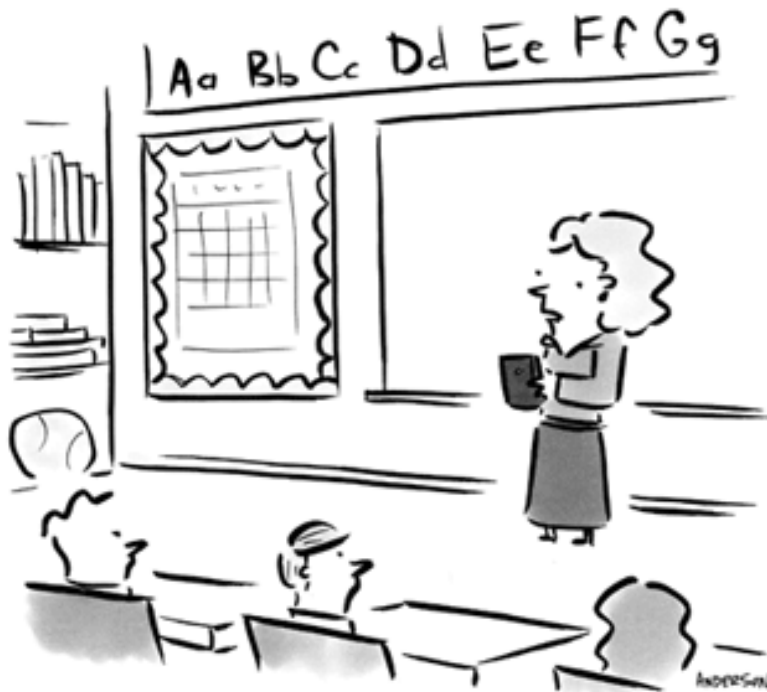


# Don't be stupid: Legal Issues with Technology



"I appreciate the text, Kate, but next time  
you can just raise your hand."

**Karen Haase**

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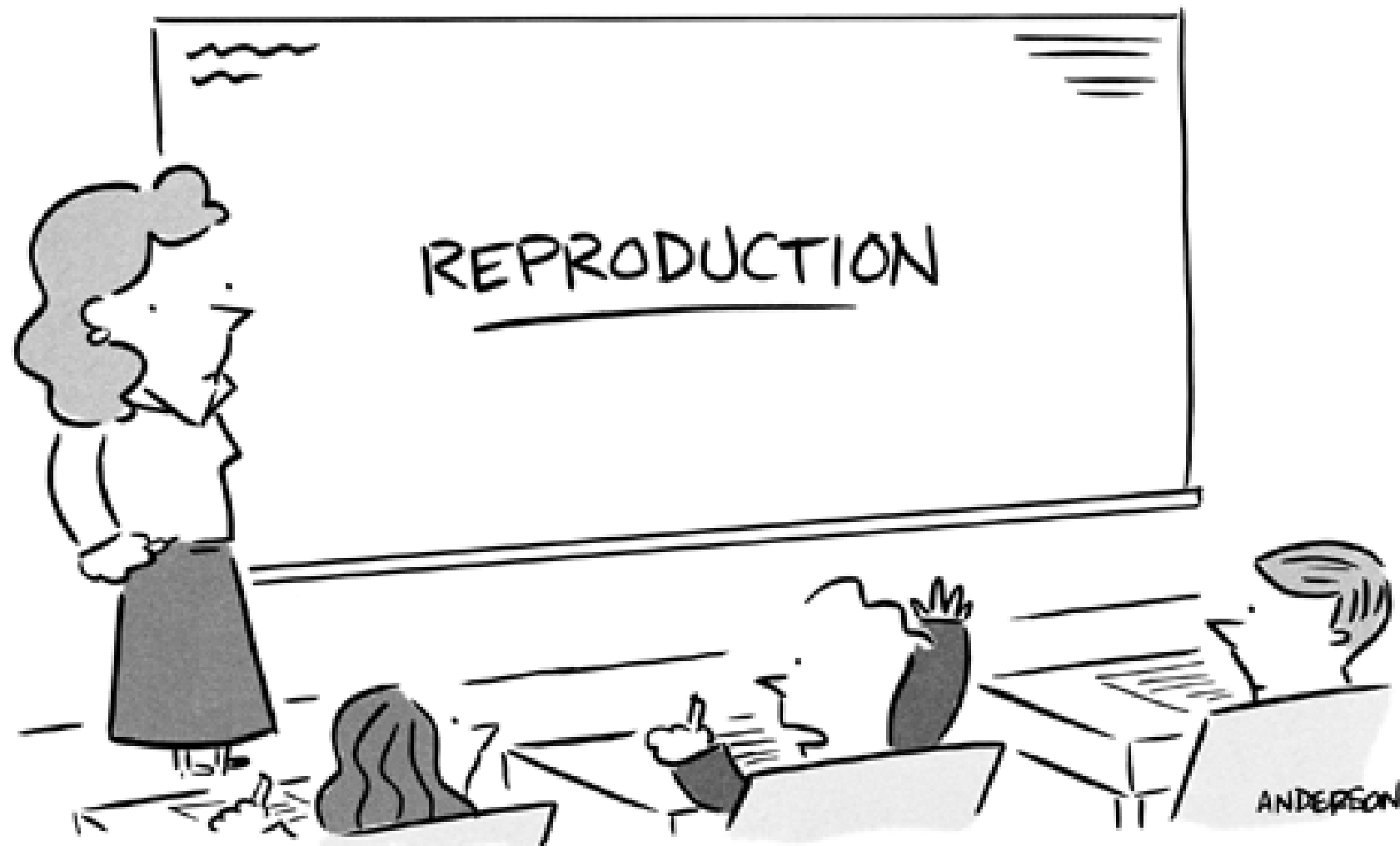
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# What's the deal?

