

NNEADV

## Finding Laws To Charge Perpetrators Who Misuse Technology



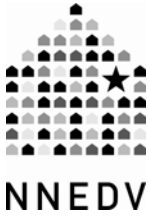
When a perpetrator, abuser or stalker misuses technology to target and harm a victim, there are various criminal and civil charges that might be applied to ensure accountability and promote victim safety. There are a number of U.S. federal and state/territory/tribal laws that might apply. To support the safety and privacy of victims, it is important to take technology-facilitated abuse and stalking seriously. This includes assessing all ways that technology is being misused to perpetrate harm, and, considering all charges that could or should be applied.

### **Identify laws that address violence and abuse. Identify where they explicitly or implicitly include the use of technology and electronic communications:**

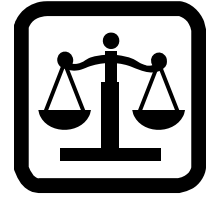
- Stalking and cyberstalking (felony menacing by, via electronic surveillance, etc.)
- Harassment, threats, assault
- Domestic violence, dating violence, sexual violence, sexual exploitation
- Sexting and child pornography: electronic transmission of harmful information to minors, providing obscene material to a minor, inappropriate images of minors, lascivious intent
- Bullying and cyberbullying
- Child abuse

### **Identify possible charges related to technology, communications, privacy and confidentiality:**

- Unauthorized access, unauthorized recording/taping, illegal interception of electronic communications, illegal monitoring of communications, surveillance, eavesdropping, wiretapping, unlawful party to call
- Computer and Internet crimes: fraud, network intrusion
- Identity theft, impersonation, pretexting
- Financial fraud, telecommunications fraud
- Privacy violations: Reasonable expectation of privacy, upskirting, downblousing, voyeurism, secretly recording a person in the nude
- Confidentiality violations: including laws that apply to the agency the perpetrator works for
- Defamatory libel, slander, economic or reputational harms, privacy torts
- Burglary, criminal trespass, reckless endangerment, disorderly conduct, mischief, obstruction of justice, possession of a device for unlawful purposes
- Consumer protection laws
- Violation of no contact, protection and restraining orders



## Finding Laws To Charge Perpetrators Who Misuse Technology



### Identify if the perpetrator violated laws in multiple jurisdictions, including state and federal levels:

In addition to local/state laws, there are a range of U.S. federal laws that might be relevant. For example, the U.S. Electronic Communications Privacy Act (ECPA) addresses access, use, disclosure, interception and privacy protections of electronic communications.

- Title I of the U.S. Electronic Communications Privacy Act (ECPA) (18 USC §2511) prohibits interception and disclosure of wired, oral or electronic communication while in transit. This law may apply when a perpetrator wiretaps a phone line, does physical bugging, or puts a keylogger on someone's computer.
- Title II of ECPA, The Stored Communications Act (18 USC §§2701-12) makes it unlawful to intentionally access stored communications without authorization or by exceeding authorized access. This law may apply when a perpetrator accesses someone else's email, voicemail, online social networking account or information stored on a computer or with a cloud provider. See also, NNEDV's tipsheet on *Cloud Computing*.