

#CYBEREXPLOITATION

cy·ber ex·ploi·ta·tion: the non-consensual distribution or publication of intimate photos or videos online.

Definition: Cyber Exploitation is the non-consensual distribution or publication of intimate photos or videos online.

California Attorney General Kamala D. Harris has launched a groundbreaking initiative to combat cyber exploitation.

Posting intimate images online without consent undermines privacy, basic civil rights, and public safety.

Cyber exploitation is a serious crime that often results in significant harm to a victim's personal and professional life and physical safety. While cyber exploitation affects both men and women, a study by the Cyber Civil Rights Initiative found that 90 percent of victims are women. The same study found that 93 percent of all victims suffered significant emotional distress, 51 percent had suicidal thoughts, and 49 percent reported they had been stalked or harassed online by users who saw their material.

Cyber exploitation – like domestic violence, rape, and sexual harassment – disproportionately harms women and girls. In response to this 21st century form of violence against women, Attorney General Harris and the California Department of Justice are committed to holding perpetrators of these crimes accountable. Under her direction, **the California Department of Justice is leading the fight against Cyber Exploitation.**

The Attorney General's initiative to #EndCyberExploitation focuses on four specific areas: (1) the Attorney General's Task Force; (2) Litigation, (3) Legislation; and (4) Law Enforcement Training & Education.

- 1) **Attorney General's Cyber Exploitation Task Force:** In February 2015, the Attorney General convened a first-of-its-kind partnership of 50 major technology companies, victim advocates, and legislative and law enforcement leaders to develop cross-sector strategies to combat cyber exploitation and support victims. At the convening, the Attorney General established the Cyber Exploitation Task Force to continue combatting these crimes. For more than nine months, the Attorney General's Cyber Exploitation Task Force has collaborated to develop: (1) cyber exploitation best practices for the technology industry; (2) training and educational materials to better equip California law enforcement to respond to these crimes; and (3) an education and prevention toolkit to increase public awareness for victims, the general public, and law enforcement.
- 2) **Litigation:** In 2011, the Attorney General created the eCrime Unit within the California Department of Justice, to identify and prosecute crimes involving the use of technology, including cyber exploitation. Drawing on the expertise of California law enforcement, the Department of Justice is committed to investigating and prosecuting cyber exploitation website operators and other perpetrators. In fact, the department is leading the nation in prosecuting these crimes, having garnered the first successful prosecution of a cyber exploitation operator in the country. In 2015, Kevin Bollaert was sentenced to eight years imprisonment followed by ten years of supervised release for his operation of a cyber exploitation website that allowed the anonymous, public posting of intimate photos accompanied by

personal identifying information of individuals without their consent. In June 2015, Casey E. Meyering pled no contest to extortion and conspiracy for his operation of a cyber exploitation website that posted stolen personal images of individuals and was sentenced to three years imprisonment. Charles Evens, who orchestrated a cyber exploitation hacking scheme, where he stole private images from victims' accounts and sold them to another website, pled guilty to computer intrusion in June 2015. He was sentenced to three years imprisonment, concurrent with a Federal prison term for the same conduct a year earlier.

- 3) **Legislation:** During the 2015 legislative session, the Attorney General sponsored two bills to give law enforcement the tools to effectively investigate and prosecute cyber exploitation cases. The first bill, **SB 676 (Cannella)**, extends the forfeiture provision for possession of child pornography to cyber exploitation images, allowing law enforcement to remove these images from unauthorized possession. The forfeiture provisions apply to: illegal telecommunications equipment, or a computer, computer system, or computer network, and any software or data, when used in committing a violation of disorderly conduct related to invasion of privacy, as specified. The bill would also establish forfeiture proceedings for matter obtained through disorderly conduct by invasion of privacy. The second bill, **AB 1310 (Gatto)**, amends Penal Code

§ 1524 to allow search warrants to be issued for cyber exploitation crimes. It also expands and clarifies jurisdiction for the prosecution of cyber exploitation crimes to where: (1) the offense occurred, (2) the victim resided when the offense was committed, and (3) the intimate image was used for an illegal purpose. Since perpetrators often reside outside of the victim's jurisdiction, and the internet enables worldwide victimization, this change in the law allows state and local law enforcement to investigate and prosecute those who exploit their victims across multiple jurisdictions. Both bills were signed into law and become effective January 1, 2016.



Attorney General's Cyber Exploitation Working Group

- 4) **Law Enforcement Training & Education:** To combat cyber exploitation and support victims, Attorney General Harris and the California Department of Justice developed critical educational tools for local law enforcement. The Attorney General distributed a **law enforcement bulletin** summarizing new and existing state and Federal laws that prohibit cyber exploitation and highlight the responsibilities of law enforcement agencies in combatting these crimes. In collaboration with California Commission on Peace Officer Standards and Training (POST) and the United States Attorney's office, the Attorney General's office also developed a **Frequently Asked Questions and one-page cyber exploitation guide for law enforcement**. Both of these tools are accessible online at the OAG's Cyber Exploitation website and POST's website: <https://www.post.ca.gov/cyber-exploitation.aspx>.

On Wednesday, October 14, Attorney General Harris and the California Department of Justice launched a digital campaign and a new website to #EndCyberExploitation, serving as an online hub for the resources, tools and information developed by the Attorney General's office and the Cyber Exploitation Task Force. **These resources are part of the first government-led cyber exploitation initiative for victims and local law enforcement in the country.**

Together, we can **#EndCyberExploitation**
www.oag.ca.gov/cyberexploitation