- Cyberbullying
- Sexting
- Ignoring Internet Safety





"I already know how to use the copier."

# Cyberbullying?

Cyberbullying, v: the use of technology such as computers and cell phones to engage in repeated, and hostile behavior by an individual or group, that is intended to harm others.

# So what's the big deal?

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"As it turns out your son isn't looking for attention after all.  
He's just a jerk."

# School-Related Consequences

- Neb. Rev. Stat. 79-2,137
- Definition: “ongoing pattern of physical, verbal or electronic abuse”
- Consequences:
  - Loss of extracurricular privileges
  - Detentions
  - Short and Long Term Suspension
  - Expulsion
  - Alternative School Assignment

# Jackson v. Lander, (5<sup>th</sup> Cir. 2015)

- Cheer squad has conflict during news story
- Conflict escalated to Facebook
  - i am so sick of u bossing me around ... and so is other people on the squad
  - im not tryin to b mean at all but if i have a problem with you i will confront u and will not be nice about it
  - im sorry for what i did at the news station well not really
  - Trust me, the next time you go off on me, theres gonna b problems and I may get kicked of the squad for it but idk cuz my parents didnt raise me not to stick up for myself

# Jackson v. Lander, (5<sup>th</sup> Cir. 2015)

- Cheer sponsor got involved
  - Suspended from cheer for 2 weeks
  - Required all cheerleaders to provide username and password
  - Cheerleader did not make the squad the following year
  - Sued
- Court: search pertained to school activities based on reasonable belief the quarrel began at a school-related activity



# Bell v. Itawamba County Sch., (5<sup>th</sup> Cir 2015)

- Student made offensive rap recording
  - “betta watch your back/Ima serve this n\*\*\*a like I serve the junkies with some crack
  - “Run up on T-Bizzle/ I’m going to hit you with my rueger
  - You f\*\*\*ing with the wrong one/going to get a pistol down your mouth
  - “middle fingers up if you want to cap that n\*\*\*a
- Posted to Facebook, YouTube
  - 2,000 hits

# Bell v. Itawamba County Sch., (5<sup>th</sup> Cir 2015)

- Principal heard recording (on a student's phone)
- Student who made recording:
  - 7 day suspension
  - Assigned to the alternative school for the remainder of the quarter
  - No school activities
- Sued, arguing that:
  - Allegations against coaches were true
  - Lyrics were not "true threat"
  - First Amendment protection

# Bell v. Itawamba County Sch., (5<sup>th</sup> Cir 2015)

## ■ Court :

- Since social media can be accessed on phones, all comments about school have potential to affect school
- “paramount need for school officials to be able to react quickly and efficiently to protect students and faculty from threats, intimidation and harassment intentionally directed at the school community”



"Has the jury tweeted a verdict?"

