former boyfriend of the victim's ex-wife. He is accused of sending threatening e-mails under the pseudonym of "MYSALLY17" to the victim at his workplace. Liapis also allegedly mailed the victim photos of his house and car to prove he was watching him.

In many instances, those who are threatened by e-mail have little idea whether their Internet stalker will make good on a threat.

In Ms. Moubray's case, the warnings she received terrorized her so much that she had to take safety into her own hands. "I started carrying pepper spray, and I wouldn't go anywhere alone. My Dad bought me a gun," she says.

More often than not, police don't want to get involved in cases of Internet harassment until a physical crime occurs. Most cyberstalking laws, however, allow for prosecution if someone receives repeated e-mails threatening violence.

Even so, "the majority of police departments, district attorneys, and attorneys do not understand this, and the laws do not really protect you from this type of problem," says Mr. Hatcher.

Today, educating Internet users and lawmakers is the primary focus of groups like SafetyEd, WHOA and WiredPatrol. Each site has advice such as recommending use of a free e-mail account in chat rooms and a private address for friends.

Stalkers often stop once police or private agencies come to them with evidence that ties them to the threatening messages. In Moubray's case, the perpetrator lived in another state, so WHOA linked her up with a policeman in the stalker's hometown. One visit ended the Internet stalking.

"People can be very cool while they sit at their computer. Traditional stalkers have to be very angry to get close and threaten the victim, since there's a chance they will get punched in the nose," said Susan Catherine Herring, a fellow at Indiana University's Center for research on Learning & Technology.

Antistalking activists also say that for every case they take to police, scores more fail to meet the legal definition of cyberstalking. "One woman I know is getting 20,000 e-mails per day that say 'I love you'.... but there's no threat, so it's not a crime," Hatcher says.

While many cyberstalkers fit the profile of loners with low-level jobs, the crime can be committed by anyone who lets an obsession take over part of his or her life. "You'd be surprised who does this; it's often doctors or lawyers," Hitchcock says. She adds that "only a handful" persist after being contacted by authorities.

For most victims, including Moubray, an end to the harassment is usually enough. "A big part of me is relieved; I will go places by myself now," she says. But, she adds, "I still carry my pepper spray."

[Full HTML version of this story which may include photos, graphics, and related links](#)

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# CYBERSTALKING AND ELECTRONIC HARASSMENT

- Introduction
- What kinds of harassment can happen online?
- What should you do if you are getting harassed or cyberstalked?
- How can you minimize the risk of being electronically harassed or cyberstalked?

## Introduction

Cyberspace is not naturally a "warm" environment. It is an emotionless electronic communication system. All the warmth and emotion that is created online has to be created by human beings working hard sitting at their keyboards. The other person you are chatting with appears online as an electronic connection number with a nickname. You can't hear them or see their face when they speak to you. In such a soulless environment it is easy to forget that at the other end of the terminal is another human being with all the same range of powerful emotions as you have.

Sometimes things go wrong in cyberspace, usually in places where people meet and chat with strangers, like chat rooms or discussion groups. Someone may start harassing or stalking you for a number of reasons. Sometimes people get into arguments that become vicious. They make enemies who don't forget what was said and who come back again next day to get revenge. Other times they meet a friend online in a chat room who falls in love with them and becomes obsessional, pestering them with messages and emails, and becoming furious when their attentions are not appreciated. Or you may simply meet a bully type online, who likes to push people around and send abusive messages and who enjoys terrorizing you.

Cyberspace is a place of lowered inhibitions. It encourages people to say things they might not have said if they were face to face with you. This is partly because people are anonymous online (you don't know who is talking to you) and also because people talking to one another online are far away from each other physically. Anonymity and physical distance mean that people online are protected from the immediate consequences of their actions. A person can type words to you that if they said them face to face might provoke you to slap their face!

Face to face, people are careful how they talk to strangers because they don't know what offends them. So usually when two strangers meet there is a period of "feeling out", where both parties are very respectful and cautious, as they establish how they each like to be spoken to. In online chat this element is often missing. Online people are often very direct with strangers regardless, because after all, "so what if I make a mistake and offend the other person? What is that person going to do?"

Women looking for friendship or even romance with men online will often find themselves

engaged in conversations that rapidly become very directly (and often crudely) sexually oriented, at a pace much faster than would ever happen in real life. You might find yourself asking "How can he SAY that to me when he has only just met me?" The answer to your question is that this is online chat.

