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San Diego Residents' Perceptions of the Illegality of Cyber-Bullying Among Middle-Schoolers

Nadine Stokely
Walden University

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Walden University

College of Psychology and Community Services

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Nadine Danielle Blanc-Stokely

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Walden University
2022

Abstract

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by

Nadine Danielle Blanc-Stokely

MS, Walden University, 2017

BS, Walden University, 2016

Dissertation Submitted in Partial Fulfillment
of the Requirements for the Degree of
Doctor of Philosophy
Criminal Justice

Walden University

May 2022

Abstract

The teenage suicide rate in the United States has drastically increased as a result of continuous cyber-bullying behavior among adolescents. Little is known about San Diego County residents' perceptions regarding the possible federal criminalization of cyber-bullying among middle-schoolers. The purpose of this study was to explore to what degree San Diego County residents believe that acts of cyber-bullying committed by middle-schoolers should be deemed a criminal offense. The theoretical foundation for this qualitative study was based on the theory of legislation. The research question focused on understanding San Diego County residents' perceptions concerning the possible federal criminalization of cyber-bullying harassment among middle-schoolers. A qualitative pragmatic study design was used to conduct semi-structured interviews and analyze the responses of the study participants. The sample consisted of 10 randomly chosen participants who resided in San Diego County, California. The study participants were recruited using the purposeful random sampling strategy. Data from the interviews were coded and categorized for thematic analysis and constant comparison. The result of this study indicated that San Diego County residents were inclined to support the possible implementation of a federal legislation if punishment was tailored to promote the greatest happiness in society without compromising the principles of humanity. The potential implications for positive social change highlighted the importance of awareness, education, and fidelity among all stakeholders involved, and include suggestions for future research.

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Dedication

The most heartfelt dedication for this work is to my family. I feel blessed and privileged to have had you all stand beside me on this journey to complete this dissertation and with me throughout my life. To my loving and supportive husband Joshua and my amazing and inspiring son Marcus. Thank you both for always having been supportive of my high level of commitment to education and for your patience, understanding, and love throughout this lengthy academic journey. Thank you, as I sacrificed so much precious time with both of you to work on my dissertation. Your words of encouragement helped me get through the especially challenging phases of the dissertation. You gave me the push I needed when I lost motivation, and you provided me with extra space when I sought serenity. Without the support I received from you, I would not have been able to achieve this high academic success, and this work could not have been completed. To my husband, thank you for always being there for me. To Marcus, watching you grow provides a constant source of joy and pride. Thank you for contributing your fantastic art to my dissertation. I appreciate you both for helping me achieve my long-aspired goal of using my expertise and professional experience to make a positive impact among youth.

To my loving parents, Jean-Pascal and Andrea. Your selflessness and devotion are reflected by your commitment and dedication to the community, and because of you, I have grown into the ambitious and compassionate individual I am today. Mom and Dad, I acquired a high level of courage and perseverance from you, which helped me complete my doctoral degree. Above all, you taught me valuable life skills that helped me push

through and overcome the many adversities I faced after I left home. You were not always there to hold my hand, but you have always stood behind me. There has never been a day in my life that I have not felt your love and support despite the great distance between us. I love you both more than words can express.

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A special dedication to my late grandmother Margareta. You are my motivation to never give up and taught me that it is not a crime to break down but a sin not to get up. I am in awe of the strength you obtained over the course of your lifetime; through the countless storms you have endured. You repeatedly demonstrated that the impossible is possible. Thank you for redirecting my eyes toward God and His divine plan when I felt lost. I will be forever grateful for your impactful presence and will cherish your memory forever. I miss our conversations and miss you dearly. Grandma, you are my heroine.

To all my family members overseas, thank you for your prayers and support and for persevering with me throughout this lengthy journey.

Finally, I dedicate this dissertation to all victims of cyber-bullying. Never allow a person to cyber-bully you into silence. Speak to someone about cyber-bullying and inspire to change behaviors while encouraging compassion and empathy.

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Chapter 1: Introduction to the Study

Cyber-bullying is defined as an intentional, aggressive, and repeated act to harm, intimidate, or coerce someone who is perceived as vulnerable with the use of an electronic device (Samara et al., 2017). The legal definition is significant because, given the interpretation, officials can determine what constitutes illegal behavior. However, an individual can only be found guilty of a criminal act if a *mens rea* can be established, meaning that the unlawful behavior was committed with the intent to cause harm (Sudzina & Pavlicek, 2020). Since the high-profile suicide case of Megan Meier, the United States has addressed cyber-bullying by filling gaps in existing crime statutes. As of 2015, all state legislation include terms such as cyber-bullying and include some form of criminal sanction (Trujillo, 2019). Furthermore, all 50 states have legislation in place mandating K-12 school policies to address cyber-bullying among students (O'Connor et al., 2018; Seelman & Walker, 2018). Yet, suicide is the second-leading cause of death among individuals between the ages of 10 and 24, and over the past decade, the rate has even doubled for girls in particular between the ages of 10 and 14 (Long, 2018). However, when a cyber-bullying crime is committed, various issues can arise, making a conviction challenging due to the discrepancies and barriers within existing state legislation throughout the nation. Moreover, anti-bullying policies are only effective if they are implemented at schools and followed by school staff members with a high degree of fidelity (Hall & Dawes, 2019). A comprehensive literature review indicated that 51% to 98% of school staff members reported that their schools adopted an anti-bullying policy in compliance with their state's policy (Hall & Dawes, 2019). This

variation among school districts significantly interferes with the effectiveness of managing cyber-bullying behavior, and therefore, cyber-bullying behavior remains unmanageable throughout the United States.

