

# Cyber-Crime & Cyber-Safety



THE OFFICE OF THE  
HUNTERDON COUNTY PROSECUTOR

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**Cyberbullying** is when an individual is tormented, threatened, harassed, humiliated, embarrassed or otherwise targeted by another child, preteen or teen using the Internet, interactive and/or digital technologies or mobile phones.

## Cyber bullying can take many forms:

- ❖ Sending mean messages or threats to a person's email account or cell phone
- ❖ Spreading rumors online or through texts
- ❖ Posting hurtful or threatening messages on social networking sites or web pages
- ❖ Stealing a person's account information to break into their account and send damaging messages
- ❖ Pretending to be someone else online to hurt another person
- ❖ Taking unflattering pictures of a person and spreading them through cell phones or the Internet
- ❖ Sexting, or circulating sexually suggestive pictures or messages about a person

## Cyber-harassment

a. A person commits the crime of cyber-harassment if, while making a communication in an online capacity via any electronic device or through a social networking site and with the purpose to harass another, the person:

(1) threatens to inflict injury or physical harm to any person or the property of any person;

(2) knowingly sends, posts, comments, requests, suggests, or proposes any lewd, indecent, or obscene material to or about a person with the intent to emotionally harm a reasonable person or place a reasonable person in fear of physical or emotional harm to his person; or

(3) threatens to commit any crime against the person or the person's property.

**Despite the potential damage of cyber bullying, it is alarmingly common among adolescents and teens. According to Cyber bullying statistics from the i-SAFE foundation:**

- Over half of adolescents and teens have been bullied online, and about the same number have engaged in cyber bullying.
- More than 1 in 3 young people have experienced cyber-threats online.
- Over 25 percent of adolescents and teens have been bullied repeatedly through their cell phones or the Internet.
- Well over half of young people do not tell their parents when cyber bullying occurs.

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

# Criminal Coercion

A person can be charged with criminal coercion if he purposefully and unlawfully restricts the freedom of another to engage in or refrain from engaging in conduct by threatening to:

**New Jersey recognizes 7 specific categories of criminal coercion.**

- Inflict bodily injury on anyone or commit any other offense
- Accuse anyone of an offense
- Expose any secret that would tend to subject any person to hatred, contempt, or ridicule or impair his credit or business repute
- Take or withhold action as an official or cause an official to take or withhold action
- Bring about or continue a strike, boycott, or other collective action (unless the threat is made during the course of negotiations for the benefit of the group in whose interests the person is acting)
- Testify or provide information or withhold testimony or information with respect to another's legal claim or defense
- Perform any other act that would not in itself substantially benefit the actor but is calculated to substantially harm another person's health, safety, business, calling, career, financial condition, reputation, or personal relationships

## Endangering the Welfare of a Child

**A person commits a crime of the second degree if he or she photographs or films a child in a prohibited sexual act or in the simulation of such an act OR who uses any device, including a computer, to reproduce or reconstruct the image of a child in a prohibited sexual act or in the simulation of such an act.**

(a) A person commits a crime of the second degree if, by any means, including but not limited to the Internet, he:

(i) knowingly distributes an item depicting the sexual exploitation or abuse of a child;

(ii) knowingly possesses an item depicting the sexual exploitation or abuse of a child with the intent to distribute that item; or

(iii) knowingly stores or maintains an item depicting the sexual exploitation or abuse of a child using a file-sharing program which is designated as available for searching by or copying to one or more other computers.

**A person commits a crime of the third degree if he knowingly possesses, knowingly views, or knowingly has under his control, through any means, including the Internet, an item depicting the sexual exploitation or abuse of a child.**

# Invasion of Privacy

An actor commits a crime of the fourth degree if, knowing that he is not licensed or privileged to do so, and under circumstances in which a reasonable person would know that another may expose intimate parts or may engage in sexual penetration or sexual contact, he observes another person without that persons consent and under circumstances in which a reasonable person would not expect to be observed.

b. An actor commits a crime of the third degree if, knowing that he is not licensed or privileged to do so, he photographs, films, videotapes, records, or otherwise reproduces in any manner, the image of another person whose intimate parts are exposed or who is engaged in an act of sexual penetration or sexual contact, without that persons consent and under circumstances in which a reasonable person would not expect to be observed.

c. An actor commits a crime of the third degree if, knowing that he is not licensed or privileged to do so, he discloses any photograph, film, videotape, recording or any other reproduction of the image of another person whose intimate parts are exposed or who is engaged in an act of sexual penetration or sexual contact, unless that person has consented to such disclosure..

## Report Cyberbullying to Law Enforcement when:

- ✓ Threats of violence
- ✓ Sexually explicit messages or photos
- ✓ Taking a photo or video of someone in a place where he or she would expect privacy
- ✓ Harassment
- ✓ Stalking

# What you can do to help:

- Report incidents of cyber bullying to an adult, but be careful to reassure victims they will not be punished.
- Do not respond to and don't forward cyber-bullying messages
- Reassure the bullying victim that they are not at fault for these attacks against them.
- Save cyber bullying messages as proof that the cyber bullying is occurring. This is especially important if the incidents are eventually reported to the police, to parents or school officials or to the bully's cellular provider.
- Block users/ change settings to ensure the individual does not contact you further
- Since much of the cyber bullying attacks happen via cell phones, victims can start by changing their cell phone number and/or email addresses. You can also contact your cell phone provider to block the bully from contact.
- Cyberbullying statistics 2014 indicate that many instances involve the bully impersonating someone else. Do not to send information or photos via text or instant messaging they wouldn't want shared publicly.

## Consequences & Impact on all parties

- Criminal charges, conviction, Megan's Law/sex offender Registration
- School discipline, suspension, expulsion
- Inability to obtain employment, education-reputation
- Lasting emotional, psychological harm to all involved

## Advice for Young People

Think about the consequences of taking, sending, or forwarding a sexual picture of yourself or someone else underage. You could lose certain privileges at school, be prevented from participating in extracurricular activities, get kicked off of sports teams, face humiliation, lose educational opportunities, and even face criminal charges

Never take images of yourself that you wouldn't want everyone—your classmates, your teachers, your family, or your employers—to see.

Before hitting send, remember that you cannot control where this image may travel. What you send to a boyfriend or girlfriend easily could end up with their friends, and their friends, and their friends.

If you forward a sexual picture of someone underage, you are as responsible for this image as the original sender. You could be subject to child pornography charges, face incarceration, and have to register as a sex offender.

Report any nude pictures you receive on your cell phone to an adult you trust. Do not delete the message. Instead, get your parents or guardians, teachers, and school counselors involved immediately.

Source: National Center for Missing and Exploited Children, *Tips to Prevent Sexting*;  
[http://ncmec.vo.llnwd.net/o15/downloads/special/Sexting\\_Prevention.pdf](http://ncmec.vo.llnwd.net/o15/downloads/special/Sexting_Prevention.pdf) (accessed July 6, 2009).