The wise approach to avoid offending people and making enemies fast is to treat everyone ONLINE exactly the same as you would OFFLINE. Try to treat them as if you were chatting face to face with them. Because in fact there ARE consequences of being rude and offending people online. But bear in mind that you may do nothing wrong and still get targeted for harassment or stalking online.

Harassment is a repetitive form of abuse, deliberately aimed at you, with the purpose of causing you distress. Under U.S. law "stalking" means that you are being both followed around, and threatened with physical harm.

### **What kinds of harassment can happen online?**

When it starts you may just ignore it and hope it goes away. But what if it doesn't? What if you have become the target of a malicious and obsessive abuser? What kind of things might happen to you online?

- You may get sent abusive communications via chat or email, or you may get sent obscene or disgusting pictures.
- You may get threatened with death or bodily harm.
- You may get followed around like a lovesick puppy and pestered over a prolonged period of time by someone who tells you they are in love with you.
- You may experience a series of electronic attacks on your internet connection, disconnecting you over and over again.
- You may get sent electronic viruses to try to cause problems on your computer.
- You may see nasty, cruel or defamatory things written about you on someone's web site or in a post they make to a discussion group.

### **What should you do if you are getting harassed or cyberstalked?**

If ignoring the harasser isn't working, consider the following good advice:

- Contact SafetyEd International and ask us for help.

SafetyEd has expert staff who can advise you about electronic harassment at all levels. When they receive your request for help they will email you a questionnaire to assist them in advising you how to proceed. They will be able to offer you advice about identifying the harasser, protecting your privacy online, reporting abuse to internet service providers, and legal information on stalking and harassment.

- Don't delete the communications (emails, chat logs, posts etc). SafetyEd may need more information about them to identify who is doing this to you.

- Try not to panic.
- If you feel in any immediate physical danger of bodily harm, call your local police.

### **How can you minimize the risk of being electronically harassed or cyberstalked?**

- Avoid getting into huge arguments online in chat or discussion areas with other users. It's really not worth it. Remember, you do NOT have to respond to public messages or private ones that are sexually suggestive, obscene, aggressive, threatening, or make you feel uncomfortable in any way. If you respond by "flaming" (being really rude) you may start a "flame war" which means major harassment that could involve others and could also spread to your email.
- Remember that all other internet users are strangers. You do not know who you are chatting with. So be careful and polite. Treat others online as you would wish to be treated.
- Be extremely careful about how you share personal information about yourself online.
- Choose your chatting nickname carefully so as not to offend others.
- Learn your technology. Most targets of electronic harassment are unskilled internet users or beginners. The more you learn about how to use this technology the better able you will be to avoid online harassment problems.

One last thing: try to remember that electronic harassers and cyberstalkers are a minority. Try not to let them spoil your online fun!

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## Cracking Down on E-Mail Harassment

Partner Sites:

- [Newsweek.com](#)
- [Britannica Internet Guide](#)

### Related Items

**From The Post**  
 E-mail jokes can cause problems, regardless of the sender's intentions. A [false Internet accusation](#) based on hearsay brought a Md. family a flood of threats.

**On Our Site**  
[WashTech](#)

**On the Web**  
 Georgia State University Law School: [Gender Harassment on the Internet](#)  
 "Netiquette": [Cyberspace Predators](#)  
[Electronic Mailbox Protection Act of 1997](#)

By *Brooke A. Masters*  
 Washington Post Staff Writer  
 Sunday, November 1, 1998

The e-mails started coming in April. Every day, James Gress's electronic mailbox at the Pentagon was clogged with 50 or more unwanted communications, including offers for pornography and subscriptions to online magazines such as "Workstation Tip of the Day" and "WebShoppers Hot Products Daily."

Gress, an official with the Defense Information Systems Agency, had no idea who was signing him up for all these services, but it had become all but impossible for him to identify the legitimate e-mails that he received for work.

So he complained to the Defense Criminal Investigative Service's new computer crimes unit. It tracked the subscriptions to a former underling, Trung Ngo, who apparently was still angry about a 1995 performance evaluation that rated him "Highly Successful" rather than "Outstanding," according to court documents.

As the online population has soared to an estimated 80 million users, the real-world crimes of harassment and stalking have moved into cyberspace, causing annoyance and outright fear for victims and headaches for law enforcement officials.

The mechanics of the Internet – mailing services and free e-mail accounts that make it possible to send vast numbers of anonymous messages with one keystroke – make it a fertile field for those seeking to frighten or intimidate, analysts said. A single user can send the same file to hundreds of people in far less time than it would take to telephone or write them.

