

CYBERBULLYING AND ITS CONSEQUENCES: HOW CYBERBULLYING IS CONTORTING THE MINDS OF VICTIMS AND BULLIES ALIKE, AND THE LAW'S LIMITED AVAILABLE REDRESS

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I. INTRODUCTION

In October 2006, Megan Meier, a thirteen-year-old Missouri girl with depression and self-esteem issues, was contacted by sixteen-year-old Josh Evans on the social media platform MySpace.¹ According to her mom, Meier felt that “she finally had a boy who she thought really thought she was pretty.”² After Meier developed a rosier outlook on life, partially due to her interactions with Evans, he abruptly changed his tune.³ He started sending Meier “troubling messages,” sharing with others some of the private messages she had sent to him, and posting bulletins on the social media site for his friends to see, calling Meier “a slut” and “fat.”⁴ Devastated by the sudden shift in Evans’s demeanor, Meier, in tears, ran to her room and took her life by hanging herself in her closet.⁵ The last message she had received from Josh read, “You are a bad person and everybody hates you . . . The world would be a better place without you.”⁶ Six weeks after Meier’s suicide, her family learned that Evans’s MySpace account was fake, that Evans didn’t exist, and that a parent of one of Meier’s former friends was the

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¹ Jaqueline Vickery, *The Megan Meier MySpace Suicide: A Case Study Exploring The Social Aspects of Convergent Media, Citizen Journalism, and Online Anonymity and Credibility*, INT’L SYMP. ON ONLINE JOURNALISM, <https://online.journalism.utexas.edu/2008/papers/Jaqueline.pdf> (last modified June 28, 2009).

² Steve Poken, *Megan’s Story*, MEGAN MEIER FOUND. (Nov. 13, 2007), <http://www.meganmeierfoundation.org/megans-story.html>.

³ *See id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

one masquerading as Evans.⁷ After the conclusion of an FBI investigation into Meier's death, no charges were brought against the adult perpetrator, Lori Drew, as the police "did not have a charge to fit it."⁸ Stories like Meier's are becoming all too typical, and the law continues to fail to address the growing problem of cyberbullying.

II. WHAT IS CYBERBULLYING?

Many are aware of the traditional form of physical and emotional bullying, but a newer and more advanced variation, cyberbullying, is emerging. The definition of cyberbullying is not precise, but it is generally considered to include conduct resulting in "willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices."⁹ As such, it encompasses a number of phenomena, including stalking, spreading rumors, impersonating victims, and anonymous online taunting, to name a few.¹⁰ It is important to note that a key characteristic of cyberbullying is its repetitive nature.¹¹ Most research recognizes "a clear distinction between [cyber]bullying and harassment, differentiating the two based on the former's recurrent quality."¹²

While most may associate the phenomenon with adolescents and teenagers, these groups are not the only demographics being affected. Cyberbullying victims and abusers span a wide spectrum of ages, from school-aged children to adults.¹³ Cyberbullying actions tend to be classified as part of a general phenomenon of behaviors, including "harassment, hazing, intimidation, stalking or other manifestations of interpersonal harm," that affect adults.¹⁴ So although the vast majority of research on cyberbullying stems from teens and adolescents due to their "tenuous developmental stage," they are not the only ones being victimized.¹⁵

In instances of cyberbullying, there also tends to be an imbalance of power between the aggressor and the victim.¹⁶ However, unlike with the traditional form of bullying, where the imbalance may be physical or social (i.e., popularity), a bully's "online power may simply stem from proficiency

⁷ *Id.*

⁸ *Id.*

⁹ SAMEER HINDUJA & JUSTIN W. PATCHIN, *Cyberbullying: Identification, Prevention, & Response*, CYBERBULLYING RES. CENTER (October 2014), <http://cyberbullying.org/Cyberbullying-Identification-Prevention-Response.pdf>.

¹⁰ *What is Cyber Bullying?*, NOBULLYING.COM (Dec. 22, 2015), <http://nobullying.com/what-is-cyberbullying/>.

¹¹ *What is Cyberbullying?*, CYBERBULLYING RES. CTR. (Dec. 23, 2014), <http://cyberbullying.org/what-is-cyberbullying/> (last visited Oct. 12, 2016) [hereinafter CYBERBULLYING'S *What is Cyberbullying*].

¹² *Id.*

¹³ Justin W. Patchin, *Advice for Adult Victims of Cyberbullying*, CYBERBULLYING RES. CTR. (Nov. 9, 2010), <http://cyberbullying.org/advice-for-adult-victims-of-cyberbullying/> [hereinafter *Advice for Adult Victims*].

¹⁴ Justin Patchin, *Bullying is Not Just a Kid Problem*, IDEAS FROM UW-EAU CLAIRE (Oct. 24, 2014), <https://medium.com/ideas-from-uw-eau-claire/bullying-is-not-just-23bc9128bbcd#.84n3cxi43>.

¹⁵ *Advice for Adult Victims*, *supra* note 13; CYBERBULLYING'S *What is Cyberbullying*, *supra* note 11.

¹⁶ CYBERBULLYING'S *What is Cyberbullying*, *supra* note 11.

with or the knowledge or possession of some content (information, pictures, or video) that can be used to inflict harm.”¹⁷ Essentially, cyberbullying is the traditional form of bullying with a complex, digital twist that can make the tormenter more difficult to identify, and therefore, potentially exponentially more terrifying. This is not to say that traditional face-to-face bullying should be dismissed as benign simply because it lacks the digital complexity of cyberbullying. Typical bullying is “the physical, verbal, and emotional abuse that people inflict on others whom they consider to be weak or inferior,”¹⁸ and incorporates repetitive aggressive behavior that, like cyberbullying, includes an imbalance of power.¹⁹ Traditional bullying also occurs face-to-face, or in “the real world.”²⁰ Most probably associate it with the age-old stereotype of a child “beating up” a smaller child on the playground for lunch money. By no means, however, is bullying limited to such situations. It is a dangerous phenomenon that can result in drastic consequences, just as cyberbullying does. For instance, bullying victims are “between 2 and 9 times more likely to consider suicide than non-victims,” and a study found that “at least half of suicides among young people are related to bullying.”²¹ Astoundingly, “160,000 kids stay home from school every day because of fear of bullying.”²² Bullying is dangerous, but its sinister cyber counterpart should also be taken very seriously.

III. WHY CYBERBULLYING IS ON THE RISE

The number of instances of cyberbullying is on the rise and growing.²³ ChildLine, a British counseling service, reports an increase from 2,410 cases of cyberbullying in 2011 and 2012 to 4,507 cases of cyberbullying in 2012 and 2013—an astronomical 87 percent increase.²⁴ The United States has also seen a steady growth in cyberbullying instances.²⁵ Random samples of adolescents and teens reveal an increase in victimization rates from 18.8 percent of the students surveyed in May 2007 to 34 percent in February 2015.²⁶ While these numbers are purely representative of a small number of random samples, they are in accordance with the general view that

¹⁷ *Id.*

¹⁸ *Bullying Definition For This Age*, NOBULLYING.COM (Dec. 22, 2015), <http://nobullying.com/bullying-definition/>.

¹⁹ *Id.*

²⁰ Allison Scully et. al., *Traditional Bullying vs. Cyberbullying*, TECH. AND EDUC. REFORM, AT THE UNIV. OF ILL., <https://sites.google.com/site/cyberbullyingawareness/traditional-bullying-vs-cyberbullying> (last visited Oct. 11, 2016).

²¹ *Bullying and Suicide*, BULLYING STATISTICS, <http://www.bullyingstatistics.org/content/bullying-and-suicide.html> (last visited Oct. 11, 2016).

²² *Id.*

²³ Alexandra Topping, *Cyberbullying: Increasing Number of Children Suffering, says ChildLine*, THE GUARDIAN (Jan. 8, 2014), <http://www.theguardian.com/society/2014/jan/08/cyberbullying-more-children-affected-childline>.

²⁴ *Id.*

²⁵ Justin W. Patchin, *Summary of Our Cyberbullying Research (2004-2015)*, CYBERBULLYING RESEARCH CTR. (May 1, 2015), <http://cyberbullying.org/summary-of-our-cyberbullying-research/>.

²⁶ *Id.*

cyberbullying is growing.²⁷ In fact, two studies that have tracked cyberbullying experiences over time—one from the Crimes Against Children Research Center at the University of New Hampshire and the other from the School Crime Supplement of the National Crime Victimization Survey (“NCVS”)—which have both reported an increase in incidents.²⁸ If anything, these numbers may be artificially low as they only take into account adolescent and teen cyberbullying victims and do not account for adult targets.²⁹ Further, these numbers only include reported cases and don’t take into account the many cases that go unreported.³⁰ Researchers believe “only 1 in 10 teens tells a parent if they have been a cyber bully victim,”³¹ so the number of unreported cases missing from research statistics may actually be quite large.

But why are the reported numbers so high? Technology is growing at an exponential rate. According to leading futurist Ray Kurzweil, “we won’t experience 100 years of progress in the 21st century—it will be more like 20,000 years of progress (at today’s rate).”³² Looking at our society’s progression over the last ten years, it is obvious that we are increasingly adapting and incorporating technology into our daily lives via smart phones, tablets, wireless Internet, Facebook, Twitter, and Instagram.³³ The Internet is used in a growing number of ways, from children using it to submit homework assignments in school, to adults downloading music, and even ordering groceries. Children and cyberbullying aggressors have increased access to the Internet and its capabilities.³⁴ Cell phone use by children has grown by 68 percent since 2005, and roughly 36.1 percent of ten and eleven-year-olds now have cell phones.³⁵ Society is becoming increasingly technologically savvy, with access to new platforms and spaces where torment can occur.

