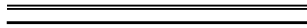


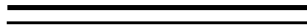
**The Bill Blackwood  
Law Enforcement Management Institute of Texas**



**Educating through Prevention and Investigating Cyber Bullying  
For Law Enforcement**



**A Leadership White Paper  
Submitted in Partial Fulfillment  
Required for Graduation from the  
Leadership Command College**



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## **ABSTRACT**

Cyber bullying is a growing epidemic, particularly with adolescents in today's society, law enforcement will begin to play a bigger role in cases of cyber bullying. Law enforcement will have to learn better ways to educate others about cyber bullying, and learn better prevention techniques to help curve the growing epidemic of cyber bullying. The purpose of this research paper was to show law enforcement as well as the public ways to educate others about cyber bullying. The second purpose of this paper is to help law enforcement understand that cyber bullying is a violation of the law when done in a manner that harasses another, and should be prosecuted when necessary. Information relevant to the research of this paper came from numerous websites that have studied or are currently studying cyber bullying.

Law enforcement needs to be more educated on the laws that are used to prosecute cyber bullying. This paper will discuss how law enforcement, teachers, and parents can educate on websites and cellular phone applications that are used by adolescents to cyber bully others. This paper also will show how there is not freedom of speech when the speech is a form of cyber bullying that leads to a violation of the law. This paper will discuss how law enforcement needs to educate more on search and seizure when it comes to dealing with cyber bullying cases. This paper will focus on law enforcement's need to arrest and prosecute offenders for cyber bullying and the need to educate on cyber bullying.

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## INTRODUCTION

Law enforcement should be educated about cyber bullying and should use legal means to stop bullying when possible. The purpose of this paper is to educate law enforcement on the roles they should have through prevention and investigating cyber bullying. Cyber bullying can be defined, as using social media sites and or cellular phones to harass, torment, and or harm another repeatedly. Cyber bullying is growing among adolescents today and is not likely to decrease but to increase. Hinduja (2014) stated, "Overall, about twenty-five percent of the students surveyed over the last eight studies have said that they have been cyber bullied at some point in their lifetime" (para. 1). Hinduja also stated, "About 9% were cyber bullied in the 30 days preceding the survey. Similarly, about 16% of those who we surveyed admitted that they had bullied others at some point in their lifetimes (about 6% in the most recent 30 days)" (Hinduja, 2014, para. 1). Law enforcement will began to play a bigger role in cyber bullying cases. Hinduja and Patchin (2010) wrote, "Youth who are bullied, or who bully others, are at an elevated risk for suicidal thoughts, attempts, and completed suicides" (p. 1).

Although bullying may have been around for a while, the fact remains that cyber bullying can be done easily through social media sites and simply by texting using a phone. This type of bullying requires no face-to-face contact and repeated on numerous occasions. Law enforcement should be familiar with the ongoing epidemic of cyber bullying and prosecute offenders for the crime. The idea is to let the bullies know that cyber bullying is and will be prosecuted as criminal offenses. Forms of cyber bullying in adolescents is sending harassing emails and texts to others that are cruel in

nature, and hurts ones feelings. Although these types of messages hurt ones feelings, in the state of Texas, the messages must be repeated and or threatening in nature.

Most states have harassment laws intended to prosecute cyber bullying. An example of one such law is the harassment law in the state of Texas listed under Disorderly Conduct, Texas Penal Code section 42.01 (2014) which states “a person commits an offense if with intent to harass, annoy, alarm, abuse, torment, or embarrass they send repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass another” (p. 883). The key to most harassment laws is repeated number of occurrences of the communication.

Cyberbullying may fall under other laws in the state of Texas, depending on circumstances. These laws are online impersonation, Texas penal code section 33.07 (2014) and terroristic threat Texas penal code section 22.07 (2014). It is against Texas law to cyberbully another, when the bullying is repeated and or threatening in nature.