Background of the Problem

Notable technological advancements over recent decades enabled users throughout the United States to be more efficient and connected than ever before. Meanwhile, various social media platforms appeared that empowered users to connect and share information online without requiring the information technology skills that typically involve networking, software, or the internet needed to build a traditional website. However, this technological evolution inadvertently provided middle-schoolers with a new means to upload and spread harmful visual content such as images or videos on the internet in a relentless attempt to victimize their peers. Cyber-bullying, a behavior traditionally known as bullying, has evolved into a digital, inescapable, and intense level of victimization that consequently resulted in a considerable public health issue. In 1989, the World Wide Web became publicly available and has been growing exponentially in size ever since (Aiello, 2019). Aiello (2019) discussed how the web has become a dangerous weapon and a resource for humanity for data exploitation and other online deviant activity. Technological advancements have created many opportunities for success and efficacy but inadvertently facilitated cyber-bullying behavior throughout the nation, likewise. For instance, in 1998, the World Wide Web was used by 14-year-old Justin Swidler, who created several websites making derogatory comments about his teacher and his principal (J.S. v. Bethlehem Area School District, 2000). With the use of

his websites, the eighth-grader attempted to raise money to hire a hitman for the killing of his teacher. Swidler cyber-bullied both school staff members by repeatedly harassing them over a period of time until his expulsion from school (J.S. v. Bethlehem Area School District, 2000). For the past 2 decades, the policing of online interactions has grown into a problematic task, and the prevention of cyber-bullying victimization has become impossible.

Several scholars, including Hosani et al. (2019), Slattery et al. (2019), and O'Connor et al. (2017), leveled criticisms at the current management of cyber-bullying and proposed measures in which victimization could be reduced. Overall, a significant body of scholarship supported the need to implement a federal legislation against cyber-bullying (Franco & Ghanayim, 2019; Hudson, 2019). Specifically, there was a gap in research about San Diego County residents' perceptions concerning the possible federal criminalization of cyber-bullying among middle-schoolers. Therefore, I explored this research gap in the current study to make a novel contribution to the criminal justice research field.

Statement of the Problem

There is a problem with the management of cyber-bullying behavior throughout the nation (Fitriyah & Rokhmawan, 2019; Samara et al., 2017). One aspect of the larger problem is the high rate of cyber-bullying among adolescents ages 10 to 19, which causes a considerable amount of psychological distress as well as physical and social consequences to the victims (Fitriyah & Rokhmawan, 2019; Shelley, 2018). This behavior has resulted in an increase in suicide-related incidents, including emergency

department visits as well as an alarming surge in the suicide death rate among adolescents living in the United States (Poonai et al., 2017). To prevent cyber-bullying behavior and to eliminate hostile environments on school grounds, school officials have implemented anti-bullying policies that indicate specific guidelines and punishments with regard to which behavior is considered cyber-bullying or harassment. Anti-bullying policies are intended to ensure the students' safety and security, and schools that participate in the OUT for Safe Schools campaign concurrently offer designated safe zones at their schools, enabling a student to momentarily escape from immediate victimization and obtain immediate emotional assistance from a school staff member leading to corrective actions (Burdette v. San Diego Unified School District, 2017). The various anti-bullying policies have effectively increased the level of awareness regarding bullying and reduced distressing incidents at school to some extent (Shelley, 2018). However, due to the ongoing technological advancements, perpetrators are increasingly taking advantage of various social media platforms to continue their bullying behavior outside of school. This sophisticated bullying behavior referred to as cyber-bullying is being conducted without adult supervision and poses significant jurisdictional issues (Shelley, 2018). Presently, some states classify cyber-bullying as a misdemeanor; however, due to jurisdictional issues, many victims are often unable to seek retribution when the cyber-bullying crime was committed outside of their state.

As of 2021, cyber-bullying is not a federal crime and is not covered by a specific legislation in the United States (Hall & Dawes, 2019). The lack of a federal legislation significantly increases the risk of exposure to cyber-bullying (Franco & Ghanayim,

2019). Literature supported that the risk is increased due to the harm of the continuous nature because of the extent of the exposure and its length (Franco & Ghanayim, 2019). According to Franco and Ghanayim (2019), 27% of adolescents are exposed to online violence. This problem continues to impact the adolescent that is cyber-bullied, including their parents and other family members, because the victims often attempt suicide due to the excessive harassment and ongoing tormenting they experience today on a virtual level. Furthermore, the problem affects the parents of the perpetrators as well. In severe cyber-bullying cases, parents of perpetrators have to face the justice system in response to their adolescent's deviant behavior (Callahan ex rel. Roe v. Gustine Unified School District, 2009). Even though state legislative provisions against cyber-bullying are already in place, the growing public outcry, stemming primarily from parents of victims, demands that specific cyber-bullying legislation extending on a federal level be implemented to protect victims (Samara et al., 2017). This study contributed to the body of knowledge concerning this social problem by having addressed key questions regarding the possible federal criminalization of cyber-bullying. Furthermore, the data findings led to a better understanding of the phenomenon that can potentially aid legislators in enhancing current legislation by establishing uniformity and developing measures ensuring fidelity among school staff members, thus improving the effectiveness of managing cyber-bullying behavior among adolescents. Moreover, the data offered insights into San Diego residents' perceptions regarding to what extent cyber-bullying should be criminalized.

Purpose of the Study

The purpose of this qualitative study was to assess the perceptions of citizens who reside in the County of San Diego, California, regarding the possible federal criminalization of cyber-bullying among middle-schoolers. The lack of a federal legislation not only significantly increases the risk of exposure to cyber-bullying but sets jurisdictional boundaries and prevents the prosecution of perpetrators likewise (Franco & Ghanayim, 2019). The interest in this study stems from the need to address the cyber-bullying behavior among middle-schoolers, which continues to play a major role in the high suicide rate among adolescents. The data collection process highlighted the perceptions of respondents concerning a federal legislation to address this deviant behavior among middle-schoolers and analyzed to what extent respondents believed cyber-bullying behavior should be legally prosecuted. Obtaining a better understanding of this problem may help legislators strengthen existing legislation and anti-bullying policies that could prevent middle-schoolers from engaging in cyber-bullying behavior and, in turn, manage the suicidal ideation among adolescents.

Research Question

By gathering the perceptions of San Diego residents on the possible criminalizing of cyber-bullying behavior among middle-schoolers, I aimed to explore the respondents' attitudes toward a federal legislation. In order to establish a more focused approach toward the research problem, the following research question was formulated to guide this study:

RQ1: How do the residents of San Diego County perceive the possible federal criminalization of cyber-bullying harassment among middle-schoolers?