Cyberbullying creates far broader complications than traditional bullying, including the potential for a bully to remain anonymous.³⁶ Anonymous emails, texts, and posting boards now exist, allowing users to

27 Justin W. Patchin, *Cyberbullying Research: 2013 Update*, CYBERBULLYING RES. CTR. (Nov. 20, 2013), <http://cyberbullying.org/cyberbullying-research-2013-update/>.

28 *Id.*

29 Lisa M. Jones et. al., *Online Harassment in Context: Trends From Three Youth Internet Safety Surveys (2000, 2005, 2010)*, 3 *PSYCHOLOGY OF VIOLENCE* 53, 64 (2013); U.S. DEP’T OF EDUC., *STUDENT REPORTS OF BULLYING AND CYBER-BULLYING: RESULTS FROM THE 2011 SCHOOL CRIME SUPPLEMENT TO THE NATIONAL CRIME VICTIMIZATION SURVEY (2013)*, <https://nces.ed.gov/pubs2013/2013329.pdf>.

30 *Id.*

31 *Cyber Bullying Statistics*, BULLYING STATISTICS, <http://www.bullyingstatistics.org/content/cyber-bullying-statistics.html> (last visited Oct. 14, 2016).

32 Big Think Editors, *Big Idea: Technology Grows Exponentially*, BIG THINK, <http://bigthink.com/think-tank/big-idea-technology-grows-exponentially> (last visited Oct. 14, 2016).

33 Manuel Castells, *The Impact of the Internet on Society: A Global Perspective*, MIT TECH. R. (Sept. 8, 2014), <https://www.technologyreview.com/s/530566/the-impact-of-the-internet-on-society-a-global-perspective/>.

34 See *What is Cyberbullying?*, NAT’L CRIME PREVENTION COUNCIL, <http://www.ncpc.org/topics/cyberbullying/what-is-cyberbullying> (last visited Oct. 14, 2016).

35 Jim Gibson, *Cyber-bullying on the Rise*, VANCOUVER SUN, http://www.vancouversun.com/story_print.html?id=2915031 (last visited Oct. 14, 2016).

36 NAT’L CRIME PREVENTION COUNCIL, *supra* note 34.

post and send whatever they want without accountability.³⁷ Moreover, it is typically very easy to create a social media profile, meaning people can create fake profiles if they want to engage in cyberbullying. These tools clearly lend themselves to abuse by users and are weapons in the arsenals of cyberbullies, as anonymous cyberbullying detection “is far less likely than in face-to-face bullying.”³⁸ However, this is not to suggest that those who bully on the web Internet can never be detected, as public Internet content is difficult to completely remove.³⁹ Such permanence not only impacts victims whose information and secrets are unwillingly shared on the Internet, but it also applies to the aggressors. The technology that provides the forum for bullies to harass can also be utilized to catch them, although the task may be difficult.⁴⁰

Cyberspace even incentivizes cyberbullying with its no-physical-presence-required nature. There is increased privacy available with cybercommunication that did not previously exist.⁴¹ Instead of calling someone up over the phone to terrorize him, or instead of confronting someone in person where others can witness the conduct, a cyberbully can hide from the general public.⁴² A coffeehouse patron could be cyberbullying someone while sipping coffee, appearing totally innocuous.⁴³ Presence in cyberspace also gives bullies an additional level of confidence that typical bullies in the real world have never had. Because of the lack of physical presence (and partly because of the aforementioned anonymity), the cyberbully is “braver and less inhibited.”⁴⁴ People are much more willing to speak freely when they feel they do not have to face the consequences.⁴⁵ If a cyberbully doesn’t have to witness the victim’s reaction, the cyberbully doesn’t necessarily have to feel the guilt that might accompany direct physical bullying behavior. Because of the physical distance between the aggressor and the target, the bully may be more inclined to feel as if his actions have no consequences at all.⁴⁶ In fact, a recent study from British psychologists from the University of Lincoln found that game-show contestants were “more likely to criticize a fellow contestant in the next room rather than one standing right next to them.”⁴⁷

37 *Send Anonymous Email*, SENDANONYMOUSEMAIL, <http://www.sendanonymousemail.net/> (last visited Oct. 14, 2016); Nelson Aguilar, *Anonymous Texting 101: How to Block Your Cell Phone Number While Sending Text Messages*, WONDERHOWTO, <http://smartphones.wonderhowto.com/how-to/anonymous-texting-101-block-your-cell-phone-number-while-sending-text-messages-0139658/> (last visited Oct. 14, 2016); *What is an Anonymous Forum?*, WISEGEEK, <http://www.wisegeek.com/what-is-an-anonymous-forum.htm> (last visited Oct. 14, 2016).

38 Gibson, *supra* note 35.

39 Alex Kilpatrick, *No, You Can't Delete Things From the Internet, So Stop Trying*, BEEHIVEID (July 27, 2015, 12:36 PM), <http://www.beehiveid.com/blog/no-you-cant-delete-things-from-the-internet-and-you-should-stop-trying>.

40 See Peter Nguyen, *Using Modern Tech to Catch Cyberbullies*, HOTSPOT SHIELD BLOG (June 23, 2014), <http://blog.hotspotshield.com/2014/06/23/using-modern-tech-to-catch-cyberbullies/>.

41 See Gibson, *supra* note 35.

42 See *id.*

43 See *id.*

44 *Id.*

45 Amanda Gardner, *Troll Psychology: Why People Are So Mean on the Internet*, HEALTH MAGAZINE (Aug. 2, 2012), <http://news.health.com/2012/08/02/troll-psychology-mean-internet/>.

46 See *id.*

47 *Id.*

This is consistent with philosopher John Lachs's theory on psychic distance and intermediate men.⁴⁸ He posits that individuals can compartmentalize and distance themselves from the consequences of their actions if they are not direct actors.⁴⁹ For example, it is easier for individuals to hire contract killers to murder their spouses than it is for them to pull the trigger themselves.⁵⁰

But cyberbullying has another dangerous characteristic. Due to the constant availability and expansive reach of the Internet, victims of cyberbullying can be attacked at all times of the day, unlike with conventional bullying where victims would get some reprieve whenever outside the presence of their aggressor.⁵¹

Many adolescents who are victimized feel they have nowhere to turn, resulting in behavior that allows the phenomenon to persist. If a victim is physically assaulted while on school grounds, the school is able to take action, such as suspending or expelling the bully, even contacting police in serious cases. However, due to the virtual nature of cyberactivity, victims may not view the activity as school-related and may not be as likely to turn to school administrators and other school resources for help.⁵² Teenagers also sometimes may be reluctant to disclose cyberbullying to their parents for fear that their Internet privileges will be rescinded.⁵³ As such, cyberbullies have one less barrier that threatens the continuation of their conduct.

The efficiency of the Internet has also played a role in making cyberbullying effective, as it allows bullies to harass multiple people at one time through multiple open dialogues and group forums.⁵⁴ That efficiency can cause victims' humiliation to "go viral" and become more publicly known than with traditional bullying.⁵⁵ A teenager spreading a vicious rumor directly to a few friends is less likely to cause the rumor to be widely known than a teenager sending that rumor to all of his contacts. The devastation that results from a few moments' worth of work expands dramatically when the Internet is involved, because recipients of the original message can easily forward that message to all of their friends. Or, the cyberbully can even

48 JOHN LACHS, *INTERMEDIATE MAN* 13 (1981).

49 *Id.*

50 *Id.*

51 Andrew Akers, *Cyberbullying Occurs Anytime, Anywhere*, GAINESVILLE TIMES (Nov. 4, 2013), <http://www.gainesvilletimes.com/archives/91096/>.

52 Caralee Adams, *Cyberbullying: What Teachers and Schools Can Do*, SCHOLASTIC, <http://www.scholastic.com/teachers/article/cyberbullying-what-teachers-and-schools-can-do> (last visited Oct. 19, 2016).

53 Sue Lindlauf, *What Can We Do About Cyberbullying?*, NIE ROCKS! (Nov. 11, 2010), <http://nierocks.areavoices.com/2010/11/11/what-can-we-do-about-cyberbullying/>.

54 *Cyberbullying: The Cybercrime of the Century*, KASPERSKY, <http://usa.kaspersky.com/internet-security-center/internet-safety/cyberbullying-and-cybercrime#.WAEAiLwrKgQ> (last visited Oct. 14, 2016).

55 See *Why is Cyber Bullying a Problem? (And How to Stop it)*, NOBULLYING.COM, <https://nobullying.com/why-is-cyber-bullying-a-problem-and-how-to-stop-it/> (last modified Oct. 13, 2016).

bypass the rumor mill middleman and post something directly online that the whole world may access.⁵⁶

With the increasing amount of hurtful posts, emails, streams, and messages being posted on the Internet, more people are exposed to hateful communication.⁵⁷ Because the practice has become so commonplace, those who otherwise would not consider directly bullying another might feel as though this behavior is acceptable.⁵⁸ In fact, “the [I]nternet acts like a kind of digital-fueled alcohol, freeing us to say things to strangers that we would never dare to say if we met them.”⁵⁹ People may even come to believe that their actions aren’t wrong because of the mindset that “people say awful things on the Internet that they would never say in person,” so it is acceptable.⁶⁰ This general acceptance of heckling others online may lead those who would have never considered cyberbullying to do just that. It can also expand the practice, creating a contaminating ripple effect, thus poisoning the well for those who utilize the Internet.