This paper will focus on law enforcement’s need to arrest and prosecute offenders for cyber bullying and the need to educate on cyber bullying. Cyber bullying will be a tough approach today and in the future for law enforcement. This paper will show how adolescents are responsible for most cases of cyber bullying and how cases go unreported. This paper will show that prosecution for cyber bullying can be tricky, due to the First Amendment right freedom of speech. Marc Stern, the AJC's chief counsel and lead author of the pamphlet said, "There are those who believe that we can't have restriction on bullying and protect free speech; Conversely there are those who think that the rules against bullying are so important that they trump any concern for free speech" (Markoe, 2012, para. 4).

Although the first amendment can be tricky for prosecuting cyber bullying, it is not impossible. Whatever the position one may hold on cyber bullying, there is the ongoing criminal activity when one bully's another using social media sites and text messages that are repeated and or threatening. Law enforcement should use education and legal means to stop cyber bullying when possible.

## **POSITION**

Law enforcement can better understand cyber bullying in adolescents through educating in prevention. Kids are using several different means to cyber bully, one being through direct attacks to the victim and the other by using help from other friends on social media websites to attack the victim. Due to children having easier access to cellular phones, they can now bully each other without physical contact. Through texting, one can reach out to numerous subjects through one text.

Due to these facts, law enforcement must educate themselves as well as others for the protection of adolescents falling victims to cyber bullying. Due to cyber bullying having serious psychological effects on the victim, law enforcement should have more education on the roles they can play in cyber bullying incidents. Some of the affects of cyber bullying is alcohol and drug abuse, skipping school, poor grades, lowered self-esteem, health problems, and numerous others.

Educating law enforcement in the prevention of cyber bullying can help deter the issue. There are guidelines listed on such websites as ([www.cyberbullying.org](http://www.cyberbullying.org)) to help in the prevention of cyber bullying. One thing that helps reduce cyber bullying is to be aware of what children are doing when it comes to social media. Law enforcement should teach parents to talk to their children about being cyber bullied and the affects

cyber bullying has on the victim. Law enforcement should know web sites and phone applications used by adolescents to cyber bully. Knowing sites adolescents are visiting helps law enforcement be more educated about cyber bullying and can help law enforcement educate others.

When taking complaints of cyber bullying, law enforcement can help by teaching parents and the community to set rules on the social media sites that adolescents are visiting to help reduce the chances of being bullied. Law enforcement can educate parents to establish rules about the proper use of cell phone and computers and what sites their children can visit and not visit. Children should be smart about information they post on social media sites and messages that they text to others. Parents can set guidelines for children to follow when using cell phones and computers with stricter consequences for broken rules. Law enforcement can educate adolescents on the consequences of cyber bullying, including the possibilities of arrest and prosecution when bullying. Some of the laws that can be enforced in the State of Texas under the penal code are harassment Texas penal code section 42.01 (2014), on line impersonation Texas penal code section 33.07 (2014), and terroristic threat Texas penal code section 22.07 (2014). Law enforcement should have an obligation to educate themselves and the community about cyber bullying in an effort to stop and prevent cyber bullying. Programs such as school talks and community outreach can be effective in the fight against cyber bullying. Law enforcement should work together with the community and schools to better combat cyber bullying and educate others about cyber bullying.

The role of investigating cyber bullying for law enforcement often comes to the question of whether the complaint is a violation of the law. Most states have activated laws that cyber bullying falls under. Hauck (2014) noted, "As of April 2014, forty nine out of fifty states had laws in place around bullying, and twenty specifically stated, "Cyber bullying" in the legislation (forty eight reference bullying using electronic methods)" (para. 7). Three questions a law enforcement officer should ask when taking a report of cyber bullying is how often has the victim been contacted, the nature of the threats on the victim, and how often the threats occur. On the website ([www.stopcyberbullying.org](http://www.stopcyberbullying.org)), there is a comprehensive list for law enforcement to follow. When there have been threats of bodily harm or death, law enforcement should take a report since it is clearly a violation of the law under the Texas penal code to threaten another with bodily harm. In the State of Texas, it is also against the law to communicate through electronic means with another when the communication is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass another, otherwise known as harassment. In the State of Texas, it is also unlawful for another to pose as someone else using identifying information of another on social networking sights and or threaten another.

