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### Cyber Sexual Misconduct

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# Cyber Sexual Misconduct

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# Disclaimer

This presentation is intended to provide an overview on relevant topics related to the use of social media in intimate relationships. It is not intended to pass judgement on the individuals who participate in relationships utilizing these formats. Rather it is intended to provide practitioners relevant information to a different way in which individuals engage in intimate relationships and how they may appear in a situation utilizing Title IX support or following a sexual misconduct adjudication.



# Overview

- **Institutional Context**
- **Camming**
  - Incentive for Participation
  - Camming Prevalence
  - Camming Functionality
  - Title IX Implications
- **Sextortion & Revenge Porn**
  - How Do The Images Exist?
  - Sextortion Prevalence
  - Revenge Porn Prevalence
  - Revenge Porn and Sextortion Functionality
  - Title IX Implications
- **Digital Evidence Collection & Safekeeping**
- **Questions**



# Institutional Context

- Increase of cases involving social media
  - 70% of cases adjudicated by UHB involved the use of social media over past 3 years
- Demand for more training for UHB as individuals are not always familiar with most recent social media tools (e.g. Snapchat, Anon-IB, 4Chan, Tinder/Grindr/Bumble)
  - Most of our cases with social media have involved Snapchat
- As a result of cases trends at Catholic U. and throughout the DMV, adapted trainings to include more discussions regarding social media and Title IX.

# Camming Defined

- Cam Business: a form of a digital-era peep show
  - Around for a few years, but increasing in popularity due to technology improvements, lower costs, and prevalence of in-home production equipment
  - Greater demand due to decrease in available pornography due to free Internet distribution
  - Can occur in real time or pre-recorded
- Cam Model: individual(s) providing the “show” which varies from featuring day-to-day activities to sex acts
  - Some models can have up to 1,000 or more fans per show
- Fan: individual paying to view the model’s “show”

# Incentive for Participation

- Models

- Payment
- Safety
  - Current shift is leading website administrators to serve in procurer role
- Relationship
  - Importance
  - Power
  - Desire to Please
- Pleasure Seeking

- Viewers

- Relationship
  - Feeling of Intimacy
  - Privacy
  - Power & Control
- Pleasure Seeking

*Meet the Adult Film Performers Using A New Instagram Like App; Vice (2018)*  
*The Emotional Side of Camming; Vice (2018)*  
*Cam Models Tell Us How Much They Are Really Making; Vice (2019)*

# Camming Prevalence

- Traffic to popular sites can get up to 30 million visitors/month (NY Times)
- Two Studies
  - US College Students Online Sexual Activity (OSA)
    - 2% Online Sex Work
  - 7% of University Students in Canada identify as sex workers
- Anecdotal Experiences

*Online Sexual Activity Experiences Among College Students: A Four Country Comparison; Doring, et al. (2017)*  
*Students Turn to Sex Work to Pay Tuition Bills; Moir (2014)*  
*Intimacy on the Web, With a Crowd; NY Times (2013)*

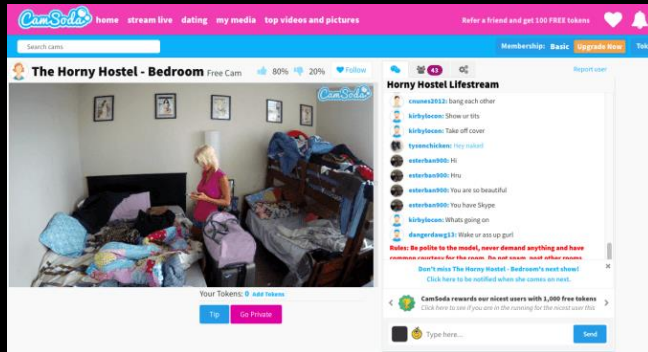




# Camming Functionality

## Live

- Token
- Pay-Per-View
- Similar to “retro” peep-shows
- Older methodology



## Filmed

- Increasing in popularity
- Websites
  - OnlyFans
  - JustForFans



*Meet the Adult Film Performers Using A New Instagram Like App; Vice (2018)*  
*The Emotional Side of Camming; Vice (2018)*  
*Cam Models Tell Us How Much They Are Really Making; Vice (2019)*

# Title IX Implications

- Harassment
  - Student to Model
  - Model to Student
- Solicitation
  - Models attempting to raise viewership
- Voyeurism
  - Unintentional Involvement
  - Screen Grabbing



# Sextortion & Revenge Porn Defined

- Sextortion: serious crime that occurs when someone threatens to distribute your private and sensitive material if you don't provide them images of a sexual nature, sexual favors, or money.
  - The perpetrator may also threaten to harm your friends or relatives by using information they have obtained from your electronic devices unless you comply with their demands *What is Sextortion?, FBI.gov (2019)*
- Revenge Porn: nonconsensual pornography, defined as the distribution of sexually graphic images of individuals without their consent. This includes both images originally obtained without consent (e.g. by using hidden cameras, hacking phones, or recording sexual assaults) as well as images consensually obtained within the context of an intimate relationship.