These features create a perfect storm of circumstances to breed new cyberbullies, perpetuate the problem, and ensure the continuing existence of this phenomenon. Astonishingly, “almost half of all American teenagers will have experienced cyberbullying by graduation.”⁶¹

IV. MENTAL HEALTH EFFECTS

While it may appear that bullying, and more specifically cyberbullying, is just an unfortunate byproduct of societal norms, this is not necessarily the case. Cyberbullying is a real and dangerous phenomenon with potentially serious health consequences. The Centers for Disease Control and Prevention (“CDC”) describes cyberbullying as having evolved into an “emerging public health problem” that needs to be addressed.⁶² Research has consistently shown that cyberbullying can result in physical and mental health consequences for all involved, not just the victimized.⁶³ However, the mental health consequences are by far more severe.

Two of the most affected demographics involved in cyberbullying, adolescents and teenagers, are at critical developmental crossroads in their

56 NAT’L CRIME PREVENTION COUNCIL, *supra* note 34 (“It can be far reaching. Kids can send emails making fun of someone to their entire class or school with a few clicks, or post them on a website for the whole world to see.”).

57 See Akers, *supra* note 51.

58 See Adams, *supra* note 52.

59 Jane Wakefield, *Why Are People So Mean to Each Other Online?*, BBC NEWS (Mar. 26, 2015), <http://www.bbc.com/news/technology-31749753>.

60 Gardner, *supra* note 45.

61 Emily Isenberger, *Causes For Counseling: The Degree to Which Cyber Bullying Affects Mental Health*, SOCIALPOLICY.ORG, <http://socialpolicy.org/spring-2013/534-causes-for-counseling-the-degree-to-which-cyber-bullying-affects-mental-health-> (last visited Oct. 14, 2016).

62 *Electronic Aggression: Technology and Youth Violence*, CTR. FOR DISEASE CONTROL AND PREVENTION (Sept. 22, 2016), <http://www.cdc.gov/violenceprevention/youthviolence/electronicaggression/>.

63 Isenberger, *supra* note 61.

lives, “rival[ing] early childhood as a critical period of brain development.”⁶⁴ As such, the majority of research on the topic revolves around this age group and has consistently found a negative correlation between the cyberbullying phenomenon and a healthy mental health prognosis for the cyberbully and her victim.⁶⁵

A. THE VICTIMIZED

Those who find themselves on the receiving end of cyberbullying should not be surprised if they have long-term emotional scars from the experience. Dr. Randy A. Sansone, a professor at Wright State University in Dayton, Ohio, in the Departments of Psychiatry and Internal Medicine, has stated that, “in the aftermath of being bullied, victims may develop a variety of psychological as well as somatic symptoms.”⁶⁶ In fact, the *Journal of Adolescent Health* released a study in 2010 that focuses on the link between the regularity of cyberbullying and depression.⁶⁷ The study concluded that cyberbullying has a more detrimental effect on the development of adolescents than the traditional form of bullying, and that cybervictims can suffer long-term psychological results.⁶⁸ It isn’t surprising that the effects of cyberbullying are more damaging than those of traditional bullying because of the cyberbullying’s intrusive nature. With traditional face-to-face bullying, the victims generally know where the bullies are located and when to expect harassment.⁶⁹ For example, victims might know that they see their tormentors only at school, so they feel safe at home. On the other hand, cyberbullies can target victims anytime and anyplace via the Internet, including the home.⁷⁰ As such, a cyberbullying victim never really has a place to retreat from potential harm and lives in constant fear of attack.⁷¹ Cyberbullies hiding behind the cloak of anonymity can undermine a victim’s self-esteem and increase the victim’s self-doubt as the bullied individual ponders who can be trusted and who might be behind the torment.⁷² Additionally, it can be harder to protect against cyberattacks as compared to a physical face-to-face confrontation.

⁶⁴ *The Mystery of the Teenage Brain*, THE ALBERTA TEACHERS’ ASS’N., <http://www.teachers.ab.ca/Teaching%20in%20Alberta/Resources%20for%20Parents/Parent-Friendly%20Articles/Pages/MysteryTeenageBrain.aspx> (last visited Oct. 12, 2016).

⁶⁵ See Sara Mota Borges Bottino et. al., *Cyberbullying and Adolescent Mental Health: Systematic Review*, 31 *CAD. SAUDE PUBLICA* 463, 464 (2015), http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0102-311X2015000300463&lng=en&nrm=iso&ilng=en.

⁶⁶ *The Psychological Effects of Bullying*, NOBULLYING.COM (Dec. 22, 2015), <http://nobullying.com/the-psychological-effects-of-bullying/>.

⁶⁷ Jing Wang et. al., *Cyber and Traditional Bullying: Differential Association With Depression*, 48 *J. ADOLESCENT HEALTH* 415 (2011).

⁶⁸ *Id.*

⁶⁹ See Scully et. al., *supra* note 20.

⁷⁰ *See id.*

⁷¹ Patrick Sawyer, *Cyberbullying Victims Speak Out: ‘They Were Anonymous so They Thought They Could Get Away With It’*, THE TELEGRAPH (Nov. 13, 2011, 7:30 AM), <http://www.telegraph.co.uk/technology/facebook/8885876/Cyberbullying-victims-speak-out-they-were-anonymous-so-they-thought-they-could-get-away-with-it.html>.

⁷² *Id.*

Cyberbullying victims are at a high risk of depression, anxiety, loneliness, cutting, suicidal ideation, suicide attempts, negative emotions, and other forms of self-harm.⁷³ They also struggle with processing emotions, socially appropriate behavior, interacting with others, and concentrating.⁷⁴ Many victims feel that they need to conceal the fact that they are the victims of cyberbullying, and feel ashamed, embarrassed, or afraid of cyberbullying attacks in the future.⁷⁵ In fact, one in four cyberbullying victims reported being in fear for their safety.⁷⁶ This leads victims to suffer in silence and react passively.⁷⁷ They are more likely to act anxiously and appear less confident.⁷⁸ Some may draw a connection between this passive reaction to that of learned helplessness, “a condition in which a person suffers from a sense of powerlessness, arising from a traumatic event or a persistent failure to succeed.”⁷⁹ While there appears to be no known official connection between learned helplessness and cyberbullying victims’ behavior, it can be assumed that they are connected, since there is a link between learned helplessness and the traditional form of bullying.⁸⁰ Some believe traditional bullying predisposes a victim to learned helplessness, which, in turn, predisposes the victim to develop depression.⁸¹ However, it has been proven that ongoing cyberbullying can cause serious consequences for development, especially in adolescents.⁸²

Depression is overwhelmingly believed to correlate with cyberbullying.⁸³ In fact, a number of studies have found a connection between depression and social media victimization.⁸⁴ It is difficult to prove conclusively that cyberbullying causes depression in its victims, because many of those who are depressed, like Megan Meier, are “more likely to become targets of bullying than their healthier peers.”⁸⁵ However, a study

73 Stephanie Pappas, *Cyberbullying on Social Media Linked to Teen Depression*, LIVE SCI. (June 22, 2015, 11:33 AM), <http://www.livescience.com/51294-cyberbullying-social-media-teen-depression.html>; *Cyber-Bullying and Its Effects on Our Youth*, AM. OSTEOPATHIC ASS’N, <http://www.osteopathic.org/osteopathic-health/about-your-health/health-conditions-library/general-health/Pages/cyber-bullying.aspx> (last visited Oct. 12, 2015); *Teen Cutting and Self-Injury Behaviors*, CYBERBULLYHOTLINE, <http://www.cyberbullyhotline.com/teen-self-injury-behaviors.html> (last visited Oct. 12, 2016); Frank J. Elgar et al., *Cyberbullying Victimization and Mental Health in Adolescents and the Moderating Role of Family Dinners*, 168 JAMA PEDIATRICS 1015 (2014), <http://archpedi.jamanetwork.com/article.aspx?articleid=1900477>.

74 *Cyberbullying Can Lead to Substance Abuse, Mental Health Issues*, RECOVERY RANCH (July 1, 2013) <http://www.recoveryranch.com/articles/addiction-research/cyberbullying-can-lead-to-substance-abuse-mental-health-issues/>.

75 AM. OSTEOPATHIC ASS’N, *supra* note 73.

76 *Cyberbullies and Victims Suffer Physical and Mental Toll*, LIVE SCI. (July 6, 2010), <http://www.livescience.com/6692-cyberbullies-victims-suffer-physical-mental-toll.html>.

77 AM. OSTEOPATHIC ASS’N, *supra* note 73.

78 *Id.*

79 *Learned Helplessness*, OXFORD LIVING DICTIONARIES, http://www.oxforddictionaries.com/us/definition/american_english/learned-helplessness (last visited Oct. 12, 2016).

80 Mark Dombeck, *The Long Term Effects of Bullying*, MENTALHELP.NET (July 24, 2007), <https://www.mentalhelp.net/articles/the-long-term-effects-of-bullying/> (last updated Sept. 1, 2016).