Theoretical Framework

The theoretical foundation for this qualitative study was based on the theory of legislation. The theory of legislation was a relevant contribution to the early criminal justice system and made by English legal philosopher Jeremy Bentham, who promoted a utilitarian approach, specifically a systematic and reasonable theory of punishment (Schofield, 2019). Schofield's (2019) research findings advocated that each legislation should be evaluated according to the single ethical principle of utility, and its value is dependent upon the general happiness of the population. The fundamental purpose of good legislation is to deter criminal behaviors rather than to punish such conduct (Schofield, 2019). The theory of legislation provided a lens for comprehending the proportion between punishment and offense. Furthermore, it helped understand to what extent study participants valued the implementation of a federal legislation against cyber-bullying and if a clear federal legislation with predictable legal consequences could help manage cyber-bullying. For instance, implementing a federal legislation against cyber-bullying may either effectively reduce cyber-bullying incidents, or on the contrary, its punishments could create even more harm, especially if adolescents would have to face a federal court for a cyber-bullying crime.

Nature of the Study

The methodology that guided this study was qualitative. Studies using the qualitative methodology are designed to obtain an in-depth understanding of a

phenomenon in a real-world context (Chowdhury et al., 2020; Moalusi, 2020). Because the aim of qualitative studies is the in-depth exploration of a given phenomenon, usually through human participation, it enables a researcher to give meaning to the problem being explored (Moalusi, 2020). A qualitative approach is appropriate for exploring first-person perspectives of study participants and is consistent with the purpose of this study, which explored how study participants perceived the possible implementation of a federal legislation that applies explicitly to cyber-bullying harassment. Although every state in the United States implemented various anti-bullying policies and legislation to manage cyber-bullying behavior, incidents of harassment among middle-schoolers continue at an alarming rate. This lack of management suggested potential discrepancies and barriers within existing legislation and a lack of fidelity among school staff members who neglect to properly follow anti-bullying policies at school. Therefore, the qualitative research approach was appropriate to explore and understand residents' perceptions living in San Diego County in order to effectively address any barriers to preventive measures currently in place (Mehari et al., 2018). The purpose of this research study was to explore the perception of what should occur concerning cyber-bullying prevention among middle-schoolers as well as identify discrepancies and barriers to preventive measures.

The specific research design chosen to conduct this study was that of an exploratory, pragmatic qualitative approach. Because the aim was to know the answers to “why” or “how” questions about study participants' perceptions regarding a federal cyber-bullying legislation, the pragmatic study method was a suitable design option compared to other research designs (Chowdhury et al., 2020). The qualitative pragmatic

study used the purposeful random sampling strategy and involved semi-structured interviews to gather data from the perspectives of the study participants. Interviews, using an open-ended question format, were the primary source of data collection. This advantageous interviewing technique yielded detailed responses, which was the aim of this qualitative study. It allowed study participants to freely discuss their backgrounds, actions, and attitudes on their own terms (Chowdhury et al., 2020). The responses often provided additional information that study participants voluntarily provided, revealing avenues of further questioning that have been previously left unexplored.

The study sample consisted of 10 random study participants, which is standard with qualitative study research, and who maintained residence in the County of San Diego for at least 5 years (Chowdhury et al., 2020). I did not choose the study sample size; instead, data saturation determined the actual sample size. Sample size is rarely if ever chosen for data saturation reasons. Data from the interviews were coded and categorized for thematic analysis and constant comparison and then analyzed to determine consistencies and inconsistencies among study participants' responses.

Operational Definitions

Certiorari. A legal term describing an exceptional prerogative writ granted in cases that otherwise would not be entitled for a review. A petition for *certiorari* can be made to the Supreme Court of the United States, which may exercise its discretion in accepting a case for review, while an appeal of a case from a lower court to an intermediate appellate court, or from an intermediate appellate court to a superior appellate court, is regulated by statute (Tinker v. Des Moines, 1969).

Cyber-bullying. Defines an aggressive act or behavior that is carried out using electronic means by a group or individual repeatedly and over time against a victim (Arató et al., 2020).

Federal legislation. Referring to one federal law or several federal laws, which was created by a group of political units, such as states or provinces, that joined together in a federation and provide accountability and crime control efforts beyond state and local governments (Shjarback & Young, 2018). Federal legislation is the supreme law of the country and is considered supreme at all times (Shjarback & Young, 2018).

Jurisdiction. A term that applies to federal, state, or local law enforcement agencies who are founded upon geographical borders and are responsible for crimes which occur within their physical boundaries (Cross, 2020).

Legislation. Referring to one state law or several state laws, which serves to limit elite power and uphold accountability for power's abuses and presents as a solution to violence, criminality, corruption, and exploitation to advance justice and fairness for all citizens (Borowiak, 2018).

Mens rea. A legal term used to describe if an act was committed intentionally, meaning that an individual cannot be found guilty of a crime unless culpable in thought (Zacharski, 2018).

Ontology. A philosophical position that acts as a foundation to identify and study a phenomenon and to justify the research methodology (Chamberlain & Hodgetts, 2018). It is concerned with the study of being, particularly, reality, and what actually exists in the world that humans can acquire knowledge about (Chamberlain & Hodgetts, 2018).

Assumptions

Assumptions refer to potentially influential factors of a study that the researcher cannot fully demonstrate as true based on data or cannot fully control (Vveinhardt et al., 2019). Assumptions are beliefs that are accepted as true, or at least plausible. The study's methodology depends on the premises of the researcher and on the nature of the phenomena under investigation, according to Vveinhardt et al. (2019). There were several assumptions for this study.

The first assumption was that the study participants' responses during the interviews would be honest and reflective of their true perceptions about the possible implementation of a federal legislation against cyber-bullying. I relied on the interpretation of the study participants' responses to my interview questions to allow for an accurate exploration of the study participants' perception concerning the possible implementation of a federal legislation against cyber-bullying.

The second assumption was that the study participants would demonstrate a high interest in participating in the proposed study due to the nature of the topic, which over the previous 10 years generated a considerable amount of attention surrounding this topic stemming from various political campaigns and petitions to end cyber-bullying. In addition, several adolescent suicide deaths that have been attributed to cyber-bullying received national media coverage. Consequently, I assumed that the study participants would have increasingly become aware of this public health issue, potentially even grown concerned, and have a high interest in discussing this research topic.

The third assumption of the study was that the semi-structured interviewing format was instrumental in the creation of an in-depth understanding to capture the perceptions of San Diego residents regarding the possible implementation of a federal legislation against cyber-bullying. Because of the flexibility this data collection method provided, for example, opportunities to conduct follow-up interviews, I assumed that data collected from interviews would be adequate for this study.