*The Cyber Civil Rights Initiative*

# How Do The Images Exist?

- Sexting
  - 2014 Study of 1,652 Freshmen at a large southeastern university
    - 65% Sent
    - 69% Received
    - 31% Shared with a Third Party
  - Another study in Rhode Island found similar results and 10% of explicit images were sent to others without consent
  - Study on Online Sexual Activity (OSA)
    - 30.8% of US College students engaging in cybersex and 6.8% posting “DIY sexual material”
  - 2018 Meta-Analysis by JAMA Pediatrics of over 10,300 Teens
    - 15% of teens send sexts
    - 27% receive sexts
- Filmed Sexual Acts
  - Area for Further Research

*Risks, Risk Factors, and Outcomes Associated with Phone and Internet Sexting Among University Students in the United States; Dir and Cyder (2015)*  
*Online Sexual Activity Experiences Among College Students: A Four Country Comparison; Doring, et al. (2017)*  
*Sexting and Sexual Behavior in at-risk adolescents; Houck et al. (2014)*  
*Prevalence of multiple forms of sexting behavior among youth: A systematic review and meta-analysis; JAMA Pediatrics (2018)*

# Sextortion Prevalence

- 1,631 victims of sextortion ages 18 to 25 surveyed
  - 45% of people who perpetrate carried out threats
  - 60% of those surveyed knew the perpetrator in the physical world before threats
  - 40% met perpetrators online
  - 1 in 3 victims did not tell anyone
    - 16% told law enforcement
    - 53% told a friend
  - Spans all forms of online messaging
    - 47% experienced daily threat
- FBI received 13,000 complaints regarding sextortion scams between 7/1/18-8/10/18

*Sextortion: Findings from a survey of 1.631 Victims; Thorn (2018)*

*FBI, This Week: Sextortion Reports on the Rise; FBI (2018)*

# Revenge Porn Prevalence

- 1 in 20 adult social media users have been perpetrators of Non-Consensual Pornography (NCP)
  - 79% indicated they did not intend to hurt the person when sharing the sexually explicit image or video without their consent
  - College aged individuals are at the highest risk of perpetrating
- 1 in 8 Americans have been a victim of NCP
  - 15.8% of women reported being victimized or threatened
  - 9.3% of men reported being victimized or threatened
- People who perpetrate post to:
  - Unintentional Harm
  - Enact revenge on a former partner
  - Humiliate and Shame
  - Power and Control



# Sextortion and Revenge Porn Functionality

- Images can be and have been sent on any form of social media
- 4Chan and Reddit
  - Online forums are created for posting and discussing anything
  - Instances recorded of specific sub forums being created to post an individual's nudes or a broad range of university student's nudes
  - These forums can be both consensual and non-consensual
- Dating Apps
  - Individuals will use photos obtained from others and pose as that other person for desire to “catfish” or “bait”
  - Individuals will send photos without consent to coordinate a group interaction

# Title IX Implications

- Consent
  - Inability to withdrawal consent after posted on social media
    - Cannot control viewership
  - Cumbersome process to request removal
  - Incapacitation when initial video/photo of act(s) was made
  - Non-consensual video or audio recording of sexual activity
- Coercion of participating in sexting
- Concerns for retaliation in reporting
- Use of communication systems to send unwanted messages and sexual material





# Digital Evidence Collection & Safekeeping

- Screenshots of text messages, social media posts, emails, phone call logs, voicemails, etc. can be used in cases both within higher education as well as civil & criminal cases
- Make sure information contains the following:
  - Contact information & dates
    - Details that identify the person (e.g. name or profile name) and phone number
    - Should include date and time stamp of communication
  - Complex content
    - Include all of the original messages
  - Control posts
    - Save posts from areas (e.g. friends) where you may not control; could be deleted later
  - Confidential storage
    - Save to the cloud or a secure email account
    - Consult when sharing intimate images

# Phone Calls & Voicemails

## PHONE CALLS & VOICEMAILS

The image displays two screenshots from a mobile phone. The left screenshot shows a 'Missed' call log with the following entries:

Caller	Date
Billy mobile	Thursday
Billy mobile	Thursday
Billy mobile	Wednesday
1 754-348-9975 (2) unknown	Wednesday
Billy mobile	Wednesday
1 855-908-447 unknown	8/14/18
1 855-516-3170 Brownsville, TX	8/14/18
Billy (2) mobile	8/14/18
1 855-425-9581 United States	8/13/18
Billy (3) mobile	8/13/18
Billy	8/12/18

The right screenshot shows the contact 'Billy' with a voicemail icon and a call log for 'Today':

Time	Event	Duration
12:09 PM	Incoming Call	39 seconds
12:08 PM	Missed Call	
12:07 PM	Missed Call	
12:07 PM	Missed Call	
12:07 PM	Missed Call	

Screenshot voicemail & call logs showing # of calls, caller's information, & dates (some devices show the day instead of date). Keep notes detailing what happened on answered calls, especially if you're able to identify an unknown/restricted number.

