

**Colorado Commission on Criminal and Juvenile Justice
Cyberbullying Subcommittee**

September 17, 2014 - 9:00 am-12:00 pm
700 Kipling Street, 4th floor conference room, Lakewood, CO

Members Present

Kevin Paletta, Lakewood Police Department
Jeanne Smith, Division of Criminal Justice
Jennifer Bradford, MSU Denver
Patty Moschner, Douglas County Sheriff's Office
Chris Harms, Colorado School Safety Resource Center
Tom Raynes, CDAC
Christine Brite, Douglas County Sheriff's Office
Maureen Cain, Colorado Defense Bar
Denise Maes, ACLU of Denver

Guests:

Jesse Jensen, CACP/CCASA/CCADU
Karen Moldovan, CCASA
Jana Locke, CDPS Legislative Liaison

Staff:

Kim English, Division of Criminal Justice
Laurence Lucero, Division of Criminal Justice

Members Absent

Linda Newell, Colorado Senate, District 26
Kelly Friesen, SB94, 14th JD/Grand Co. J.J. Dept.

<p>Issue/Topic:</p> <p>Welcome, Introductions and review of minutes of August 26, 2014 meeting</p>	<p>Kevin Paletta welcomed the group and members and guests introduced themselves.</p> <p>Tom Raynes moved for the approval of 8/26/2014 minutes of the Cyberbullying Subcommittee. Patty Moschner seconded the motion. The minutes were approved by unanimous vote.</p> <p>Kevin Paletta reminded the dates of upcoming Cyberbullying Subcommittee meetings:</p> <ul style="list-style-type: none">- October 8, 2014 – 9am-12pm- October 30, 2014 – 2pm-5pm- November 19, 2014 – 9am-12pm <p>All meetings of the Cyberbullying Subcommittee will be held at 700 Kipling St., 4th floor conference room, Lakewood.</p> <p>The group will finalize its recommendations at the last meeting on November 19, 2014. Staff will then draft a report for review by Chair and Vice Chair of the CCJJ, Stan Hilkey and Doug Wilson.</p> <p>Kevin Paletta outlined the discussions that occurred at the Cyberbullying Subcommittee meeting on August 26:</p> <p>Denise Mowder and Jenn Capps from Metro State University presented on cyberbullying, and the following points from their presentation were highlighted.</p>
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- The definition of cyberbullying proposed by the presenters is “*the willful and repeated harm inflicted through the use of computers, cell phones and other electronic devices*”.
- The presenters indicated that according to victimization studies, about 25% of youths reported having been cyberbullied nationally and 20% of youths in Colorado. Traditional bullying represents about 20% nationally.
- The presenters recommended a multidisciplinary and tiered system of response to cyberbullying. The repetitiveness and degree of bullying should be factored into the level and intensity of the response.
- In many instances, victims of cyberbullying suffer from low self-esteem, depression, mental illness, suicidal ideation, anger, frustration and other psychological problems. Although there is no proven causal effect between cyberbullying and suicide, research shows that there are other risks that increase with cyberbullying, including substance abuse, mental illness and depression. With tradition bullying, victims are 1.7 times more likely as non-victims to attempt suicide and victims of cyberbullying are 1.9 times more likely to attempt suicide as non-victims.
- With the use of cyber-platforms, cyberbullying is omnipresent and can happen 24/7.
- The presenters cited Aurora Public Schools and Jefferson County Public Schools as schools having implemented good policies regarding bullying and cyberbullying.
- Cyberbullying is a relatively recent problem and research on what evidence based practice or model is effective is very limited.

At the past meeting, the subcommittee decided to invite the Colorado Department of Education (CDE) to participate in the discussions. CDE was contacted but has yet to respond.

Group discussion:

It was commented that the data from the Healthy Kids Colorado survey (HKCS) vary from the data presented by Denise Mowder and Jenn Capps and that traditional bullying incidences are reported substantially higher than cyberbullying in Colorado. The 2013 HKCS report has recently been released.

---15.1% in 2013 of High School students reported having been cyberbullied *in the past 12 months*.

---22.7% in 2013 of Middle School students reported that they have been cyberbullied *ever*.

(It was noted that different questions were asked about cyberbullying incidents to high school and middle school students).