Lastly, despite the current lack of a uniform definition among state legislation against cyber-bullying, I assumed that the study participants would possess a basic educated understanding of what behavior constitutes cyber-bullying. Therefore, I assumed that during the interviews the study participants would be able to provide clear definitions of what they perceive constitutes cyber-bullying behavior.

Scope and Delimitations

The scope of a research study refers to the extent to which the research area will be explored (McGregor, 2018). McGregor (2018) explained that the scope narrows down a certain section or area of the target population to form the delimitations of the study. This study was restricted to a specific section of the target population because it is not possible for the researcher to cover every aspect of a given phenomenon (McGregor, 2018). Therefore, the scope of this qualitative study extended to the County of San Diego. Keeping the target population within a certain parameter set a reasonable and manageable boundary for me to gain an in-depth understanding of how study participants perceived the possible federal criminalization of cyber-bullying harassment among middle-schoolers.

Delimitations are the characteristics that limit the scope and define the research design, such as the study sample size, geographical location, research method, or the setting in which the research study takes place (McGregor, 2018). This pragmatic study was conducted using an open-ended interview format and involved San Diego residents who were asked to share their first-person perspectives concerning the possible federal criminalization of cyber-bullying. The purposeful random sampling method was employed to recruit study participants to reach individuals for the study. Delimitations helped maintain a focus on research and set a limit on the data collection; otherwise, the data collection would have been extensive. The selection criteria for this study are one example of delimitations that limit the scope. The data were analyzed using the Quirkos qualitative data analysis computer software for thematic extraction.

Limitations

Limitations are weaknesses in the study that are out of the researcher's control. My study involved the interviewing of residents living in San Diego County who were asked how they perceived the possible federal criminalization of cyber-bullying by accentuating the high suicide rate among middle-schoolers. During the interview process, some study participants may have intentionally or unintentionally revealed viewpoints or experiences that may not have been totally accurate despite ensuring confidentiality. The study participants may have experienced some level of discomfort not knowing what my personal viewpoints were concerning the study's research topic.

Another limitation of this study included the coding of qualitative data, which is a lengthy and labor-intensive data analysis process. During this stage, human error and

chance of misinterpretation of raw qualitative data could have led to inconsistencies and ultimately to false study findings. Thus, they potentially have affected the reliability and validity of this study.

Due to the COVID-19 pandemic the nation was experiencing at the time this study was conducted, the scheduling of in-person interviews presented a challenge. California state representatives mandated strict adherence to safety guidelines and restrictions, which required careful planning to ensure safe data collection. To accommodate study participants and to ensure their safety, I offered the scheduling of interviews online with Zoom video communication as well as by telephone in addition to in-person interviews, especially during lockdown phases. It is possible that some observations were potentially missed due to a lack of in-person interviews.

This study was conducted by a single researcher; therefore, researcher bias may be evidenced from the survey design and data collection to analysis. In this qualitative research, I sought to explore a phenomenon through the perspectives of the study participants and analyze it, which can jeopardize the credibility of the study. Personal beliefs, experiences, and perceptions in relation to the topic being studied are some examples of possible influences of personal bias.

Finally, another limitation of this research study was that the study participants were selected only from the San Diego County, California area, which was the population of interest in the study. An obvious limitation, therefore, existed relating to the generalizability of the study findings. As my research study was qualitative in nature, it is important to recall that I was less concerned with generalizing my study findings to all

residents of the state of California or multiple states than I was attempting to gain an in-depth understanding regarding what extent San Diego County residents believe cyber-bullying behavior should be legally prosecuted.

Significance of Study

This study was significant because cyber-bullying continues to be unmanageable within the United States and has led to a rising suicide trend among adolescents. According to Kuehn et al. (2019), suicide is reported to be the second leading cause of death among individuals ages 12 to 19 in the United States. Despite the various anti-bullying policies and legislation against cyber-bullying in place, the combined efforts of both policymakers and legislators have not been able to effectively reduce cyber-bullying incidents at schools, outside of schools, and online. Cyber-bullying significantly affects the mental health and well-being of adolescent victims. The physical, verbal, and social or relational aggression, as well as the persistent harassment, hazing, and persecution by cyber-bullies through the use of modern-day electronic communication devices, increasingly drives middle-schoolers to commit suicide (Fitriyah & Rokhmawan, 2019; Poonai et al., 2017). This problem impacts the parents of cyber-bullying victims, who likewise suffer tremendous psychological anguish when they are faced with the sudden death of their child. However, the parents of the perpetrators can be affected as well. For instance, in severe cyber-bullying cases, especially if the case involved a suicide death, cyber-bullies and their parents have to face the justice system to respond to their child's deviant behavior (*Burdette v. San Diego Unified School District*, 2017). The effects of cyber-bullying almost always extend far beyond the victim. In fact, the impact of a

middle-schooler's suicide death has an effect on society as a whole. However, perpetrators who engage in cyber-bullying cannot always be prosecuted due to jurisdictional issues or other controversies. Consequently, cyber-bullies are free to launch their attacks, often hiding behind a false facade, knowing that they are untouchable to perpetrate such acts, especially with the absence of a federal cyber-regulation enforcement (Hosani et al., 2019). Therefore, a systemic approach is essential to effectively manage cyber-bullying and to repair the harm caused by cyber-bullies. Legislators, parents, school staff members, law enforcement officials, and other stakeholders must collaborate to regulate harmful online media content to provide safe environments at schools and outside of schools in addition to producing restorative justice. This study helped identify areas that presented current barriers within existing legislation and anti-bullying policies throughout the nation.

With this research study, I sought to fill a gap in the current literature in understanding to what extent San Diego residents believe cyber-bullying behavior should be legally prosecuted. Although both traditional bullying and cyber-bullying behaviors and its adverse effects on victims have been studied extensively, including the perceptions of victims, San Diego residents' perceptions of cyber-bullying in relation to a federal legislation remains relatively unexplored. Therefore, this qualitative research study will make an original contribution to the current literature.