81 *Id.*

82 AM. OSTEOPATHIC ASS’N, *supra* note 73.

83 Pappas, *supra* note 73.

84 *Id.*

85 *Id.*

has been done that followed cyberbullied teens from a point in time prior to the development of depression, and it suggests that there is a causal relationship.⁸⁶ Another important finding in that study is that the more frequently a teenager experiences cyberbullying, the more severe the victim's case of depression.⁸⁷

The gravest mental health consequence of cyberbullying victims, suicide, is surprisingly high, especially taking into account that general suicide rates for young people have decreased by 28.5 percent in recent years.⁸⁸ Astoundingly, cyberbullying victims “were 1.9 times more likely . . . to have attempted suicide than those who were not cyberbullying victims or offenders.”⁸⁹ In fact, cyberbullying has led, directly or indirectly, to such a high prevalence of suicides that the phenomenon was recently termed “cyberbullicide.”⁹⁰ While cyberbullicide is not the norm for cyberbullying victims, it is a serious enough problem that further research is necessary to explore the link between cyberbullying and suicide, and greater thought must be devoted to developing possible solutions to prevent its occurrence.

B. REAL WORLD CONSEQUENCES

i. Jessica Logan

Jessica Logan was a senior at Sycamore High School when she went on a Spring Break trip to Florida.⁹¹ On that trip, she took nude cell phone pictures and sent them to her then-boyfriend.⁹² When the couple split, Logan's former boyfriend sent the naked photos to numerous classmates at Sycamore.⁹³ The photos started making the rounds so that the majority of the school had seen them.⁹⁴ People started calling Logan names like “slut, porn queen, and whore” at school, and the taunting carried over to online platforms like Facebook and MySpace, and even to text messaging.⁹⁵ The photos then spread further as they were transmitted to students at as many as seven Cincinnati-area high schools.⁹⁶ The harassment made Logan

⁸⁶ See generally *id.*

⁸⁷ See generally *id.*

⁸⁸ SAMEER HINDUJA & JUSTIN W. PATCHIN, CYBERBULLYING RES. CTR., CYBERBULLYING RESEARCH SUMMARY: CYBERBULLYING AND SUICIDE (2010), http://cyberbullying.org/cyberbullying_and_suicide_research_fact_sheet.pdf.

⁸⁹ Sameer Hinduja & Justin W. Patchin, *Bullying, Cyberbullying, and Suicide*, 14 ARCHIVES OF SUICIDE RES. 206, 216 (2010), https://www.researchgate.net/profile/Justin_Patchin/publication/45289246_Bullying_cyberbullying_and_suicide/links/55098f1f0cf26ff55f85eaa2.pdf.

⁹⁰ *Id.* at 207.

⁹¹ Charlie Wells, *Teen Bullying Victim's Family Gets Settlement*, N.Y. DAILY NEWS (Oct. 9, 2012, 8:20 PM), <http://www.nydailynews.com/news/national/teen-bullying-victim-family-settlement-article-1.1178783>.

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Jessica Logan 1990-2008*, PURESIGHT ONLINE CHILD SAFETY, <http://puresight.com/Real-Life-Stories/jessica-logan-1990-2008.html> (last visited Oct. 12, 2016) [hereinafter PURESIGHT].

⁹⁵ Cindy Kranz, *Case Study: Jessica Logan*, CYBERBULLYING RESOURCE, <https://cyberbullying.ua.edu/index.php/case-study-jessica-logan/> (last visited Oct. 12, 2016).

⁹⁶ *The Top Six Unforgettable CyberBullying Cases Ever*, NOBULLYING.COM, <http://nobullying.com/six-unforgettable-cyber-bullying-cases/> (last modified June 23, 2016).

“depressed, it made her fear going to school and eventually, she started skipping class.”⁹⁷ When she did go to classes, she would “hide in the bathroom to avoid being teased.”⁹⁸ Her mother only started learning that there was a problem when the school started sending letters home regarding Logan’s truancy.⁹⁹ Months later, Logan went on a Cincinnati television station to tell her side of the story “to make sure no one else [would] have to go through this again.”¹⁰⁰ Two months after that television broadcast, Logan committed suicide.¹⁰¹ After attending the funeral of a boy who had committed suicide, she went up to her bedroom and hung herself; her cellphone was found on the floor nearby.¹⁰² Her death came a month after she graduated from high school.¹⁰³

As a result of Logan taking her own life, legislation was put into action.¹⁰⁴ In 2013, Ohio Governor John Kasich signed into law the Jessica Logan Act.¹⁰⁵ Some view the Act as a step over the line, while others view it as not doing enough to combat cyberbullying. Essentially, the Act tries to expand policies that are already online about cyberabuse and increase anti-bullying teacher training.¹⁰⁶ While many are happy that cyberbullying is getting recognition in the public political sphere, the remedy created by the Jessica Logan Act might not be as new or helpful as “an earlier anti-bullying law [that] mandates that schools write their own anti-bullying policies but it is impotent regarding any real enforcement. While the Jessica Logan Act redefines bullying to include cyber-bullying, it still does not ensure schools do more than just update old policies that were always ineffective.”¹⁰⁷ According to this viewpoint, the law has no practical effect, but it makes lawmakers appear as though they are doing more to address the issue of cyberbullying. Additionally, cyberbullying expert Christine Bhat criticizes the law because it “is still reactive, trying to reduce incidents of bullying, instead of being proactive and going after the perpetrators. Reactive policies eventually punish bullies, but do not remove the general bullying culture itself.”¹⁰⁸ However, Bhat’s last point is one of the debated theories of punishment in the justice system, clearly linking punishment with both general and specific deterrence of crime in the future.¹⁰⁹

97 Wells, *supra* note 91.

98 PURESIGHT, *supra* note 94.

99 *Jessica Logan—The Rest of the Story*, NOBULLYING.COM, <http://nobullying.com/jessica-logan/> (last modified Dec. 22, 2015) [hereinafter NOBULLYING’S *Jessica Logan*].

100 *Id.*

101 *Id.*

102 PURESIGHT, *supra* note 94.

103 *Jessica Logan Suicide: Parents of Dead Teen Sue School, Friends over Sexting Harassment*, HUFFINGTON POST (Mar. 18, 2010, 5:12 AM), http://www.huffingtonpost.com/2009/12/07/jessica-logan-suicide-par_n_382825.html.

104 NOBULLYING’S *Jessica Logan*, *supra* note 99.

105 *Id.*

106 *Id.*; Wells, *supra* note 91.

107 *Id.*

108 *Id.*

109 Michele Cotton, *Back With a Vengeance: The Resilience of Retribution as an Articulated Purpose of Criminal Punishment*, 37 AM. CRIM. L. REV. 1313, 1313 (2000).

Logan's family ended up suing her school, her ex-boyfriend, and several of the students who circulated her photos.¹¹⁰ While the family did receive a settlement of \$154,000 from her high school, the Logan family's attorney stated, "I don't think resolving litigation is going to help Jessica's family and friends in their grief."¹¹¹ The need for a federal criminal statute to promote a culture that chastises this behavior and deters would-be tormentors with criminal punishment is all too apparent.

ii. *Daniel Perry*

Cyberbullying can take many forms, and for Daniel Perry it took the form of Skype bullying, a phenomenon that demonstrates how cyberbullying can expand the reach of terror across international borders.¹¹² One day, Scottish seventeen-year-old Daniel Perry believed he had been speaking with an attractive American girl who was close in age with him over the online video streaming service.¹¹³ The fictional American girl manipulated Perry into entering a virtual sexual encounter over Skype and recorded him performing explicit acts.¹¹⁴ Men like Perry are deceived into thinking they are speaking with real women by online actors who "use stolen footage of pretty American girls and sophisticated computer software to interact with their target."¹¹⁵

Once Perry realized that this beautiful American girl wasn't exactly who she claimed to be, the people behind the fictional girl began to blackmail him.¹¹⁶ This behavior is typically associated with the term "sextortion," and affects hundreds of thousands of victims.¹¹⁷ In fact, "child welfare charities have warned they are getting dozens of calls a week from suicidal children as young as 11 being targeted in the scam."¹¹⁸ The blackmailers threatened to release the video to the public if Perry did not pay them a demand amount.¹¹⁹ They sent Perry a message telling him "I will make you suffer."¹²⁰ When Perry pleaded the blackmailers not to carry through with their threat, they responded with the command to "commit suicide now."¹²¹ He was urged, "you need to let a blade meet your throat."¹²² They later sent message

¹¹⁰ Complaint at 3–4, *Logan v. Sycamore Cmty. Sch. Bd. of Educ.*, No. 1:09-cv-885 (S.D. Ohio Dec. 2, 2009).

¹¹¹ Wells, *supra* note 91.

¹¹² *The Story of Daniel Perry*, NOBULLYING.COM, <http://nobullying.com/the-story-of-daniel-perry/> (last modified Dec. 22, 2015) [hereinafter *Story of Daniel Perry*].

¹¹³ Angus Crawford, 'Sextortion' Suspects Deny Involvement in Daniel Perry Case, BBC NEWS (Dec. 19, 2014), <http://www.bbc.com/news/technology-30494566>.

¹¹⁴ *Id.*

¹¹⁵ Paul Byrne, *Daniel Perry Suicide: Teenage Blackmail Victim Received Death Threats on Ask.fm*, MIRROR (Aug. 16, 2013) <http://www.mirror.co.uk/news/uk-news/daniel-perry-suicide-teenage-blackmail-2172896>.

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ Byrne, *supra* note 115.

