

Cyberviolence Judicial Workshop Additional Resources

This list of resources is a supplement to the Cyberviolence Court Training Initiative Cyberviolence Judicial Workshop. While the majority of these resources are free and accessible online, there are some that require subscriptions in order to access the document. Wherever possible, we have linked to where the articles can be found online. Any resources that have free online access have been linked and marked in blue. Please reach out (safetynet@nnedv.org) for suggestions on how to gain access to resources that are behind a paywall or require special access.

I. TECHNOLOGY FOUNDATIONS AND THE CONTEXT OF ABUSE & CYBERVIOLENCE DYNAMICS

A. Common Technologies

1. [Electronic Crime Scene Investigation: An On-the-Scene Reference for First Responders](#): This paper lists digital evidence sources for crimes, including domestic violence, threats, stalking, and extortion.
2. [From Facebook to Mug Shot: How the Dearth of Social Networking Privacy Rights Revolutionized Online Government Surveillance](#): Part I of this paper explores Facebook's past and present privacy policies.
3. **Made for Each Other: Social Media and Litigation**: This paper explains social networking sites like Facebook, Twitter, and LinkedIn.

B. Misuse of Emerging Technology

1. [Unwilling Avatars: Idealism and Discrimination in Cyberspace](#): This article explores how avatars - an online representation of a person - can hide identity and be misused in cyberviolence cases.

2. [**Pervasive Image Capture and the First Amendment: Memory, Discourse, and the Right to Record**](#): This article explores image capture, its misuse, and the constitutional considerations surrounding new technology.
3. [**Spying, Inc**](#): This article explores stalking apps and how they are misused.
4. [**Contact That Can Kill: Order of Protection, Caller ID Spoof and Domestic Violence**](#): This article explores spoofing and how it is misused.
5. [**Spousal Abuse through Spyware: The Inadequacy of Legal Protection in the Modern Age**](#): This article explores how the current legal scheme does not properly address the problems created by spyware.

C. Social Media, Stalking, and Harassment

1. [**Friend Request or Foe? Confirming the Misuse of Internet and Social Networking Sites by Domestic Violence Perpetrators**](#): This article explores cyberstalking and the evidentiary issues with social media.
2. [**The Challenges of Preventing and Prosecuting Social Media Crimes**](#): The article explores ways that social media has been used for criminal activity and the federal statutes used to prosecute
3. [**Cyberharassment: Striking a Balance Between Free Speech and Privacy**](#): The article defines cyberharassment and distinguishes between cyberharassment, cyberstalking and cyberbullying.
4. [**The New Age of Stalking: Technological Implications for Stalking**](#): This article explores technology's impact on stalking, especially within the context of intimate partner violence.
5. [**Cyber Misbehavior**](#): This bulletin explores types of technology- facilitated violence offenses and a multi-faceted solution.

Additional Resources

6. [**Criminalizing Revenge Porn**](#): The article explores the distribution of sexually graphic images without consent and the disparity of legal remedies available to victims.
7. [**Online Impersonation: A New Forum for Crime on the Internet**](#): The article reviews states' criminal laws prohibiting online impersonation.

D. Teen Dating Violence

1. [**Crimes in Cyberspace: Taming the Wild West: Online Excesses, Reaction and Overreactions**](#): This article provides suggestions to reform cyber hate crimes and sexting laws.
2. [**Teens, Technology, and Cyberstalking: The Domestic Violence Wave of the Future?**](#): The article explores the role of technology in sexual identity development in teens and how domestic violence permeates teen culture.
3. [**Student Victims or Student Criminals? The Bookends of Sexting in a Cyber World**](#): This article explores the interplay between sexting, bullying, and cyberbullying among teenagers. It also discusses the felony charges for teenagers who send and share explicit photos.
4. **Sexting: Is It Teenagers Being Teenagers? Or Is It Child Porn?**: This article analyzes felony charges for sending and sharing explicit photos.
5. **States Address the Disconnect: Teens in a Sex-crazed Culture**: The article explores sexting and the state-specific approaches to the issue.

E. Statistics and Stories of Cyberviolence

1. [**A Glimpse from the Field: How Abusers Are Misusing Technology**](#): The informal study explores statistics on tech-facilitated abuse.
2. [**The New Hunting Ground**](#): The article provides stories of domestic violence survivors who are virtually harassed by their former abusers.

- 3. The Abuse of Technology in Domestic Violence and Stalking:** Australian survey exploring how technology is commonly misused for intimate partner stalking.

II. DISCOVERY, EVIDENCE, AND TECHNOLOGY

A. Types of Electronic Evidence & Admissibility of Such Evidence

- 1. [Admissibility of Electronic Evidence](#):** The guide summarizes evidence rules and applies them to specific pieces of technology evidence.
- 2. [Digital Evidence and the U.S. Criminal Justice System](#):** The article explores types of electronic evidence and their common legal issues.
- 3. [10 Steps for Presenting Evidence in Court](#):** The simplified guide outlines ten steps for presenting evidence in Court.
- 4. [Legal Systems Toolkit: Understanding & Investigating Technology Misuse](#):** The toolkit provides several resources and guides for evidence collection.
- 5. [How to Gather Technology Abuse Evidence for Court](#):** The simplified guide explains how to gather Technology abuse for court.
- 6. [How It's Done: A Simplified Guide to Digital Evidence](#):** The website summarizes how to gather digital evidence.
- 7. [Admissibility of Evidence Obtained from Facebook](#):** The article discusses how relevance, authentication, hearsay, and best evidence rules apply to the admissibility of Facebooks posts.
- 8. [The Admissibility of Cell Tracking Expert Testimony](#):** The article discusses the reliability of expert testimony regarding cell phone location data.