Summary

The suicide rate among adolescents continues to rise as a result of cyber-bullying harassment (Knopf, 2019). Cyber-bullying harassment has been associated with a series

of health problems that can provoke lasting, detrimental effects on the victims. Recent research demonstrated that adolescents aged 11 to 19 years who are cyber-bullied are at least three times more likely to engage in self-harming behaviors (Heerde & Hemphill, 2019). The problem statement accentuated that the current cyber-bullying legislation are ineffective and described the association between cyber-bullying and suicide ideology among adolescents. Recognizing this current public health issue and understanding the problem with its management provided the groundwork for my research. Chapter 2 will provide a better understanding of cyber-bullying legislation and specifically explain the lack of a uniform definition among existing state legislation, which considerably complicates the efforts of addressing cyber-bullying behavior. The third chapter explains the methodology used to gather the qualitative data for this study and Chapter 4 presents the results of the data analysis. Chapter 5 entails a discussion of the results and implications for positive social change. Moreover, Chapter 5 will provide recommendations for expanding upon the information obtained through this study including suggestions for future research. Lastly, references are provided, as well as supplemental information for further understanding of the data presented in this research study.

Chapter 2: Literature Review

Introduction

Cyber-bullying has become a serious social problem among adolescents as well as a public health issue because cyber-bullying victims are increasingly resorting to suicide as an alternative solution to end their psychological distress (Fitriyah & Rokhmawan, 2019). The consequences of cyber-bullying can be minor, but in recent cases, this anti-social behavior has increasingly led to a serious, relentless social problem. Cyber-bullying behavior typically consists of threats and insults, social or relational aggression, and persistent harassment, hazing, and persecution through the use of electronic communication devices. As a result of the ongoing harassment, victims often develop symptoms, including psychosomatic and depressive disorder, distress, and anxiety, leading to suicide ideation (Arató et al., 2020; Burdette v. San Diego Unified School District, 2017). Many adolescent victims do not report the victimization they experience from fear of retaliation from their perpetrators or due to feelings of shame or helplessness. Unable to resolve the psycho-social distress and emotional pain on their own, the victims often resort to a suicide death to end the ongoing tormenting they endured. In an effort to address this public health issue, schools nationwide have implemented anti-bullying policies, increasing the level of awareness to prevent cyber-bullying and to eliminate hostile environments at schools likewise. Furthermore, legislators amended outdated state bullying legislation to include acts committed through technological devices and designated such acts as cyber-bullying that specify state-based criminal sanctions as well (Keene, 2019). Yet, the suicide rate among adolescents

continues to rise, while most perpetrators continue to evade justice for their deviant behavior (Knopf, 2019). The challenge with current cyber-bullying state statutes is that states govern themselves and maintain little or no jurisdiction outside of their state. For this reason, state legislation are ineffective when cyber-bullying is committed outside of the victim's state. Hence, a cyber-bully located in one state may victimize and torment a victim, often anonymously, who resides in a different state without repercussions. School policies that advocate and protect against cyber-bullying do not safeguard adolescents from cyber-bullying harassment that occurs outside of schools. However, simply implementing a federal legislation to criminalize cyber-bullying may not solve this unique public health issue and may not be reasonable for reasons that are further presented in the literature review.

Search Strategy

Selected articles that document perceptions of cyber-bullying, cyber-bullying victimization and its effects, and the effectiveness of current state legislation and polices that are aimed to address cyber-bullying behavior are presented below. The search strategy accounted for keywords and phrases, truncated variations of search terms, and subject headings, which allowed for a broader search and attracted more literature discussing other components relating to cyber-bullying and legislation that were all relevant for this review. These findings supported and clarified the main assertions in the problem statement and highlighted their relationship to my chosen research topic. The keywords searched were *bullying AND legislation AND parent's perception, parents AND bullying AND perception, parents' perception AND bullying OR cyberbullying,*

adolescent OR youth OR teenager AND self-injurious behavior, adolescent AND self-harm, peer victimization, cyberbully victim, cyber-bullying victim, cyberbully harassment, cyber-bullying harass, suicide AND bullying legislation, bullying AND jurisdiction, federal legislation AND cyberbullying, and legislation OR laws OR regulation OR policy AND cyberbullying OR cyber bullying in the databases of Thoreau, ProQuest Central, LegalTrac, Google Scholar, SocINDEX, Nexis Uni, ProQuest Criminal Justice, ProQuest Psychology Journals, PsycInfo, and Psychology and Behavioral Sciences Collection.*

Theoretical Framework

The theoretical framework for this study is a qualitative pragmatic approach based on the theory of legislation. Bentham's insights into punishment, in particular deterrence, reformation, incapacitation, and compensation, reflected a deeper philosophical commitment to an ontology that underlay his utilitarianism (Schofield, 2019). Mainly, Bentham argued that judicial punishment should be tailored to promote the greatest happiness in society by deterring potential criminals from committing offenses (Schofield, 2019). The framework provided a theoretical lens through which I was able to examine the possible effects the implementation of a federal legislation could have on the principle of utility. Schofield (2019) discussed how this principle manifests itself within the legislation of a society. Legislation exist to preserve the social contract and benefit society as a whole with the expectation that they deter criminal behavior. Legislation inform citizens about which behaviors are acceptable and unacceptable; they punish anyone who violates these norms and remove dangerous perpetrators from society for the

protection of everyone else. The principle of utility asserts that actions or behaviors are appropriate and just in so far as they promote happiness or pleasure, but wrong and immoral if they tend to produce unhappiness or pain (Schofield, 2019). However, the theory of legislation denounces sanctions that are considered excessive or disproportionate as they can lead to more harm than good. Yet, sanctions for an offense must threaten individuals who are considering committing an unlawful act in order to achieve the deterrence effect. After all, the philosophy to prevent crimes seems more logical and favorable than to punish perpetrators. To determine the impact of a legislation or a policy on the interests of a community, several factors must be taken into consideration. Such considerations should include the value along with the quantity of the direct pleasure and direct pain, as well as the value and quantity of secondarily pleasurable and painful outcomes, after which these influences should then be evaluated to determine how a community could be affected by the legislation or policy (Sverdlik, 2019).

Review of Research Literature

This literature review provides a detailed expansion of the research problem. Cyber-bullying remains a relatively under-researched phenomenon (O'Shea, 2017). Even more so, the perceptions of individuals who reside in the County of San Diego regarding the possible federal criminalization of cyber-bullying among middle-schoolers remains unexplored. To explore this research problem in great depth, the literature review will present several cyber-bullying cases to explain the link between cyber-bullying and suicide ideation. Furthermore, it will provide an overview on existing legislation and

demonstrate how certain legislative changes could possibly benefit cyber-bullying victims but potentially infringe basic constitutional rights. The chapter will conclude with a summary and conclusions from the literature review.