¹¹⁹ Crawford, *supra* note 113.

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² Byrne, *supra* note 115.

asking, “[a]re you dead yet?”¹²³ Hours after this final message, the blackmailers got their wish as Perry took his own life by jumping off a bridge.¹²⁴

The cause of Perry’s suicide is quite apparent in this situation as he had no issues with his loving family and had a bright future ahead of him as he had been training as an apprentice mechanic.¹²⁵ Because of the support and great relationship with his family, Daniel was extremely ashamed of the recording of his explicit conduct and was concerned about what the exposure would mean to his family.¹²⁶

The Scottish authorities, supported by Interpol, eventually found the perpetrators behind Daniel’s extortion as part of an operation called “Strikeback.”¹²⁷ The blackmailers ended up being three men in the Philippines in their twenties.¹²⁸ Before the perpetrators are extradited and the UK can seek justice, the men have to be tried in the Philippines and “have to serve prison or any verdict entered into by the court.”¹²⁹ In turn, Daniel’s family has seen little justice.

iii. Tyler Clementi

Cyberbullying doesn’t just affect adolescents. Tyler Clementi was an eighteen-year-old talented violinist who attended Rutgers University in New Jersey when his trouble with cyberbullying began.¹³⁰

Before Clementi started at Rutgers, he received information that his future roommate would be Dharun Ravi.¹³¹ Like many students, Ravi began doing research online on his soon-to-be cohabitant in order to find out more about Clementi.¹³² Ravi only had access to the name “Tyler C.” and Clementi’s email address.¹³³ Ravi performed a Google search and found that Clementi’s username was associated with a number of different websites including a forum for asthma-related questions, a website that allowed Clementi to create designs for T-shirts, and a forum on a gay male porn website.¹³⁴ Ravi then instant messaged his friend, Tam, saying “FUCK MY LIFE/ he’s gay,” and “wtf” seven times.¹³⁵ After Ravi’s conversation with Tam, he posted a tweet on Twitter saying, “[f]ound out my roommate is gay,”

¹²³ Crawford, *supra* note 113.

¹²⁴ *Ex-Girlfriend of Cyber-Blackmail Suicide Boy Urges Closure of ‘Poisonous’ Social Networking Sites*, METRO (Aug. 17, 2013, 11:00 AM) <http://metro.co.uk/2013/08/17/ex-girlfriend-of-cyber-blackmail-suicide-boy-urges-closure-of-poisonous-social-networking-sites-3927605/>.

¹²⁵ *Story of Daniel Perry*, *supra* note 112.

¹²⁶ *Id.*

¹²⁷ Crawford, *supra* note 113.

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ @shuutech, *5 Distressing Cases of Cyber Bullicide*, WORDPRESS (June 14, 2015), <https://shuutech.wordpress.com/2015/06/14/5-distressing-cases-of-cyber-bullicide/>.

¹³¹ Ian Parker, *The Story of a Suicide: Two College Roommates, a Webcam, and a Tragedy*, THE NEW YORKER (Feb. 6, 2012), <http://www.newyorker.com/magazine/2012/02/06/the-story-of-a-suicide>.

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ *Id.*

and pasted the link to the gay male porn site where Clementi had commented.¹³⁶

After a few weeks of living with Ravi, Clementi began inviting a specific man, anonymously known as M.B., over to their dorm room for sexual encounters; he never explained to Ravi why he wanted the room for M.B. and himself.¹³⁷ Ravi assumed it was because Clementi was shy and wanted to spend time with his friend alone. However, after talking to another party, Molly Wei, that Ravi knew from both high school and his time at Rutgers, he decided he was going to use his webcam system to figure out why Clementi had been kicking him out of their shared dorm.¹³⁸

Ravi was by all accounts very technologically-savvy.¹³⁹ He frequently used iChat, a video chatting program where one user “calls” a recipient and the recipient has to “accept” the call before they can view the other person via their webcams.¹⁴⁰ Ravi made a modification to his iChat program so that it would automatically accept all video calls.¹⁴¹ One night, when Clementi had M.B. over in his room and had asked Ravi for exclusive use of the room, Ravi went to visit Wei in her room. The two called Ravi’s iChat using Wei’s computer and they were instantaneously shown what was in front of Ravi’s webcam.¹⁴² They saw Clementi and M.B. kissing, which Ravi instantly tweeted about, saying: “[r]oommate asked for the room till midnight. I went into molly’s room and turned on my webcam. I saw him making out with a dude. Yay.”¹⁴³ Soon, other friends who saw the tweet or lived in the dorm’s hallway were discussing the incident.¹⁴⁴ Wei’s roommate and her friends took another look and once again saw Clementi kissing M.B. with their shirts off.¹⁴⁵ This time, Clementi realized that Ravi’s webcam light was on and secretly read Ravi’s tweet. He also saw a compilation of comments that Ravi’s friends had posted in which they discussed how disgusted they were with Clementi’s actions. The next day, Clementi decided to file a formal complaint against Ravi with the Rutgers housing office and made a request to transfer housing.¹⁴⁶

Clementi again asked Ravi for the room the day before he was supposed to meet with M.B. Ravi agreed, but later told friends about what was to take place in his dorm room and tweeted “[a]nyone with iChat, I dare you to video chat me between the hours of 9:30 and 12. Yes, it’s happening again.”¹⁴⁷ Ravi even encouraged people to come to a “viewing party.”¹⁴⁸ Clementi, now aware of Ravi’s previous webcam antics, once again secretly read Ravi’s

136 *Id.*

137 *Id.*

138 *Id.*

139 *Id.*

140 *Id.*

141 *Id.*

142 *Id.*

143 *Id.*

144 *Id.*

145 *Id.*

146 *Id.*

147 *Id.*

148 *Id.*

tweet.¹⁴⁹ Armed with knowledge of Ravi’s plans, Clementi turned off the power strip that powered Ravi’s computer and webcam before engaging in sexual activity with M.B.¹⁵⁰ Clementi later posted to the gay porn forum that his roommate “doing it again just set [him] off. . . . so talking to him just didn’t seem like an option.”¹⁵¹ The next day, Clementi took a bus to New York, installed the Facebook mobile app and posted that he was “jumping off the gw bridge sorry.”¹⁵² Unfortunately, Clementi did just that.¹⁵³

After police began to investigate, Ravi deleted text messages, deleted his “[y]ay” tweet, and modified his “it’s happening again” tweet to make it look like he discouraged people from iChatting with him and was respecting Clementi’s privacy, even though, in reality, he did the exact opposite.¹⁵⁴ Additionally, he encouraged friends of his not to testify against him.¹⁵⁵

In the end, Ravi was not charged under a cyberbullying statute, even though he did engage in cyberbullying so intense that it drove his roommate to commit suicide. Ravi was ultimately convicted on fifteen counts, but, astonishingly, the vast majority of them had to do with Ravi’s actions taken *after* Clementi’s suicide and not his conduct that drove Clementi to his desperate act. The charges related to the actual cyberbullying were two counts of invasion of privacy and two counts of attempted invasion of privacy—counts not related to the actual bullying behavior.¹⁵⁶ In the end, Ravi only spent twenty days behind bars for the totality of his actions.¹⁵⁷

iv. Rebecca Sedwick

Normally when teenagers break up with each other, there is tension between the former paramours and new significant others. Sometimes, however, this tension rises to the level of cyberbullying that eventually ends in tragedy.

While they were students at Crystal Lake Middle School in Florida, twelve-year-old Rebecca Sedwick broke up with her boyfriend.¹⁵⁸ Sedwick’s ex-boyfriend’s new girlfriend, Guadalupe Shaw, 14, decided that she did not like Sedwick and corralled a group of about fifteen girls to cyberbully Sedwick because of her former relationship.¹⁵⁹ Those fifteen girls sent

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ Kelly Heyboer & Tom Haydon, *Grand Jury Hands Up 15-count Indictment Against Roommate of Tyler Clementi*, NJ.COM (Apr. 20, 2011, 9:40 PM), http://www.nj.com/news/index.ssf/2011/04/grand_jury_hands_down_15-count.html.

¹⁵⁶ *Id.*

¹⁵⁷ Kate Zernike, *Jail Term Ends After 20 Days for Ex-Rutgers Student*, N. Y. TIMES (June 19, 2012), http://www.nytimes.com/2012/06/20/nyregion/dharun-ravi-ex-rutgers-student-who-spied-leaves-jail.html?rref=collection%2Ftimestopic%2FClementi%2C%20Tyler%20&action=click&contentCollection=timestopics®ion=stream&module=stream_unit&version=latest&contentPlacement=3&pgtype=collection&r=0.

¹⁵⁸ *The Story of Rebecca Ann Sedwick*, NOBULLYING.COM, <http://nobullying.com/rebecca-ann-sedwick/> (last modified Aug. 6, 2015) [hereinafter *Story of Rebecca*].

¹⁵⁹ *Id.*

spiteful messages to Sedwick via online communications that “would encourage the youngster to do bodily harm to herself and make the ultimate decision to commit suicide.”¹⁶⁰ Shaw explicitly told Sedwick to “drink bleach and die.”¹⁶¹

The cyberbullying was constant and escalated to the point where Sedwick’s Facebook was deactivated to escape the harassment, but Shaw and her friends found other ways of accessing and tormenting Sedwick.¹⁶² Sedwick’s mother noticed her change in behavior and decided that the best course of action was to file a formal complaint with the school.¹⁶³ However, that did little to stop the cyberbullying from Shaw and her posse.¹⁶⁴ Shaw was even able to convince one of Sedwick’s close friends to harass her.¹⁶⁵ When Sedwick’s mother noticed the bullying at school and concurrent cyberbullying had intensified, she decided to transfer Sedwick to another school, Lawton Chiles Middle Academy.¹⁶⁶ At Lawton Chiles, Sedwick was a good student and got into little trouble.¹⁶⁷ However, the cyberbullying from her previous middle school followed her, eventually becoming overwhelming.