# Civil Consequences

- Student and parents can be sued
- Suing for money; no jail time
  - Homeowners insurance often pays
  - Judgments can result in home foreclosure and other hardship

# Esquivel v. Doe, (TX 2014)

- Instagram page “2014 Klein Hoes”



- 900 followers before taken down
- Settlement: \$40,000

# Criminal Consequences for Cyberbullying

- Neb. Rev. Stat. 28-311.01
- Terroristic Threats: "threatens to commit any crime of violence ...
  - With the intent to terrorize another
  - In reckless disregard of the risk of causing such terror
- Class IV Felony punishable by:
  - Up to 5 years in prison and/or
  - \$10,000 fine

SORRY MR. ROLLINS, BUT UNDER THE CIRCUMSTANCES IT'S INAPPROPRIATE FOR ME TO ACCEPT YOUR FRIEND REQUEST...



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# Sexting

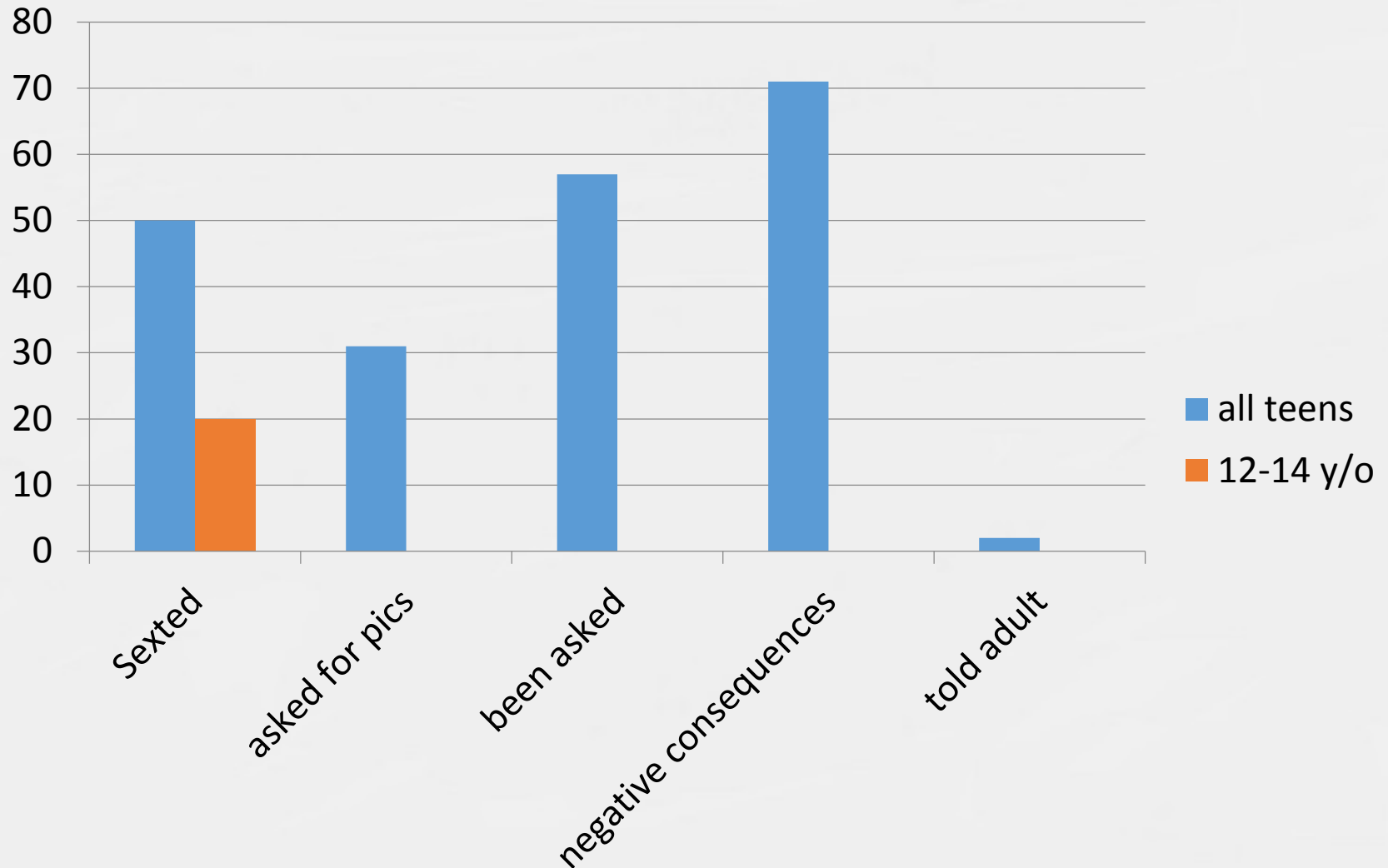


# Sexting

Sexting, v: (a combination of sex and texting) is the act of sending sexually explicit messages or photos electronically, primarily between cell phones.