At the same time, many police agencies are reluctant or ill equipped to deal with the problem because it is still so new and because it is often unclear when online misbehavior crosses the legal line from annoying to criminal. Many states are rushing to adapt their penal codes; in Maryland, a law making it a misdemeanor to send e-mail "with the intent to harass" went into effect Oct. 1.

About 30 percent of the 47,000 complaints reported so far this year to the Web Police, an international group that attempts to address online

crime, involved harassing or threatening e-mail, said founder Peter Hampton. Last year, the group received fewer than 13,000 complaints.

Victims report everything from e-mail "bombs" that flood them with hundreds of messages to outright extortion and death threats, law enforcement agencies said. In a variation on the old "for a good time call Sally" prank, a 30-year-old Alexandria woman discovered that her name and phone number had been posted on matchmaking and sexual Web sites, leading other Internet users to send her suggestive or obscene messages.

Academics and others who study cyberspace say it is not clear whether e-mail has simply become another venue for crimes that would occur anyway or whether the electronic medium exacerbates the problem by making it easier to stalk and harass.

"The architecture of cyberspace might make it more common because you can do it all from your chair ... without going to the trouble of tracking [a victim] down, going to their house and leaving a note," said Jonathan Zittrain, executive director of Harvard University's Berkman Center for Internet and Society. "It's easier to do and easier to do anonymously."

Last year, a Northern Virginia couple found themselves on the receiving end of several forms of harassment when they banned a Florida man from their online chat room on professional wrestling. First, the man, Emmett Gulley, of West Melbourne, kept trying to get back on to the chat room, posting insulting and threatening messages before they could throw him off. Then, he branched out.

"My husband has a Web page on the Net, and it has a guest book, and he started signing it, saying he was going to come after us and kill us," said the woman, 38, who asked not to be identified because authorities think Gulley never learned the Fredericksburg area couple's real names. "We tried calling the police, and they were clueless. It went on and on, and finally he started threatening my children."

Gulley also e-mailed them profanity-laced audio files containing more threats and telephoned and e-mailed threats to several other members of the chat room, according to court papers. He pleaded guilty two weeks ago to transmitting threats in interstate commerce and faces up to five years in prison when he is sentenced in U.S. District Court in Orlando in January. His lawyer declined to comment.

The chat room couple got results, they said, because they decided to call the FBI, which took their problem seriously. Special Agent John Mesisca said his Washington-based squad will get involved when the

threats are interstate and make explicit reference to doing bodily harm. The Washington Field Office, which covers the District and Northern Virginia, opens about six e-mail threat cases each month, he said.

Most victims have a harder time getting help from law enforcement, online advocacy groups say.

"Usually, state and local law enforcement will ... throw their hands up in the air unless you can show them off-line harassment," said Parry Aftab, executive director of Cyber Angels, the online offshoot of the Guardian Angels.

That's what happened to former Crofton resident Jayne Hitchcock.

In 1996 and 1997, Hitchcock was receiving several hundred e-mails at a time, and fake e-mails and postings to online groups were being sent out under her name.

When the writer complained to Anne Arundel County police, they "said there was no law that covered that. And the FBI said that unless there was a death threat against me there was nothing they could do," she said.

Eventually, the harassment escalated. Hitchcock, 39, who since has moved to New England, started receiving lewd phone calls after her name and phone number were posted to sexually oriented sites.

"If there had been a law, it never would have escalated, and I wouldn't have felt my life was in danger," she said. Hitchcock has filed a civil suit against the people she believes are behind the harassment.

Hitchcock was one of those urging Maryland legislators to adopt the new state law. In all, 17 states now have laws against online stalking or harassment, up from fewer than a half-dozen 18 months ago, said Nancy Savitt, a New Jersey-based lawyer who specializes in cyberspace issues. Neither Virginia nor the District has specific laws on e-mail harassment or stalking.

Some law enforcement agencies are also using existing laws against stalking and telephone harassment to go after those who abuse e-mail.

In the Pentagon e-mail case, Ngo, 32, pleaded guilty last month to "repeated telecommunications harassment." He could go to prison when he is sentenced in January in U.S. District Court in Alexandria because Congress recently beefed up the maximum penalties from six months to two years in prison.

His attorney, John Bevis, said Ngo is "a nice guy who had no idea of the laws that govern these situations."

Similarly, Gulley was prosecuted under a law that often is used for telephone threats, lawyers said. "A lot of electronic mail, they use the telephone wires, so we just adapt the law," Mesisca said.