Law enforcement officers who are able to educate on the current laws in their state should be more willing to take action in cyber bullying cases and making the arrest of the offender. Law enforcement officers should educate themselves when it comes to issues involving search and seizure of electronic devices used in the act of cyber bullying. Laws are constantly changing on the searching of phones and other electronic communication devices across the country. Law enforcement can begin to educate



more when the evidence posted on social media sites is public record. Law enforcement should stay on top of evidence needed to arrest for cyber bullying and the approaches to take when dealing with evidence involved in cyber bullying, such as search warrants for cell phone contents and consent to search on cell phones and computers.

Due to the criminal activity of cyber bullying not showing signs of slowing down, officers will begin to have to train, educate, and stay on top of the new prevention tactics and laws concerning cyber bullying in an attempt to deter the crime that plagues America today. Law enforcement officers and schools that employ school resource officers should know the laws in their state to gain a better understanding of laws dealing with cyber bullying. Law enforcement officers who know their state laws will be able to have a better understanding of the complaint from the cyber bully victim and be able to know if a statute in their state has been violated. Staying on top of the laws in one's state should result in law enforcement having more options to punish the cyber bullying offender. Law enforcement can talk to their local prosecutors about laws to file on young adolescents for cyber bullying. Some prosecutors may rather place young offenders through counseling versus the young offender having a record. The ideal should be to educate the young adolescents to deter the need to arrest. Although law enforcement should not shift the burden of cyber bullying on others, and, if possible, should follow their state laws on cyber bullying and make an arrest when necessary to stop the act of cyber bullying.

If no law is violated, officers should still take a stand on the issue in an attempt to deter a law from being broken due to the repetitive nature of cyber bullying. Law

enforcement should take into consideration that they could still help the victim regardless of law. Even if that particular instance of cyber bullying is not a crime, officers should take the action to stop the bullying regardless of the written law. Some acts of cyber bullying are considered criminal by some but not by all. Law enforcement should began to take a stand on the act of cyber bullying in an effort to help the victim from the act of such harassment and to help minimize situations that are harmful through cyber bullying.

## **COUNTER POSITION**

The question to ask is whether cyber bullying can be handled as a criminal offense and if cyber bullying is a matter of freedom of speech. There are laws on cyber bullying found in the law books of most states around the country. Haynes (2012) stated, "Today, 49 states and the District of Columbia have anti-bullying laws in place (Montana is the lone holdout)" (p. 1). One might go as far too even state that cyber bullying should not be handled as a crime. Toppo (2010) said, "Locking children up (and) imposing criminal penalties on children represents a tremendous failure on part of adults" (para. 11). When harassing and threatening messages are directed toward another, it is a violation of the law in most states. When cyber bullying is repeated, it constitutes harassment, and is a criminal offense. When one uses social media and or text messages to threaten to harm or harass another, it is a criminal offense. Without criminal penalties being imposed on serious cases of cyber bullying, the bully will assume nothing can be done to punish them. When all else fails through possible education and prevention techniques, all that is left for getting the bully's attention is possible criminal charges. Cyber bullying has been linked to suicide and other violent

behaviors. Klomek, Sourander, and Gould (2011) stated “Cyber bullying has become an increasing public concern in light of recent cases associated with youth suicides that have been reported in the mass media” (p. 1) Life should not be sacrificed due to the cruel tormenting from a bully.