# How Common is Sexting?

## June 2014 survey by Drexel University



# Snapchat



# In re Juvenile John Does

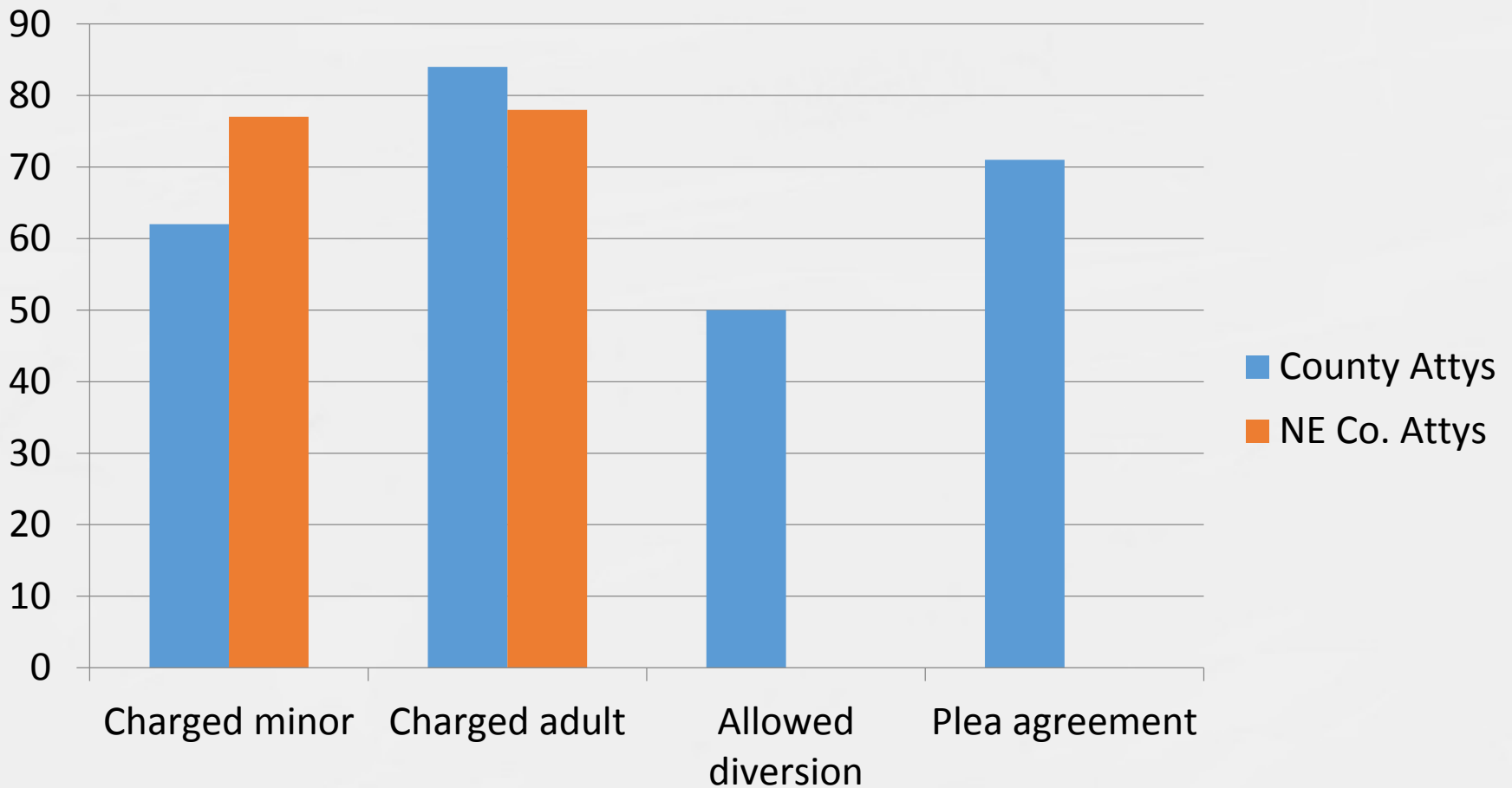
(Fairfax Co. Va 2013)

