



CyberBullying Subcommittee Update

Colorado Commission on Criminal and Juvenile Justice
November 14, 2014

Cyberbullying Subcommittee

- **Background:**

- Letter sent to CCJJ in April from General Assembly
- Subcommittee formed in August

- **Subcommittee Members:**

Kevin Paletta (Chair)

Jeanne Smith, DCJ

Dr. Jennifer Bradford, MSU

Det. Christine Brite, LE

Maureen Cain, Defense Bar

Kelly Friesen, SB 94

Chris Harms, School Safety Coord.

Denise Maes, ACLU

Patty Moschner, Victim Advocate

Linda Newell, Senator

Tom Raynes, CDAC

DCJ Staff

Facts & Findings

- **In CO:**
 - 20% of HS students report being bullied w/in past 12 mos.
 - 15% report cyberbullying
 - 47% of MS students report ever being bullied
 - 22% of MS students report ever being cyberbullied
- Victims of bullying are more likely to suffer emotional and academic impacts
 - 1.5-1.9 times more likely to attempt suicide
 - Research reveals many underlying factors for suicide beyond bullying

Facts & Findings

- 75% of bullied children say-“not upset” by it
- Cyberbullying should not be dealt with separately from bullying
- Multi-disciplinary response is most effective
- Very few states have passed cyberbullying specific criminal legislation
- Some cyberbullying laws have been successfully challenged (NY)

Request # 1

- **Request:** Are existing (CO) criminal statutes adequate to address acts of cyberbullying? What gaps exist?
- **Finding:** For the most part, the CRS has adequate legislation to address acts of cyberbullying (19+). Changes to the language of the harassment statute could close any perceived gaps. **“Directly, or indirectly”** through **“other interactive electronic medium.”**

Request # 2

- **Request:** Provide recommendations on effective prevention and intervention programs.
- **Findings:** Legislation already requires schools to have bullying prevention and response policies (Safe Schools Act, CRS 22-32-109.1). They need funding.
Data on “effective programs” is limited.

Request # 3

- **Request:** What role should victim initiated restorative justice (RJ) play in cyberbullying?
- **Finding:** RJ is a useful tool, but should be a local and situational decision.
 - Already an imbalance in power
 - Localized resources

Request # 4

- **Request:** Address the specific role pornography plays in cyberbullying.
- **Finding:** (The subcommittee expressly chose not to open the discussion of sexual exploitation laws). Pornography is commonly used in cases of cyberbullying and should be responded to with existing legislation, the same as other forms of bullying can be.

Request # 5

- **Request:** What methods and interventions are or should be available for victims of cyberbullying?
- **Findings:** The justice system offers victim services for many offenses-Victim Rights Act. Community based services include: Safe2Tell, Project Unify, *stopbullying.gov*, Rocky Mountain Crisis Partners, school based bullying prevention programs, outreach services for LGBT community.

Request # 6

- **Request:** What other research does the committee deem relevant to include best practices and evidence-based models.
- **Findings:** No purely “evidence-based” programs exist. Some programs show positive results (Olweus). More research is needed-in US.

Conclusions

- Existing legislation is adequate with some possible enhancements.
- Cyberbullying legislation has the risk of criminalizing a broad range of adolescent behaviors.
Constitutionality challenges.
- Cyberbullying is difficult to investigate & prosecute.
- The justice system is not always the best remedy for addressing adolescent actions.
- Many prevention and intervention programs already exist in schools and communities.
- Funding is needed to support more local intervention programs & research.