After over a year of cyberbullying from Shaw and her friends, Sedwick decided to kill herself.¹⁶⁸ On September 9, 2013, Sedwick left her house at 6:45 a.m., around the time she should have been going to school, left her backpack full of school supplies at her house, and went to an abandoned industrial plant.¹⁶⁹ She then went to the roof of the plant and threw herself off of the building.¹⁷⁰

There are a number of factors why this case is so illuminating. First, Sedwick’s mother knew about the cyberbullying, yet parental intervention was not enough to prevent Sedwick from taking her own life. Sedwick felt so alone—even though her family knew what was happening to her and was actively supporting and attempting to find solutions—that she could not overcome her depression and suicidal inclination. As stated previously, many of the victims of cyberbullying don’t have the same kind of support system that Sedwick had because most victims are too ashamed to tell their family members about the harassment.

Second, Sedwick’s family contacted her school in order to prevent the continued torment. However, the school did little to squash the problem, and the attempts that were made were clearly not successful, since she ended up

160 *Id.*

161 Alyssa Newcomb, *Teen Charged in Fatal Cyberbullying Case of Rebecca Sedwick to Remain in Jail*, ABC NEWS (Oct. 15, 2013), <http://abcnews.go.com/US/teen-charged-fatal-cyberbullying-case-rebecca-sedwick-remain/story?id=20580689>.

162 *Story of Rebecca*, *supra* note 158.

163 *Id.*

164 *Id.*

165 Newcomb, *supra* note 161.

166 *Story of Rebecca*, *supra* note 158.

167 *Id.*

168 *Id.*

169 *Id.*

170 *Id.*

transferring to a different school.¹⁷¹ This is especially troubling as many as schools have become the primary responders in preventing cyberbullying under the current legal scheme.¹⁷²

Third, even though Sedwick changed schools, the cyberbullying did not end.¹⁷³ Because cyberbullies can target their victims anytime and anyplace where the Internet is accessible, attempts to relocate are only successful to the point where the tormentors themselves lose interest by way of means of the old adage “out of sight out of mind.”¹⁷⁴ However, if the bullies themselves keep their interest in their victims, the lack of physical presence will do nothing to thwart the bully.¹⁷⁵

Additionally, this case is interesting because of the legal ramifications. Generally, “authorities often place juveniles accused of cyberabuse under parental or school supervision.”¹⁷⁶ However, authorities say that IF youths are charged, they tend to face smaller offenses like identity theft or hacking, if the circumstances permit.¹⁷⁷ However, this case is different. Fourteen-year-old Shaw and twelve-year-old Katelyn Roman, Sedwick’s former friend, were arrested under felony stalking charges, potentially paving the way for other prosecutors to charge adolescent cyberbullies with felonies.¹⁷⁸ Polk County Sheriff Grady Judd stated that the main catalyst for the arrests came from a post that Shaw posted on Facebook that showed little remorse, claiming, “[y]es, I bullied Rebecca and she killed herself but I don’t give a f---.”¹⁷⁹ Before this case, there had been other attempts at the felony level for cyberbullying-related suicides, but nothing succeeded. Unfortunately, this case was unsuccessful as well, when the charges against Shaw and Roman were dropped without explanation. Most likely, it is due to the elements of the charges of stalking, which the facts of this case don’t directly support, as opposed to prosecuting for a criminal sanction for cyberbullying, which Florida does not have.¹⁸⁰ Instead, the only outcome for the tormentors is that Roman and Shaw “will receive counseling.”¹⁸¹ Especially given Shaw’s statement, it is questionable whether that will be enough to prevent these girls from engaging in cyberbullying again.

171 *Id.*

172 See SAMEER HINDUJA & JUSTIN W. PATCHIN, CYBERBULLYING RES. CTR., STATE CYBERBULLYING LAWS: A BRIEF REVIEW OF STATE CYBERBULLYING LAWS AND POLICIES (2010), <http://cyberbullying.org/Bullying-and-Cyberbullying-Laws.pdf>.

173 *Story of Rebecca*, *supra* note 158.

174 See Akers, *supra* note 51.

175 See Gardner, *supra* note 45.

176 Michael Martinez, *Charges in Rebecca Sedwick’s Suicide Suggest ‘Tipping Point’ in Bullying Case*, CNN (Oct. 28, 2013, 9:17 AM), <http://www.cnn.com/2013/10/25/us/rebecca-sedwick-bullying-suicide-case/>.

177 *Id.*

178 *Id.*

179 Newcomb, *supra* note 161.

180 HINDUJA & PATCHIN, *supra* note 172.

181 *Charges Dropped Against Teens in Polk Co. Bullying Case*, WFTV (Nov. 21, 2013, 7:48 AM), <http://www.wftv.com/news/news/local/charges-dropped-against-girl-cyberbullying-suicide/nbyn/>.

C. THE AGGRESSORS

While many assume that the victims of cyberbullying are the only ones who face psychological trauma, that belief is incorrect. Cyberbullying tormentors exhibit mental health consequences as well.¹⁸² Although there is scant research on the issue, studies have shown that “being a cyberbully was associated with perceived difficulties in emotions, concentration, behavior, or getting along with other people; hyperactivity; conduct problems; infrequent helping behaviors; frequently smoking or getting drunk . . . and not feeling safe at school.”¹⁸³ A 2004 study even found that 39 percent of those who were cyber offenders failed out of school, 36.5 percent exhibited delinquent behavior, 31.5 percent admitted frequent substance use, and 15.5 percent had high depressive symptomology.¹⁸⁴ Additionally, a 2013 Australian study found that those who reported cyberbullying others “scored higher on the conduct problems scale . . . than those who had not reported cyberbullying others.”¹⁸⁵ They also scored higher than their non-cyberbullying counterparts on the study’s peer relationship problems and emotional problems subscales, the DASS-21 stress subscale, the DASS-21 anxiety scale, and the DASS-21 depression scale.¹⁸⁶

There also tends to be a high correlation between being a cyberbully and suicide, similar to that of victims.¹⁸⁷ Cyberbullying offenders are “almost twice as likely to have reported that they attempted suicide as youth who were not victims or bullies.”¹⁸⁸ However, the correlation between being a cyberbully and suicidal ideation does not mean that being a bully gives rise to suicidal ideation. Instead, it’s probable that pre-existing mental health problems are a factor.¹⁸⁹ Correlation between bullying and suicidal ideation does not necessarily mean causation,¹⁹⁰ and more research is necessary on the matter. While those victimized by cyberbullying deserve aid in dealing with the trauma, their bullies are also silently experiencing serious mental health consequences and require assistance.¹⁹¹

182 LIVE SCI., *supra* note 76.

183 *Id.*

184 Michele L. Ybarra & Kimberly J. Mitchell, *Youth Engaging in Online Harassment: Associations With Caregiver-Child Relationships, Internet Use, and Personal Characteristics*, 27 J. OF ADOLESCENCE 319, 327 (2004), <http://www.unh.edu/ccrc/pdf/jvq/CV63.pdf>.

185 Marilyn A. Campbell et. al., *Do Cyberbullies Suffer Too? Cyberbullies’ Perceptions of the Harm They Cause to Others and to Their Own Mental Health*, 34 SCH. PSYCHOLOGY INT’L 613, 620 (2013), <http://spi.sagepub.com.libproxy2.usc.edu/content/34/6/613.full.pdf+html>.

186 *Id.*

187 Hinduja & Patchin, *supra* note 89 at 214.

188 *Id.* at 216.

189 *Id.* at 217.

190 Rebecca Goldin, *Causation vs Correlation*, STATS.ORG (Aug. 19, 2015), <http://www.stats.org/causation-vs-correlation/>.

191 *See* LIVE SCI., *supra* note 76.

V. THE STATE OF THE LAW TODAY

A. ON THE FEDERAL LEVEL

Because cyberbullying is a growing societal problem, it may seem that legislators would push for laws at the federal level. However, that is not the case, as there seems to be little action on the subject.¹⁹² Currently, there is no federal law that squarely addresses cyberbullying.¹⁹³ One was proposed in 2009, but the bill was not enacted.¹⁹⁴ While imperfect, three federal statutes exist that provide some very limited protections to cyberbullying victims who fit within the parameters of the statutes.¹⁹⁵ These three federal statutes are 18 U.S.C. §2425, 18 U.S.C. §875(c), and 47 U.S.C. §223. The first, 18 U.S.C. §2425, states:

Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly initiates the transmission of the name, address, telephone number, social security number, or electronic mail address of another individual, knowing that such other individual has not attained the age of 16 years, with the intent to entice, encourage, offer, or solicit any person to engage in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 5 years, or both.¹⁹⁶

Clearly, this statute makes transmitting information about a minor under sixteen for sexual purposes a crime.¹⁹⁷ Yet, this does little to address the vast number of cyberbullying victims whose information is not transmitted for sexual purposes or who are over the age of sixteen.