# Texts & Emails

## TEXT & EMAILS

The image displays two screenshots of an iMessage conversation. The left screenshot shows the beginning of the chat, with the contact name 'Billy' and a timestamp of 'Thu, Aug 23, 12:39 PM'. The messages are: 'Hey', 'What's up?', 'Where you at?', 'Why aren't you responding?', 'In class', 'That dude's not sitting next to you again is he?', a '🙄' emoji, 'I'm serious. I don't like him', 'I really hope you're not talking to him', and 'I'm gonna get my phone taken away. ttyl'. The right screenshot continues the conversation: 'I'm gonna get my phone taken away. ttyl', 'No you won't', 'Everyone texts in class. You just don't want to talk to me.', 'R u mad at me?', 'No, just don't wanna get in trouble.', 'Whatever', 'You don't care about me. Even though I'd get in trouble for you', 'I'll see you after class', and 'Nah forget it.' A callout box with a black border and tail points to the right screenshot, containing the text: 'Capture identifying information such as name, phone number/email address, the dates of messages, & the subject line from emails. Keep screenshots of previous & on-going messages in the conversation in order to show the flow of the conversation.'

# Social Media

Screenshot identifying information & all related messages. Because Snapchat & Instagram notify users when screenshots are taken, consider taking a photo of the content on your phone from another phone. You can also report online misconduct to the social media platform.

**SOCIAL MEDIA**

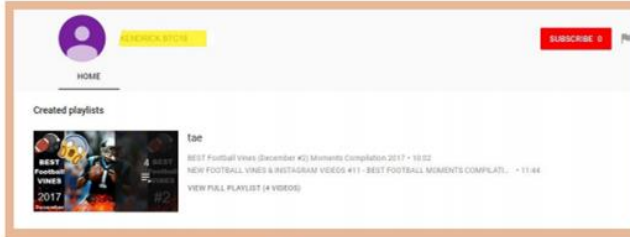
**CLICK the menu tab to get full details of the snap.**

The image displays three screenshots from the Snapchat mobile application, all enclosed in yellow rectangular highlights. The top-left screenshot shows the user's profile menu for a contact named 'Fer', with options for Snap, Chat, Call, Video, Request Location, Share My Location, Share My Location, and Settings. The top-middle screenshot shows a chat conversation with 'Fer' containing the text 'DID YOU LOOK GROSS!' and a keyboard at the bottom. A yellow arrow points from the menu icon in this chat to the menu options in the top-left screenshot. The top-right screenshot shows the 'Friends' list with names like Norma, Luke, EVE, Alex, ROX, Fearsome 4, Nick, Wendy, and Jackie. A yellow Snapchat logo is centered above the chat screenshot. A large speech bubble on the left contains text about screenshot notifications and reporting. The word 'SOCIAL MEDIA' is written in yellow at the top right of the composite image.

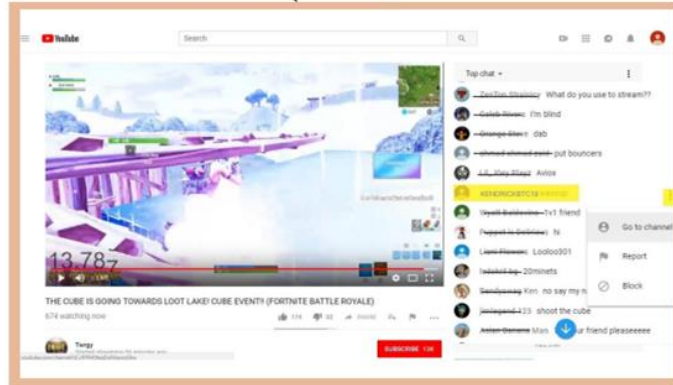
# Online Game Forums

Capture the user's name, picture, & identifying information listed in the user's channel, and screenshot the on-going conversation & messages. Consider reporting online misconduct if safe to do so.

## ONLINE GAMING & FORUMS



A screenshot of a YouTube channel page for the user 'ATHORCHOCOLATE'. The channel name is highlighted in yellow. Below the name is a 'HOME' tab and a 'Created playlists' section. One playlist titled 'tee' is visible, with a thumbnail showing 'BEST FOOTBALL VINES (December #2) Moments Compilation 2017 - 10:02'. A 'SUBSCRIBE 0' button is in the top right corner.



A screenshot of a YouTube live stream for the user 'Targ'. The stream shows a Fortnite Battle Royale game. The chat window on the right is open, showing a list of users and their messages. The user 'ATHORCHOCOLATE' is highlighted in yellow in the chat list. A 'Go to channel' button is visible next to their name. The stream title is 'THE CUBE IS GOING TOWARDS LOOT LAKE! CUBE EVENT! (FORTNITE BATTLE ROYALE)'. The subscriber count is 0.

CLICK the  
"Go to channel "  
tab to get the  
platform user's full  
details.

**Questions?**

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