Cyber-Bullying and Suicide Ideation

Technological advancements are often equated with the evolution of human societies. Pivotal innovations, such as the internet, have enabled individuals to make great strides in many fields; however, they have also allowed forms of transgression to become more rampant and widespread. Accordingly, traditional bullying evolved into cyber-bullying, where the distancing effect and anonymity that technological devices provide motivates adolescents to express their feelings in a negative manner more than compared to what is typical in a traditional face-to-face bullying situation (O'Shea, 2017). Unlike traditional bullying victimization, cyber-bullying victims are unable to stop or escape their online victimization, which can be followed by millions of internet users. Cyber-bullies do not know boundaries. Cyberspace provides a borderless playground that empowers students to repeatedly harass, insult, and threaten other classmates. The internet, unlike spending a day at school, is open and available around the clock, empowering infinite numbers of online users to join in on the cyber-victimization. Without limits and clear codes of conduct, communication in cyberspace can rapidly escalate into a cyber-bullying crime and sometimes even lead to suicide death because of the knowledge and sense of security that comes with the limited possibility of being detected on the internet and disciplined.

Ghyslain Raza

An example of an early cyber-bullying case involved Ghyslain Raza. In 2003, a 14-year-old overweight adolescent videotaped himself for a school project reenacting a Star Wars battle using a golf ball retriever imitating a lightsaber (O'Shea, 2017). Raza forgot to retrieve his video afterward, which was subsequently found by a classmate who, with the assistance of another classmate, edited and published the video on the internet without Raza's consent (O'Shea, 2017). Consequently, Raza immediately became a viral international internet meme (O'Shea, 2017). The perpetrators' deliberate acts to steal and publish Raza's digital property on the internet, and invade and violate his privacy, provided sufficient *mens rea*. According to O'Shea (2017), the middle-schooler was subjected to a considerable amount of ridicule from students he attended school with as well as from strangers who viewed his video and responded with malicious messages on the internet. He was relentlessly cyber-bullied for his weight and his clumsy movie scene reenactment. O'Shea's (2017) research efforts disclosed that other students *continuously* [emphasis added] pushed Raza to commit suicide, after which he developed severe depression (O'Shea, 2017). The psychological strain was so intense that Raza was subsequently admitted to a children's psychiatric facility for treatment and completed his education off-campus (O'Shea, 2017). Cyber-bullying can have long-term effects, which can carry into adulthood (O'Shea, 2017; Seelman & Walker, 2018). O'Shea (2017) elaborated that cyber-bullying has the potential to inflict severe physical, psychological, and educational consequences on victims (O'Shea, 2017). According to the author, cyber-bullying often leads to various types of struggles that commonly impact health,

education, and social lives (O'Shea, 2017). For instance, cyber-bullying has often resulted in poor academic performance, increased absences from school, or even dropping out of school altogether (O'Shea, 2017). The cyber-bullying Raza experienced left an everlasting emotional scar, which serves as a constant reminder of his victimization and of the classmates who robbed him of being able to enjoy his adolescent years (Seelman & Walker, 2018). Unfortunately, not every victim is able to find an approach to overcome their cyber-bullying victimization and survive their school years.

Ryan Halligan

One might assume that the effects of cyber-bullying are limited to initial responses that tend to fade within a few days or weeks, at most; however, for cyber-bullying victims, that is often not the case (O'Connor, 2017). On the contrary, many cyber-bullying victims experience years of harassment, verbal abuse, defamation, ostracism, or humiliation (O'Connor, 2017). In 2003, Ryan Halligan committed suicide at the age of 13 through asphyxiation by hanging to escape the ongoing psychological agony he was experiencing from cyber-bullying (O'Connor, 2017). O'Connor (2017) reported results consistent with O'Shea's (2017) research study findings. The harm inflicted by cyber-bullying evokes intense, painful emotions lasting for long periods of time that eventually can lead to the development of suicide ideology (O'Connor, 2017). The psychological impact extends beyond the victims of cyber-bullying, however. Family members become subjected to enduring a lifelong grieving process as a result of the loss of their loved one's suicide death. In Halligan's case, the perpetrators' deliberate acts that consisted of *repeatedly* [emphasis added] sending homophobic instant messages and

persistent, relentless online harassment provided sufficient *mens rea* or malice aforethought. To precisely determine the perpetrators' state of minds, that is, the nature of their involvement (purposefully, knowingly, recklessly, or negligently), however, would necessitate an in-depth case analysis and the expertise of a legal representative.

Perpetrators do not seek victims based on one particular reason. Their motivation for cyber-bullying varies from the victim's low body esteem, low social support, appearance, sexual orientation, gender identity, socioeconomic status, or it can be generated by circumstantial factors such as boredom, attention-seeking, and revenge (Ranney et al., 2020). Cyber-bullying is the result of prejudice perpetrators have toward disadvantaged or stigmatized groups (Hall & Dawes, 2019). In this particular suicide death case, it was Halligan's academic and athletic struggles and his passion for music and drama that made him a target for cyber-bullying (O'Connor, 2017).

Megan Meier

The ability for perpetrators to mask their identities through the use of the internet provides them with an opportunity to say anything to another individual without the worry of any repercussions (Hosani et al., 2019; Pickel & Gentry, 2017). Social media sites, such as Facebook, Snapchat, MySpace, and YouTube, are prone to abuses caused by cyber-bullying harassment. Adolescents increasingly use social media platforms to spread rumors, insult others, or create hoaxes. However, in 2006, it was a hoax fabricated by a mother of one of Megan Meier's classmates that drove the then 14-year-old Meier to commit suicide (O'Shea, 2017; Trujillo, 2019; United States v. Drew, 2009). Lori Drew, a mother, and friend to the Meier family, set a dangerous precedent when she influenced

a multitude of otherwise innocent middle-schoolers to become misdemeanor cyber-criminals, including her own daughter Sarah Drew (United States v. Drew, 2009). Drew opened a MySpace account using a pseudonym to first gain Meier's trust and friendship. Then, Drew and several middle-school students misused the fictitious MySpace account to *persistently* [emphasis added] harass, insult, and threaten Meier. In Meier's case, the perpetrators' deliberate and persistent acts of sending threatening messages and the ongoing harassment, tormenting, insulting, and ridiculing provided sufficient *mens rea*. However, Drew was acquitted of cyber-bullying due to loopholes found in Missouri's existing state legislation, which in 2006 lacked the definition prohibiting harassment over the internet (United States v. Drew, 2009). The Meier suicide death case demonstrated that even adults abuse the internet and social media platforms to cyber-bully adolescents and were successfully able to evade justice due to deficiencies in state legislation (United States v. Drew, 2009).

