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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

- <u>Cam Business</u>: 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

- <u>Cam Model</u>: 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

- <u>Fan</u>: individual paying to view the model's "show"

Intimacy on the Web, With a Crowd; NY Times (2013)

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
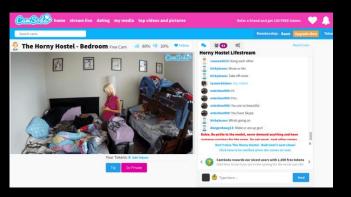- Anecdotal Experiences

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

- <u>Sextortion:</u> 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)

- <u>Revenge Porn:</u> 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 *Sextortion: Findings from a survey of 1.631 Victims;* Thorn (2018)
- FBI received 13,000 complaints regarding sextortion scams between 7/1/18-8/10/18 *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

Non-consensual Pornography Victimization & Perpatration Study; The Cyber Civil Rights Initiative (2017)

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
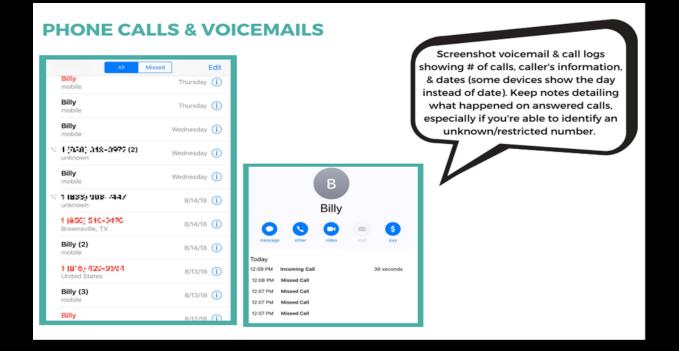
Title IX Implications

- 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
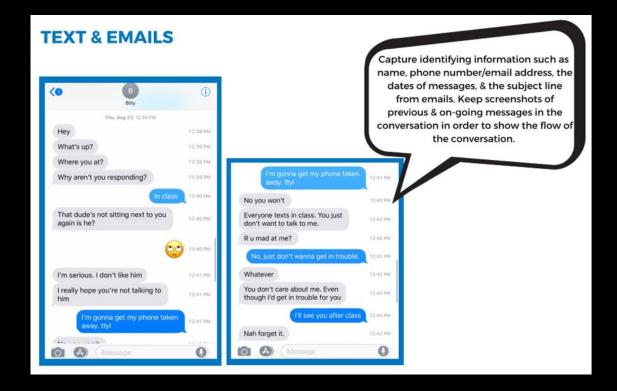- Use of communication systems to send unwanted messages and sexual material

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
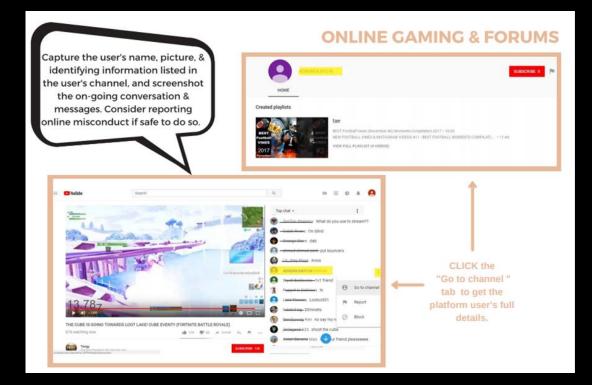
Phone Calls & Voicemails

Texts & Emails

Social Media

Online Game Forums

Questions?

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