9. [Digital evidence in cloud computing systems](#): The article explores cloud computing systems and encourages discovery of its contents.

10. **Mobile Devices: New Challenges for Admissibility of Electronic Evidence**: The article explores the changing digital landscape and the admissibility of electronic evidence.

B. Authentication

1. [Authenticity and Admissibility of Social Media Website Printouts](#): The paper explores two approaches by appellate courts regarding authenticity and admissibility of social media printouts.

2. [Authentication of Social Media](#): This article explores different ways courts have dealt with the authentication of digital evidence.

3. [Authenticating Digital Evidence](#): The article summarizes considerations when authenticating digital evidence.

4. **Email Evidence: Overcoming the So-Called “Self-Serving Hearsay” Objections**: The article discusses the importance of e-mail evidence and how to overcome hearsay to admit the evidence.

5. **Authentication of Electronically Stored Evidence, Including Text Messages and E-mail**: The paper discusses case law exploring types of Electronic evidence and how it was sufficiently authenticated.

C. Social Media Evidence & Discovery

1. [The Sedona Conference Primer on Social Media](#): The paper explores the discovery, authentication, and ethical issues of social media.

2. [“Connected” Discovery: What the Ubiquity of Digital Evidence Means for Lawyers and Litigation](#): This article emphasizes how digital evidence has transformed litigation and summarizes cases in which e-discovery was a deciding factor.

3. **[Social Media, The Sixth Amendment, and Restyling: Recent Developments in the Federal Laws of Evidence](#)**: Part IV of this paper discusses professional ethics and admissibility standards for social media evidence by comparing it to non-digital examples.
4. **E-Discovery in the Age of Facebook, Twitter, & The Digital Family**: This article discusses the importance of economically and efficiently using electronic evidence and how to access the information.
5. **Social Media Data: Discoverability and Ethics**: This article generally discusses the scope of social media access in civil litigation and distinguishes between formal and informal discovery.

D. Subpoenas & the Stored Communications Act (SCA)

1. **[How Private is Facebook Under the SCA?](#)**: The article summarizes the limited scope of the Stored Communications Act (SCA) in retrieving private information from 3rd party social media networks and web hosts.
2. **[Digital Evidence in the Courtroom: A Guide for Law Enforcement and Prosecutors](#)**: The document discusses the constitutional and statutory rules governing digital evidence and how prosecutors should use digital evidence in the court process.
3. **Searching and Seizing Computers and Obtaining Electronic Evidence in Criminal Investigations**: The article discusses the methods and limitations of search, seizure and surveillance of electronic devices, online networks, and digital data.

III. DRAFTING TECH-RESPONSIVE DISPOSITIONS AND ENFORCING ORDERS IN CYBERVIOLENCE CASES

1. **[When Restraining Orders Cover Social Media Communication](#)**: The article discusses digital communication and restraining orders, best practices for avoiding violations, and relevant sample cases.

2. [**Who Can Get Your Tweets and Can You Object?:**](#) The article summarizes the case *People v. Harris*, which held that a Twitter user has no reasonable expectation of privacy for public tweets. The article informs attorneys on key elements to consider when faced with similar cases.
3. [**Law of the Foal: Careful Steps Towards Digital Competence in Proposed Rules 902\(13\) and 902\(14\):**](#) The article discusses the strengths and weaknesses of two proposed amendments to the Federal Rules of Evidence on admissibility of electronic information.
4. [**Forecasting Domestic Violence: A Machine Learning Approach to Help Inform Arraignment Decisions:**](#) The article explores the use of machine algorithms for predicting domestic violence perpetrators at risk of re-offense. The article discusses how empirical data would be collected and applied in arraignment decisions.
5. [**Electronic Evidence in Family Law Perry Mason Goes Digital:**](#) The document is a collection of various articles discussing common issues with electronic evidence used in family law cases. The document also provides tips on digital forensics and privacy tips for attorneys to share with their family law clients.

IV. JUDICIAL ETHICS AND TECHNOLOGY

1. [**The Ethical Risks of Technology:**](#) The article discusses the model rules for electronic information and communication that lawyers must follow to ensure competent representation and confidentiality.
2. [**Social Media and Judicial Ethics:**](#) The article discusses updated codes and consequences related to judicial behavior on social media. The article provides examples of misconduct and the resulting advisory opinions from various state commissions.

V. JUDICIAL LEADERSHIP

1. **[Digital Litigation: The Prejudicial Effects of Computer-Generated Animation in the Courtroom:](#)** This article explores the pros and cons of computer-generated animation in the courtroom.
2. **[Judicial Ethics Advisory Committee: Whether a judge may be compensated for appearing in televised public service announcements:](#)** The committee concluded that judges may generally receive compensation for Public Service Announcements and commercial writing that educates the public.
3. **[The Internet and Intimate Partner Violence:](#)** The article explores the nature of intimate partner violence online, ways to overcome challenges to perpetrator accountability, and safety strategies available to victims.
4. **[Facebook Filings: Social Media and Service of Process:](#)** The article explores service through use of social media.
5. **[Privacy and Domestic Violence in Court:](#)** The article explores the conflict between privacy interests of domestic violence victims and the public interest of open courts. The article examines how technology can be a safety risk and a tool used to promote privacy.