- Girls Snapchatted video to boy
- He forwarded screenshots to friends
- Three boys arrested at school
- Each charged with 12 counts of distribution of child pornography
- Found guilty
- Appeals rejected

# Nebraska Law

- Neb. Rev. Stat. 28-813 et. seq.
- Makes sexting (images) a class IV felony for offenders under 19
- Class IIIA felony for 19 and up
- Both punishable by:
  - Up to 5 years in prison and/or
  - \$10,000 fine
  - Require sex offender registration

# Survey of County Attorneys



# In re Katrina R.

- 15 year old texted nude pics to her BF
- Was adjudicated “a child who deports herself so as to injure or endanger seriously the morals or health of herself or others”
  - Placed in legal custody of HHS
  - 6 months’ probation
  - Required counseling and community service.



For those reasons, the  
Court sentences you to  
85 months in prison.  
Don't forget to change your  
Facebook status to "guilty."



# Internet Safety



**“Someone stole my private information and posted it on millions of Facebook pages. OMG — I’M FAMOUS!”**

# State v. Gallegos

- 16-year-old girl met 17-year-old guy on Kik
- Talked, became friends
- Asked her for pictures
- She said OK
- Then said he'd share those with her classmates unless she



# Things to Think About Before Pressing “Send” or “Post”



# Don't assume anything is private

- Majority of sexting incidents involve pictures sent to boyfriend/girlfriend
- The National Center for Missing & Exploited Children has identified 2,100 victims of online porn, ¼ sent the first images themselves
- Every message is stored on a server

# Consider the recipient's reaction

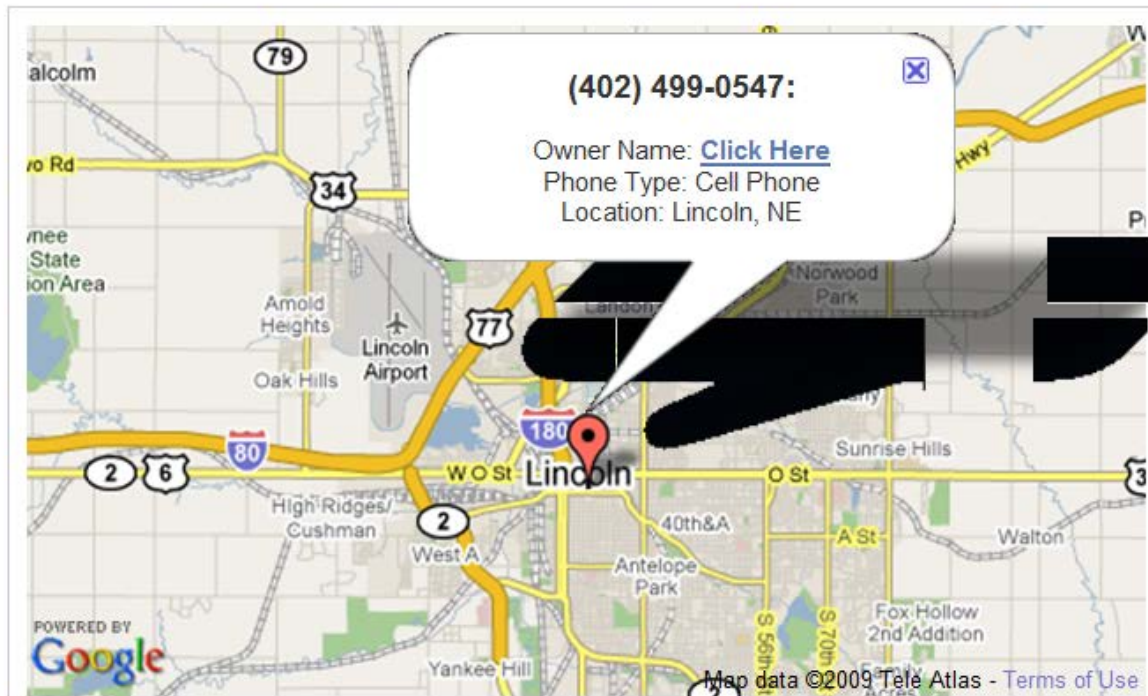
- Nationally, boys have been criminally prosecuted for sending unsolicited sexts



# Nothing is truly anonymous



## Search Results For (402) 499-0547



# Questions?



**“Do the people on Twitter really care how many times you went to the bathroom today?”**



# Questions?

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