A statute that is somewhat closer to providing protection to cyberbullying victims, 18 U.S.C. §875(c), still isn't adequate. It mandates: "Whoever transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined under this title or imprisoned not more than five years, or both."¹⁹⁸ This statute provides punishment for those cyberbullies who threaten to injure their victims, but does little to help victims who don't receive a physical threat of bodily harm, such as Megan Meier.¹⁹⁹

The federal statute that most directly addresses a number of instances of cyberbullying is 47 U.S.C. §223, which applies to certain individuals:

¹⁹² See *Cyberbullying/Harassment/Stalking Federal and State Legislation*, WIRESAFETY (2011), <http://docplayer.net/2737134-Cyberbullying-harassment-stalking-federal-and-state-legislation.html>.

¹⁹³ HINDUJA & PATCHIN, *supra* note 172.

¹⁹⁴ *Megan Meir Cyberbullying Prevention Act*, H.R. 1966, 111th Cong. (2009), <https://www.govtrack.us/congress/bills/111/hr1966/text>.

¹⁹⁵ WIRESAFETY, *supra* note 192.

¹⁹⁶ 18 U.S.C. § 2425 (2012).

¹⁹⁷ See *id.*

¹⁹⁸ 18 U.S.C. § 875(c) (2012).

¹⁹⁹ *Id.*; Poken, *supra* note 2.

“Prohibited acts generally. Whoever—in interstate or foreign communications—makes repeated telephone calls or repeatedly initiates communication with a telecommunications device, during which conversation or communication ensues, solely to harass any specific person.”²⁰⁰ This statute provides protection to cyberbullying victims whose aggressors use telecommunications devices, typically cell phones, and who engage in conversation or communication with their bullies. However, victims who are cyberbullied via computers or who never respond to their aggressors are left unprotected.²⁰¹

B. ON THE STATE LEVEL

Though protection at the federal level is sparse, states have been much more active in enacting cyberbullying laws to protect their citizens.²⁰² However, only twenty-two states have passed laws that directly address “cyberbullying” or “cyber-bullying,” and three more—Georgia, Kentucky, and Nebraska—have proposed such legislation.²⁰³ It should be applauded that all states except Alaska and Wisconsin have some form of a law that includes prohibiting electronic harassment, but only eighteen states impose a criminal sanction for such behavior.²⁰⁴

Forty-nine states’ laws require that their schools include an anti-cyberbullying provision in their school policies.²⁰⁵ For example, in South Carolina, the law requires school districts to “outline policies and repercussions” for bullying, including cyberbullying.²⁰⁶ Though initially that school policy provision requirement may seem like a victory, in the big picture, it still leaves victims vulnerable. Those provisions may indeed provide much needed support for teachers and administrators who encounter cyberbullying on school grounds to act, but the school policy requirement may cause state legislators to falsely believe that they have addressed the cyberbullying problem adequately when, in actuality, their laws have gaping holes. Out of the original forty-nine states with the school policy requirements, only fourteen include remedies allowing for monitoring and/or reprimanding students for actions conducted off-campus.²⁰⁷ In fact, those laws have “simply codified . . . in state statute” the “[f]ederal case law [that] allows schools to discipline students for off-campus behavior that results in substantial disruption of the learning environment at school.”²⁰⁸ However, even this extension of power to punish cyberbullying only applies when the

200 47 U.S.C. § 223(a)(1)(E) (2012).

201 47 U.S.C. § 223(h)(1)(B) (“for purposes of this section— The use of the term ‘telecommunications device’ in this section— does not include an interactive computer service”).

202 HINDUJA & PATCHIN, *supra* note 172.

203 The 22 states mentioned are the only ones that specifically use the term “cyberbullying” or “cyber-bullying.” *Id.*

204 *Id.*

205 *Id.*

206 Justin M. Norton, *States Seek Laws to Curb Online Bullying*, WASH. POST (Feb. 21, 2007, 1:13 AM), http://www.washingtonpost.com/wp-dyn/content/article/2007/02/21/AR2007022100085_pf.html.

207 HINDUJA & PATCHIN, *supra* note 172.

208 *Id.*

cyberbullying rises to the level of “substantial disruption of the learning environment at school.”²⁰⁹ This leaves students who remain silent about cyberbullying or who don’t act in such a way that cyberbullying rises to the level of “substantial disruption” legally helpless.²¹⁰ Especially when considering that many cyberbullying victims become withdrawn and passive,²¹¹ it becomes clear that current laws leave many of the people who they are designed to help suffer in silence.

C. LEAVE IT TO THE SCHOOLS

A key issue in the problem of cyberbullying generally is that many state laws leave the regulation and prevention of cyberbullying to schools.²¹² However, the fact that only fourteen states even provide the potential for schools to reprimand students for off-campus behavior, and then only if the actions reach the “substantially disruptive” standard,²¹³ illustrates just how little redress there is for the adolescents involved. The Cyberbullying Research Center acknowledges the shirking of responsibility to the schools by admitting that the laws essentially say, “schools need to deal with this.”²¹⁴ But imagine a homeschooled teenager or an adult is cyberbullied. What are they supposed to do in a state that only provides for schools to take action?

Even when the cyberbullying victim is a student, protection is limited because schools are already facing budget crises across the nation.²¹⁵ To make the education system the monitors of online speech expands its duties without adding resources, such that it may be ill-equipped for the task.²¹⁶ It is essential that, with the adoption of state laws that only cover on-campus behaviors, legislators recognize that schools cannot provide round-the-clock, thorough attention to online communications among students. Yet, they are the first and primary defense.²¹⁷

For example, the law that regulates cyberbullying in Alabama, H.B. 216, limits the scope of the law to the school system. It states that the purpose behind the law is:

[T]o establish the Student Harassment Prevention Act; to provide legislative intent; to establish definitions; to provide for the adoption of *policies by public school systems* pertaining to the prevention of harassment of one student against another student; to require the State Department of Education to develop a model policy for local boards pertaining to student harassment

²⁰⁹ *Id.*

²¹⁰ *See id.*

²¹¹ AM. OSTEOPATHIC ASS’N, *supra* note 73.

²¹² Justin W. Patchin, *Cyberbullying Laws and School Policy: A Blessing or Curse?*, CYBERBULLYING RES. CTR. (Sept. 28, 2010), <http://cyberbullying.org/cyberbullying-laws-and-school-policy-a-blessing-or-curse/>.

²¹³ HINDUJA & PATCHIN, *supra* note 172.

²¹⁴ Patchin, *supra* note 212.

²¹⁵ Michael Leachman et. al, *Most States Have Cut School Funding, and Some Continue Cutting*, CTR. ON BUDGET & POL’Y PRIORITIES (Jan. 4, 2016), <http://www.cbpp.org/research/state-budget-and-tax/most-states-have-cut-school-funding-and-some-continue-cutting>.

²¹⁶ *Id.*

²¹⁷ *See id.*

prevention; to provide that the right of freedom of speech would not be abridged; and to make an appropriation from the Education Trust Fund to the State Department of Education in the amount of \$10,000 for fiscal year 2010-2011 to implement this act.²¹⁸

States that adopt statutes similar to Alabama's leave many of their citizens without a pathway to protect themselves.

D. CIVIL REMEDIES

The restrictive scope of specific statutory remedies, then, leaves remediless a large number of victims who do not fall within the protections of those statutes. Non-students obviously encompass categories of people who are left without protection under statutes based on the school-model.²¹⁹ For example, adults, very young children, elders, home-schooled children, school dropouts, and college-aged individuals are subject to cyberbullying but are uncovered by the existing statutory schemes.

For those individuals, there may be remedies available under the common law. However, these remedies were developed years ago in a pre-digital and pre-electronic media age for reasons that are only somewhat analogous to the problem of cyberbullying.²²⁰ Consequently, they may only provide some victims relief.

One of those tort remedies, intentional infliction of emotional distress, has as its central purpose that of protecting the personal interests of individuals who are most likely to be intentionally emotionally harmed.²²¹ In a word, the purpose of the tort of intentional infliction of emotional distress is to protect against emotional distress caused by malicious attacks by those who intentionally set out to harm others by means that are extreme and outrageous.²²² That central purpose is demonstrated in California law, for example.²²³ California law protects a victim seeking redress against a bully, cyber or otherwise, if the conduct meets the following definition:

- (1) extreme and outrageous conduct by the defendant with the intention of causing, or reckless disregard of the probability of causing, emotional distress;
- (2) the plaintiff's suffering severe or extreme emotional distress; and
- (3) actual and proximate causation of the emotional distress by the defendant's outrageous conduct.²²⁴

218 Student Harassment Prevention Act, H.B. 216, 2009 Gen. Assemb., Reg. Sess. (Ala. 2009) (emphasis added).

219 *See id.*

220 Steven Pressman, *Libel Law in the United States*. AN UNFETTERED PRESS. <http://usa.usembassv.de/etexts/media/unfetter/press08.htm> ("[L]ibel and slander first began to take shape even before the colonies gained their independence from Britain."); *Wilkinson v. Downton*, 2 Q.B. 57 (1897).

221 RESTATEMENT (SECOND) OF TORTS §46 cmt. d. (Am. Law Inst. 1979).

222 *Id.*

223 *Potter v. Firestone Tire & Rubber Co.*, 863 P.2d 795, 819 (Cal. 1993).