	<p>One Subcommittee member reported that research shows that victims of cyberbullying are more likely to also be victims of traditional bullying.</p> <p>At what point does bullying/cyberbullying become a crime? What is the impact on the victim? A majority of victims report not being affected by cyberbullying but the victims who are the most affected have often experienced trauma and may have other emotional instabilities. For those vulnerable victims who face excessive bullying, it is important to have in place recourses for families, schools and law enforcement. It was suggested recommending programs for schools that can empower victims and provide some techniques on how to avoid being cyberbullied and consequently minimize the impact.</p> <p>Some schools in Colorado have recently introduced an social emotional curriculum to ensure positive school climate and to help students build and strengthen their emotional skills.</p> <p>The Legislative leadership asked that CCJJ develop recommendations for a comprehensive response to address cyberbullying issues. Is a legislative response the appropriate answer to address cyberbullying considering that about 20% of Colorado students have been cyberbullied?</p> <p>According to Dr. Espelage from the University of Illinois, 75% of the students who have been cyberbullied reported not being affected by the incident.</p> <p>The Subcommittee discussed cognitive behavioral interventions since these are evidence-based in theory. Could something like this be applied to bullying/cyberbullying? The program "Alive at 25" (sponsored by the Colorado State Patrol) is a promising example of a successful program. Mandated classes for those convicted of Minor in Possession (MIP) may be a model since the MIP classes reflect different levels of intervention for different types of offenders.</p> <p>It is challenging to consider the vast range of behaviors that relate to cyberbullying. What factor(s) could determine an appropriate level of intervention?</p> <p>The Colorado Association of School Boards (CASB) has developed a template for schools to use as a model for cyberbullying in an effort to develop policies uniformly throughout the state.</p> <p>In some instances, school administrators believe they do not have the authority to address cyberbullying when it occurs off school grounds. However, bullying and discriminatory harassment are covered under federal civil rights laws, and schools are obligated by these laws to address conduct that is disruptive of the educational process. The Subcommittee will recommend that schools adopt uniform policies for student behavior that happen off campus.</p>
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<p>Issue/Topic:</p> <p>Feedback regarding victim treatment</p>	<p>Feedback regarding victim treatment, <i>Patty Moschner</i></p> <p>Patty Moschner reported that she has reached out to school counselors in Douglas County and asked about preventative bullying measures offered in the schools. A link to an “Anti-Bullying Campaign” website was forwarded and including multiple resources for parents and students.</p> <p>Patty was also informed the Subcommittee that a majority of elementary schools in Colorado offer anti-bullying classes each year to students from grade 1-6.</p> <p>While acknowledging that some children display excessive bullying behavior, Patty reported that generally schools feel that substantial progress has been made in terms of addressing bullying and expressed that most of the issues should be addressed within the schools in the disciplinary codes rather than with legislation.</p> <p>Patty Moschner also discussed the issue cyberbullying with two therapists and outlined the information she received:</p> <ul style="list-style-type: none"> - It is difficult for teenagers to decide to block and/or take down a social networking account because teens want to know what is being said about them. This is a developmental issue because at this age they need to know if they are acceptable to peers or not; - Therapies are centered around self-esteem and self-acceptance as teenagers, not specifically about bullying. - The Eye Movement Desensitization and Reprocessing (EMDR) therapy is well recognized and accepted by therapists as an effective form of trauma treatment. - Many of the victims have mental health issues related to trauma, self-esteem, substance abuse, etc. <p>It was reported that most of the victims of cyberbullying have also suffered from traditional face to face bullying.</p> <p>The group discussed the role that victim initiated restorative justice should play in cases of cyberbullying. There are many controversies and questions related to the use of restorative justice practices in the instances of bullying and cyberbullying. How effective can a practice that engages a bully and victim in a conflict resolution be when the victim is likely to remain intimidated and fearful of retaliation?</p>
<p>Issue/Topic:</p> <p>Legal issues</p>	<p>Legal issues, <i>Maureen Cain, Tom Raynes</i></p> <p>Maureen Cain suggested that the group first identify the existing criminal statutes that address or could address the underlying factual circumstances in bullying/cyberbullying cases and then identify possible gaps.</p>