In a California case, an e-mail harasser was charged under a federal civil rights law. This year, a federal jury convicted Richard J. Machado, a former student at the University of California at Irvine, in connection with a 1996 e-mail he sent to 59 mostly Asian students. The anonymous message, signed "Asian Hater," said, "I personally will ... find and kill everyone of you personally." Machado already had served a year in jail while awaiting trial and was sentenced to probation.

Legal analysts say they expect to see more criminal cases involving online harassment and stalking. However, criminalizing e-mail could raise civil liberties concerns. Overt threats to do harm clearly are not protected by the First Amendment, but some legal analysts worry that in the rush to make Internet users feel safe, lawmakers may trample on free speech by banning "lewd" communications or other e-mail that isn't clearly harmful.

"You can be crude, you can be rude, you can be nasty," said Stephen Brock, a Philadelphia lawyer who has handled several civil cases involving e-mail. "It's not a federal crime to be a jerk."

*Staff writer Eric L. Wee contributed to this report.*

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[Back to the top](#)

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**Yellow Pages**

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Search:

News

Search

Text Size:

A

A

A

A

Home

Business

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Technology

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Wired Mag

Animation

# The Epidemic of Cyberstalking

By [Katie Dean](#)

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Deborah has been stalked in a chat room for over six months, during which time detailed personal information and a doctored pornographic photograph with her likeness has been posted on a website. The cyberstalker has threatened to rape and kill her.

"He told people that I was on drugs, that I was looking for sex," said Deborah, not her real name. "He enlisted (his) Internet friends to harass me."

Frightening scenarios like this are increasingly common as more people use the Internet and blindly trust those they meet online.

And too often, untrained police officers do not address the situation as they should. Advocacy groups say that when victims report their situation to authorities, a frequent response is "turn off your computer."

"They are scared out of their mind and no one takes them seriously," said Parry Aftab, executive director of the Internet safety group Cyberangels. "The victim is victimized twice."

The first cyberstalking law went into effect just over a year ago in California, and Congress is considering a federal law. The Stalking Prevention and Victim Protection Act of 2000 passed in the House, and currently is pending in the Senate.

As with offline stalking, most perpetrators are men and most victims are women who have met them before. But cyberstalking can be carried out in places as close as the same room as the victim, or as far away as another state.

There are no clear statistics on the number of cyberstalking victims, but an August 1999 report from the Department of Justice estimates that there could be hundreds of thousands affected, and the numbers are growing.

"The rate of cyberstalking has escalated enormously in the past few years with the spread of the Internet," said Linda Fairstein, chief of the sex crimes prosecution unit for the Manhattan district attorney. It

"provides a new method of committing the same kind of crime."

The anonymity of the Internet -- with free email and anonymous remailers readily available -- also enables cyberstalkers to easily conceal their identities.

"The Internet is both anonymous and public," said San Francisco Police Lt. Lon Ramlan. "(People) need to take the common sense that they use in the physical world and use those sensibilities in cyberspace."

But because not all law enforcement officers are familiar with technology, not all departments are trained to effectively deal with the problem.

"It's really a new area for police," Fairstein said.

An "unevenness of response" exists based on how technologically sophisticated and well-funded law enforcement is, she said. Large cities are more likely to have a computer crimes unit, whereas smaller departments often are unable to specialize.

"They're not equipped to handle it right now," agreed Morgan Wright, a former Kansas state trooper and police detective who heads up the advanced training unit of the International Association of Computer Investigative Specialists in Virginia. "It's not that they don't want to, it's just that they haven't been trained."

"The fact that Congress is considering making it a federal crime and a felony is an indication of how serious the problem is and that we need a national solution to it," said Nancy Savitt, chief legal officer for Cyberangels.

Savitt points out that fewer than half of the states currently have cyberstalking laws, and most offenders, if caught, face only a misdemeanor.

Victim advocacy groups are hoping that the bill in Congress will bring attention to an issue they deal with daily.

"We need to get the information out there. It's potentially going to be a very big problem if people don't learn about it, don't understand it, and don't know how to protect themselves," said Jayne Hitchcock, president of Women Halting Online Abuse.

Aftab estimates that Cyberangels receives 500 complaints of cyberstalking per day, 65 to 100 of which are legitimate cases.

In addition to providing support and guidance to victims, Cyberangels and WHOA regularly contact ISPs to alert them about harassers. This will often halt the abuse, but there are cases like Deborah's that are more serious and require police involvement. These advocacy groups also talk to the police for the victims to alert them to the seriousness of the crime.

"I feel like I'm being placated and not taken very seriously because it is happening on the Internet," she said. "I feel like a sitting duck in a shooting house."