224 *Id.*

Also potentially applicable to such situations involving non-school and school-based victims are, in limited circumstances, the common law torts of libel and fraud.²²⁵ An instance of libel appears as such a remedy, in fact, in a cyber context, in the case of *Sanders v. Walsh*, involving a rebuttal to a consumer complaint posted initially on an Internet “rip-off blog.”²²⁶ In the case, the (later) plaintiff, Cheryl Sanders, purchased a wig for her mother who had been receiving chemotherapy treatments.²²⁷ The (later) defendant represented that the wig was custom made.²²⁸ After learning that the wig was not actually custom made, Sanders stopped payment of the check and attempted to return the wig.²²⁹ The defendant took Sanders’ mother to small claims court for non-payment and lost, partially due to Sanders providing evidence on behalf of her mother.²³⁰ A few months later, Sanders noticed anonymous statements made about her, presumably by the defendant, on a number of websites:

Cheryl Sanders in the planning dept . . . How much extra ‘under the table’ money is being made from our planning dept???? A nice detailed audit and internal investigation will fix this rather quickly as we have demanded one from our government! . . . it’s our turn to make the city of Anaheim responsible for its dishonest acts that are happening behind closed doors!²³¹

and

Thank you Cheryl Sanders for hurting the community by giving all the construction business in Anaheim for a under the table bribe. I hope that an investigation takes place soon and you end up behind bars . . . Cheryl Sanders at the City of Anaheim Planning Dept. has been putting up a front long enough. We hope to bring you down soon. Your dishonesty and greediness will soon come to an end.²³²

In the opinion, the court found for the plaintiff (Sanders) on the defamation claim and stated that:

While courts have recognized that online posters often play fast and loose with the facts, this should not be taken to mean online commentators are immune from defamation liability. Nor is online commentary pure opinion per se. Where specific, false factual allegations are published and they cause damage, a defamation action will lie.²³³

Though potentially difficult for cyberbullying victims to satisfy the elements of a defamation claim, “(1) a publication that is (2) false, (3)

225 See *Sanders v. Walsh*, 162 Cal. Rptr. 3d 188, 191 (Cal. Ct. App. 2013); *Cty. of Santa Clara v. Atl. Richfield Co.*, 40 Cal. Rptr. 3d 313, 344–45 (Cal. Ct. App. 2006).

226 *Sanders*, 162 Cal. Rptr. at 191–92.

227 *Id.* at 191.

228 *Id.*

229 *Id.*

230 *Id.* at 192.

231 *Id.*

232 *Id.* at 193.

233 *Id.* at 196.

defamatory, (4) unprivileged, and (5) has a natural tendency to injure or causes special damage,²³⁴ it can be done, as illustrated by the plaintiff's victory in the *Sanders* case. However, many cyberbullying victims are not able to successfully assert such a claim. For example, someone who is repeatedly called fat and bullied about their weight online is unable to claim defamation if he or she is, in fact, overweight because truth is an affirmative defense.²³⁵

Fraud can provide a remedy for those, such as Megan Meier, who are defrauded by online aggressors. Most of the elements of this tort, "(1) a misrepresentation (false representation, concealment, or nondisclosure); (2) knowledge of falsity (or scienter); (3) intent to defraud, i.e. to induce reliance; (4) justifiable reliance; and (5) resulting damage,"²³⁶ can probably be proven by many of those who have been "catfished"²³⁷ and attacked, as Megan was. However, proving the element of damages is potentially a problem for cyberbullying victims. In *County of Santa Clara v. Atlantic Richfield Co.*, 40 Cal. Rptr. 3d 313 (Cal. Ct. App. 2006), the court of appeals held that the economic loss doctrine (pure economic loss is not adequate to satisfy the damage requirement) did not apply to the plaintiff's fraud cause of action,²³⁸ leading to the argument that purely economic loss could satisfy the damage requirement of a fraud case. Thus, arguably, a cyberbullying victim who suffers a scintilla of loss on an economic level, e.g. if the person was afraid to go to work, called in sick, and lost wages, or if he or she paid for medical services attributable to the cyberbullying, could potentially satisfy that element. Additionally, if a victim suffers a physical ailment as a result of the cyberbullying, such as a headache or feeling nauseous, he or she may also satisfy the damage element. However, there is definitely uncertainty as to these arguments such that the effectiveness of fraud as a remedy for cyberbullying is in doubt.

While these remedies exist today, their applicability is unreliable in many cases. Moreover, they provide no criminal punishment for the offenders. In order to bring cyberbullying cases under any of the three above traditional tort claims, a victim needs a creative lawyer who isn't intimidated by making "stretch" arguments.²³⁹ As such, a clear statute that covers all instances of cyberbullying, not just on school grounds, is crucial. When there has been a violation of a statute directly on point, it becomes easier for any attorney to take the case, increasing availability of redress for victims.

234 *Id.* at 194.

235 RESTATEMENT (SECOND) OF TORTS § 581A cmt. b. (Am. Law Inst. 1979).

236 *County of Santa Clara*, 40 Cal. Rptr. 3d at 344-45.

237 Roxanne Palmer, *Where Does "Catfish" Come From? Online Hoax Movie Inspired by Fisherman's Lore*, INT'L BUS. TIMES (Jan. 17, 2013, 10:41 AM), <http://www.ibtimes.com/where-does-catfish-come-online-hoax-movie-inspired-fishermans-lore-1022374> ("Catfishing," a slang term for creating fake profiles on social media to create false identities, has its origins in the 2010 movie 'Catfish,' a pseudo-documentary that chronicled a young man's online friendship with a woman that turned out to be very different from her Facebook profile.").

238 See *County of Santa Clara*, 40 Cal. Rptr. 3d at 344.

239 See *Stopping Your Cyberbully [Podcast]*, LAWYERS.COM (Jan. 17, 2013), <http://blogs.lawyers.com/2013/01/stopping-your-cyberbully/>.

If the statute is penal in nature, it provides an actual solution to the prevention of cyberbullying, not just the collection of damages for past harms. When victims are the targets of cyberbullying, their main desire is to get it to stop, not reap monetary rewards at a later date. A clear criminal cyberbullying statute would allow prosecutors to prevent future harm by implementing the five purposes of criminal punishment, but especially specific and general deterrence.²⁴⁰

VI. PROPOSED MODEL STATUTE

As discussed above, the states, when left to their own devices, have generally shifted the responsibility for combatting cyberbullying to the schools, and the standards differ significantly.²⁴¹ As such, the best way to combat cyberbullying is on the federal level, and such law should “occupy the field.”²⁴² In enacting the statute, Congress should focus on the unique characteristics of cyberbullying in order to impose adequate penalties. Congressional authority could be found in the Commerce Clause.²⁴³ In *United States v. Giordano*, 442 F.3d 30 (2nd Cir. 2006), the court of appeals held that the jurisdictional element of interstate commerce is satisfied by intrastate use of a telephone capable of transmitting communications between states.²⁴⁴ Therefore, Congress should adopt a statute similar to the following:

Cyberbullying.

- A. Cyberbullying is defined as “willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices, including, but not limited to text messages, online chat rooms, e-mail, mobile devices, tablets, social media platforms, online games, websites, and instant messaging.”
- B. One may not purposefully, or with the intent to torment, annoy, harass, attack, or inflict harm on another person by:
 - i. Electronically transmitting harassing or harmful messages;
 - ii. Sending insulting or threatening messages;
 - iii. Spreading denigrating rumors;
 - iv. Masquerading or pretending to be someone else, real or fictitious;

²⁴⁰ Cotton, *supra* note 109.

²⁴¹ HINDUJA & PATCHIN, *supra* note 172.

²⁴² *Occupy The Field & Legal Definition*, U.S. LEGAL, <http://definitions.uslegal.com/o/occupy-the-field/> (last visited Oct. 13, 2016) (Occupying the Field “refers to the displacing effects (monopolizing) of the laws by the higher authority like federal laws over the state laws. When there is a conflict between the laws or there is inconsistency in the laws of state and federal, the federal law has an authority to make the law of state effectless, which means they occupy the field.”).

²⁴³ U.S. CONST. art. I, § 8, cl. 3.

²⁴⁴ *United States v. Giordano*, 442 F.3d 30, 41 (2nd Cir. 2006).

- v. Sharing information to damage a person's reputation;
 - vi. Revealing personal information about an individual that was shared in confidence, with the purpose of inflicting harm;
 - vii. Maliciously excluding or grouping together against another; or
 - viii. Spreading information about a minor for sexual purposes
- C. Violation of any of the above provisions is punishable as a Class A Misdemeanor, resulting in up to one year in prison and/or a maximum fine of \$1000. If the person who violates this statute knew, or reasonably should have known, of the victim's sensitized physical or emotional state, the offense may be upgraded to a Class E Felony punishable by up to three years in prison.

This statute would provide relief to cyberbullying victims who are without redress under the current statutory scheme, including the victims discussed previously.

VII. CONCLUSION

The rapid growth of technology and social media has increased the incidence of cyberbullying. This phenomenon has ultimately left mental scars of anxiety, depression, substance abuse, and suicidal ideation on both the victimized and the offenders, making this phenomenon detrimental. The states have addressed this problem in a limited fashion by mainly requiring schools to handle the issue, but many victims have been left without any or inadequate redress. If the federal government adopts a statute similar to the one proposed, a clear, uniform law would apply to all citizens and hopefully, it would prevent future cyberbullying. The Internet would be a much safer cyberenvironment for all.