Matthew Burdette

Lucas-Molina et al. (2018) and O'Shea (2017) reported that suicide ideation is a prevalent factor in cyber-bullying cases, with girls presenting a greater risk of suicidal thoughts than boys. However, the motivation to commit suicide varies from being directed and pushed to commit suicide to the victim's choice, and sometimes the act is decided spontaneously. In 2013, for instance, in the tragic suicide death of 14-year-old Matthew Burdette, the lapse of time from the impact of victimization to contemplating and planning suicide comprised of a mere 14 days (Burdette v. San Diego Unified School District, 2017). This particular incident emphasizes the need for school officials, law

enforcement officials, and legislators to act instantly in an effort to protect cyber-bullying victims. Burdette was dismissed from class for eating sunflower seeds and wandered unsupervised around a San Diego school campus when he decided to use the bathroom (Burdette v. San Diego Unified School District, 2017). While in a bathroom stall, and unbeknownst to him, Burdette was videotaped with a cell phone by another classmate, who was likewise unsupervised, alleging that Burdette was masturbating. The perpetrator's deliberate act to invade and violate Burdette's privacy and videotape him provided sufficient *mens rea* in this case (Burdette v. San Diego Unified School District, 2017). Following the incident, the perpetrator published the video, in which Burdette's shoes, socks and part of his legs were visible, on various social media platforms, which launched Burdette's psychological tormenting (Burdette v. San Diego Unified School District, 2017). Countless students attending Burdette's school, including students attending schools in other districts and unidentified social media users, were able to view the video online, prompting many to participate in the merciless and *ongoing* [emphasis added] harassment of Burdette (Burdette v. San Diego Unified School District, 2017). Burdette was subjected to a considerable amount of ridicule and insulting, malicious online messages that he could not escape, which intensified the psychological strain he experienced. One major factor contributing to the agony that cyber-bullying victims experience is that internet content is virtually impossible to remove once it has been uploaded (O'Shea, 2017). In this unique case, the severity of harmful effects stemming from this type of cyber-bullying behavior significantly contributed to the victim's

feelings of embarrassment and humiliation, which instantaneously fueled his motivation to commit suicide.

Gabriella Green

Since 2015, after all 50 states have either amended their existing state legislation to address cyber-bullying behavior or enacted a legislation specifically against cyber-bullying, suicide deaths among middle-schoolers attributed to online bullying continue to be reported at an alarming rate. In 2018, 12-year-old Gabriella Green from Florida committed suicide through asphyxiation by hanging after having experienced the *ongoing* [emphasis added] effects of cyber-bullying harassment through Snapchat (Burke, 2018). Snapchat is a unique social media platform through which users send each other messages that disappear once they have been read. According to Burke (2018), school staff members were aware of the cyber-bullying harassment but did not intervene to address the issue or to protect its student. The perpetrators, two 12-year-old students, confessed to sending Green harassing messages despite their knowledge that such conduct would result in emotional distress (Burke, 2018). The perpetrators were arrested; however, the ongoing cyber-bullying behavior raises doubts in regard to the value of the punishment. According to Schofield (2019), in order to outweigh the value of the profit of the offense, the value of the punishment must be increased, in point of magnitude, without compromising the principles of humanity. Moreover, forming from recent suicide death cases, school staff members throughout the nation repeatedly neglect to comply with anti-bullying policies, as will be discussed later in the chapter (Burdette v. San Diego Unified School District, 2017; Burke, 2018).

Fortunately, the majority of cyber-bullying victims are able to complete their school years despite the challenges they experienced. However, the memories leave an everlasting emotional scar for some, which serve as a constant reminder of their victimization and of the classmates who robbed them of their teenage years. Zaborskis et al. (2019) stated that the impact of cyber-bullying on adolescent suicidality is as severe and significant as the impact of school bullying. However, Shelley (2018) disagreed; instead, the author explained that cyber-bullying is an umbrella for many online bullying activities that can occur anytime and anywhere, providing anonymity and unregulated access. Therefore, cyber-bullying is *substantially more harmful* [emphasis added] than traditional face-to-face bullying. Cyber-bullying depicts a whole new digital and inescapable level of victimization. Victims of cyber-bullying are unable to defend rumors on social media, and when they respond, it typically makes the situation significantly worse for them. Legislators failed to protect each of the aforementioned cyber-bullying victims due to discrepancies or deficiencies present in their states' legislation. Concurrently, school staff members have failed their students by neglecting to: (a) implement designated safe zones on their school campuses, (b) follow state-mandated anti-bullying regulations to prevent and address cyber-bullying incidents, and (c) provide proper counsel to students who experienced cyber-bullying victimization, which counteract any efforts attempting to effectively manage cyber-bullying.

Overview on Legislation

Legislation serve as a solution to violence, criminality, harassment, and invasion of privacy and suggest the creation of an impartial political order that advance justice and

fairness for all its citizens (Sudzina & Pavlicek, 2020). By following their definitions, it can be determined if a particular behavior constitutes a criminal act (Sudzina & Pavlicek, 2020). However, when a specific behavior caused harm, but legislation does not exist to classify the behavior as a crime, or the *mens rea* could not be established, then a crime was not committed. All crimes feature certain elements, and unless a court can prove the existence of these elements, it cannot obtain a conviction. Therefore, if a specific act is to be prohibited, a legally authoritative body must define in advance what behavior is banned and constitutes as criminal behavior (Sudzina & Pavlicek, 2020).

In 2015, Montana became the last state to enact a legislation to specifically address issues of cyber-bullying. When reflecting on early cyber-bullying cases, such as the Meier case, it is evident that some states, especially Montana, responded slower to address cyber-bullying behavior, whereas other states have been leaders (Trujillo, 2019).