Research showed that many believe there should not be more laws to combat cyber bullying. Butler (2010) said, “We do not need new laws. Four thousand federal crimes, and many times that number of state crimes, are in effect. If prosecutors cannot find anything to charge, a particular cyber bully with, that bully has not committed a crime” (p. 1). There may not be more laws needed to combat cyber bullying, but laws that are all ready in affect should be used to prosecute offenders for cyber bullying. Whatever one’s theory on cyber bullying may be, it is still against the law to cyber bully another when one’s actions deem the messages as repeated harassment and or threatening. Although there may be no need for more laws to combat cyber bullying, there should be harsher penalties in the prosecuting of laws all ready in affect. Some believe that juveniles should not receive the same punishment as adults when it comes to cyber bullying laws. Cyber bullying should have strict punishment whether it is juvenile or adult. If children are allowed to do as they please without remorse, including cyber bullying, this rises the question of what are children learning from cyber bullying and the affects it has on its victims.

America’s ancestors granted the right to freedom of speech under the First Amendment, but cyber bullying is not freedom of speech. People have the right to practice freedom of speech as long as the speech does not cause harm to another person, property, or freedom. Due to the new error of cyber bullying through social

media sites and cell phones, United States court systems are struggling with the issue of freedom of speech versus cyber bullying. Although there is the right as Americans to practice freedom of speech, people do not have the right to be unlawful to others when doing so. Law enforcement has a duty to enforce laws, even laws that are controversial in regards to freedom of speech. There is a need to charge individuals for a criminal offense if warranted for repeated cyber bullying, and in criminal episodes of cyber, bullying it is not freedom of speech.

## **RECOMMENDATION**

The purpose of this paper was to show the role law enforcement should have in preventing cyber bullying through educating and investigating. Law enforcement should have a great concern to want to educate on more ways in prevention of cyber bullying. Law enforcement should play a bigger role in the educating of themselves, in an attempt to prevent cyber bullying. One way to prevent cyber bullying is to educate the community, parents, and adolescents about cyber bullying.

The second purpose of this paper was to show that law enforcement does have the choice to arrest and prosecute crimes of cyber bullying by simply knowing the statutes in regards to the crime in their particular state. Due to freedom of speech law enforcement may have a difficult time dealing with cyber bullying. Law enforcement should understand that cyber bullying is not always protected under the First Amendment and when the nature of the crime repeatedly harasses and or threatens, there can be an arrest made on the offender.

Law enforcement officers should be prepared to deal with more cases of cyber bullying today and in the future. The fact remains that due to newer and newer trends

of using social media and cell phone applications, adolescents are not likely to stop the act of cyber bullying, but only increase. Although proof shows that bullying has been around for years and that it is not a new trend, proof also shows that cyber bullying is a new form of bullying that has, at most times, no interaction between the bullied and the victim. Cyber bullying is normally repetitive in nature and can be very harmful to the victim of the messages, even at times resulting in suicide of adolescents. There are numerous options that law enforcement can take when dealing with cyber bullying. One such action would be to act as a mediator between the two adolescents. Another appropriate action would be to speak with the bully. If the law enforcement officer begins to take more action toward the bullying, the public should begin to perceive that law enforcement does take bullying seriously. Law enforcement can make an arrest if the bully is clearly in violation of the law. Patchin (2010) said, "It is imperative that everyone who works with adolescents, but especially law enforcement, stay up to date on the ever evolving state and local laws concerning on line behaviors, and equip themselves with skills and knowledge to intervene as necessary" (p. 1). If law enforcement begins to take a tougher stand on educating themselves and others about cyber bullying and begins to investigate and prosecute more offenders for cyber bullying, maybe a new trend of zero tolerance for the cruel and unusual ways of tormenting another through acts of cyber bullying can begin to decline in numbers. Expecting new laws to pass in the future law enforcement should start to play bigger roles in the act of cyber bullying to stay one-step ahead of the bully and make communities a safer place to live, without the unwanted harassment and horrific threats that can come out of cyber bullying.

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