	<p>The group listed the following statutes: harassment, stalking, certain sex assaults, criminal impersonation, criminal invasion of privacy, menacing, threats, and certain bias-motivated/hate crimes.</p> <p>It was also suggested to re-define “communication” in criminal statutes to include indirect communication and/or specific type of transfer of information (text, pictures etc.). For example, the introductory language in the Stalking statute differs from the Harassment statute.</p> <p>18-3-602 Stalking: “A person commits stalking if <i>directly or indirectly</i> through another person, the person...”.</p> <p>18-9-111(1) Harassment: “A person commits harassment if, with the intent to harass, annoy, or alarm another person, he or she...” The Harassment statute implies direct communication.</p> <p>Law enforcement officers are challenged to determine whether cyberbullying constitutes a crime and whether it fits under the Harassment statute. This issue could be addressed if “indirect communication” is added in the statute either as a sub-section or with a re-definition of harassment to include indirect communication.</p>
<p>Issue/Topic:</p> <p>Possible responses to the Legislature</p>	<p>Possible responses to the Legislature – All</p> <p>A working document was handed out to clarify the questions asked in the letter from legislators.</p> <p>Request 1: <i>Are existing criminal statutes adequate to address acts of cyberbullying? What gaps exist?</i></p> <p>Maureen Cain will coordinate the collection the existing criminal statutes that address or could address bullying/cyberbullying and submit to the group for additional suggestions. The legal experts in the Subcommittee will then work on closing the identified gaps by possibly relocating the harassment statute or expanding the definition with the indirect/direct communication.</p> <p>The response to the Legislature will be paired with explicit examples of bullying/cyberbullying scenarios.</p> <p>Existing federal laws pertaining to schools will be listed.</p> <p>Request 2: <i>Provide recommendations on effective prevention and intervention methods for addressing cyberbullying to include but not limited to schools and other educational settings.</i></p> <p>The policies from Jefferson County Schools and Aurora Public Schools will be forwarded to the Subcommittee and perhaps attached as an appendix to the report.</p> <p>Chris Harms will gather information related to policies and school curriculum for addressing cyberbullying.</p>

	<p>Request 3 (response paired with Request 5): <i>What role should victim initiated restorative justice play in acts of cyberbullying?</i> Following the discussions occurring at the meeting (see “Feedback regarding victim treatment”, the group agreed to NOT support the use of restorative justice intervention in conflict resolution of bullying/cyberbullying instances.</p> <p>Request 4 (response paired with Request 1): <i>Address the specific and problematic role of pornography plays in cyberbullying.</i> There are existing criminal statutes that address the act of pornography. Some examples cited were harassment (including indirect communication language), criminal invasion of privacy, revenge porn, and child pornography.</p> <p>Request 5: <i>What methods and interventions are or should be available to assist the victims of cyberbullying with recovery from the damages caused.</i> Patty Moschner and Chris Harms will coordinate the information related to programs implemented in the schools.</p> <p>The response will also include that there is no one-size-fits-all type of intervention but rather that <u>individual therapeutic interventions</u> seem to be most effective, particularly for the vulnerable victims.</p> <p>Research shows that there is a cross-over between bullying, sex assault and domestic violence. Many domestic violence perpetrators are engaged in bullying and controlling behavior.</p> <p>Research has found that homophobic bullying has been linked to domestic violence and dating violence in upper grades.</p> <p>Request 6: <i>What other research and analysis does the committee deem relevant, to include best practices in other political venues and evidence-based models.</i> Some of the responses will be covered by Request 2.</p> <p><u>Group discussion:</u></p> <p>The group discussed the structure of the response to the General Assembly.</p> <p>The report may include information of how the group evaluated the problem (presentations, research, input from experts, etc.), the scope of the problem, description of the Subcommittee members and their affiliations, and our recommendations/answers to questions and information that supports our recommendations.</p>
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	<p>Additionally, the Subcommittee members discussed the following elements to include in the report:</p> <ul style="list-style-type: none"> - Discussions that occurred around sexting and pornography, - Statistics and data, - Context of the issue: How did cyber space change bullying behavior? What can we say about the psychological component of harassing, bullying in a cyber space? - Role of schools in addressing the issue (authority/role/responsibility); Recognition of Federal Laws, - Multi-disciplinary approach, - Acknowledgment that cyberbullying is a relatively recent problem and there is very little research on the effectiveness of evidence based models. Research on bullying outside the schools is even more limited. <p>Kevin Paletta proposed to draft the introduction and Jeanne Smith agreed to prepare a bulleted outline of the Subcommittee’s response to the original letter to the Commission. This information will be forwarded to the group for input.</p> <p>Any additional data gathering needed?</p> <p>Jen Bradford will reach out to some of her colleagues in the Psychological Department at Metro State University to discuss the psychological component behind harassment, bullying in cyber space.</p> <p>Jeanne Smith will contact to the Colorado Association of School Board and Colorado Association of School Executive and ask about training, models and school curriculum around bullying.</p> <p>School policies and program curricula will be topics on the next meeting agenda.</p>
<p>Issue/Topic: Next meeting</p>	<p>Meeting adjourned at 11:05 a.m. Next meeting is on October 8, 2014 at 9 a.m. at 700 Kipling St. 4th Floor conference room, Lakewood</p>