Discrepancies in Current State Legislation

One major concern is the lack of a uniform definition among state legislation, which indicates a significant inconsistency that can send mixed messages to students and lead to inconsistent corrective actions by school staff members (Slattery et al., 2019). According to Slattery et al. (2019), these inconsistencies present issues because they may lead to the underreporting or misreporting of cyber-bullying cases. For instance, the authors argued that many states interpreted cyber-bullying by utilizing different forms of aggressive behavior, such as physical, verbal, relational, and cyber, rather than maintaining consistency (Slattery et al., 2019). Furthermore, the repeated acts of harassment, tormenting, insulting, and transmitting of malicious messages are key

contributors of the severe psychological consequences victims typically experience (Samara et al., 2017). Repetition is a key definition because it is a common characteristic of cyber-bullies that is largely overlooked by states (Slattery et al., 2019). In addition, the research efforts of Slattery et al. (2019) determined that only 16 states included the need for a *mens rea* and that current legislation do not clearly state the meaning of cyber-bullying according to research-based definitions. Such inconsistencies among state definitions considerably complicate the efforts of addressing cyber-bullying. Therefore, the same cyber-bullying behavior could be considered a crime in one state but not in another. A series of other inconsistencies complicates the cyber-bullying issue further. The definition for cyber-bullying is blurry in terms of bullying, harassment, and intimidation and is being interchangeably utilized (Slattery et al., 2019). Contributing to the legislation issue, according to Slattery et al. (2019), is that school staff members manage their own unique policy pertaining to cyber-bullying because the definition of cyber-bullying is left up to the discretion of the school officials within their district. One alarming assessment Slattery et al. (2019) provided was that definitions among some school staff members are influenced by which type of behaviors they describe or define as cyber-bullying. Consequently, they are less likely to intervene if they perceive the victim as having provoked the aggression in some way, which could insinuate victim-blaming practice (Slattery et al., 2019). For instance, Slattery et al. (2019) noted that in one particular incident, a teacher decided not to intervene in incidents of aggression against a victim because the victim was viewed as being impulsive and provocative. Therefore, discrepancies and inconsistencies can evoke unintended consequences

resulting from a lack of a uniform definition (Slattery et al., 2019). O'Shea (2017) critiqued that even though states responded to the cyber-bullying crisis, many statewide cyber-bullying efforts focus on traditional disciplinary techniques intended to deter adolescents from engaging in cyber-bullying behavior instead of targeting and removing the harmful visual content such as images or videos itself. However, the removal of harmful content can potentially interfere with the First Amendment, which protects an adolescent's right to freedom of speech (O'Shea, 2017). To enhance existing cyber-bullying legislation, a more explicit and precise approach to address the characteristics of the harassment, including other cyber-bullying behaviors, should be used (Hosani et al., 2019).

Advantage of a Federal Legislation

State legislation is limited to a particular state and only holds power over the citizens living within the state whereas federal legislation decides for the whole country. State governments and the federal government are two examples of institutional units or jurisdictions in the United States that maintain general power to exercise authority over persons and things (Cross, 2020). Although a state has the jurisdictional power to bestow, adjudicate, and enforce legal decisions, it is always geographically restricted, since according to Cross (2020), the concept of jurisdiction is integral to criminal cases. It determines if the criminal justice system has the ability to exercise their power and authority in a particular case (Cross, 2020). However, the internet does not define geographical boundaries, and this makes the concept of jurisdiction particularly challenging and problematic when applied to cyber-bullying (Cross, 2020). Some users

are unaware when territories are crossed while browsing the world wide web, while others consciously target victims who reside in different states. When a perpetrator engages in cyber-bullying behavior, the primary issue remains attempting to determine which state legislation should apply since state legislation vary (Li & Qin, 2018). Hence, a federal legislation could facilitate and accelerate court proceedings by establishing one clear jurisdiction. The research data of Cross (2020) demonstrated that law enforcement agencies are often restricted and faced with the ambiguity surrounding jurisdictional issues when parents seek retribution after the suicidal death of their child. Mainly, law enforcement agencies are unable to sufficiently investigate cyber-bullying cases and arrest and prosecute cyber-bullying perpetrators, since they cannot claim authority or legitimate jurisdiction to enable such actions (Cross, 2020). However, even in cases where jurisdiction is identifiable, and territoriality is established, law enforcement officials are nonetheless faced with numerous barriers when conducting an investigation (Cross, 2020). An example includes attempting to obtain assistance from other law enforcement agencies and local border policies, which often precludes a satisfactory outcome (Cross, 2020).

Solving the discrepancies issues by implementing a federal legislation against cyber-bullying could establish uniformity as well as separate cyber-bullying cases from discriminatory harassment cases (Slattery et al., 2019). For instance, Slattery et al. (2019) argued that when cyber-bullying is based on race, national origin, gender, disability, or religion, cyber-bullying overlaps with discriminatory harassment, which is covered under federal civil rights laws.

Disadvantage of a Federal Legislation

While the implementation of a federal legislation may reduce the occurrences of cyber-bullying behavior, it could potentially induce a higher juvenile delinquency rate at the same time. Federal legislation typically carry harsher sentencings compared to state legislation; therefore, a middle-schooler facing federal indictment for committing a cyber-bullying act could potentially be sent to prison. Such an unfavorable outcome would reverse the progress the criminal justice system made since the Tough on Crime era, which today promotes early intervention and treatment for young offenders rather than institutionalizing them. For this reason, the Federal Juvenile Delinquency Act recommended that adolescents be prosecuted in a state court rather than a federal court (O'Connor et al., 2017). In addition, the enactment of a federal legislation could significantly infringe on citizens' constitutional rights as a result of newly added limitations placed on the Bill of Rights.

The First Amendment

Implementing a federal legislation to regulate a student's speech to manage cyber-bullying behavior can present significant First Amendment issues (O'Connor et al., 2018). Despite the efforts of private-infrastructure and public-infrastructure companies' increased governing, surveilling, and regulatory measures to minimize and control forbidden speech and conduct, cyber-bullying incidents have not been reduced (Balkin, 2018). On the one hand, a social media site may choose to remove fighting words that it perceives as hate speech or offensive speech that would almost certainly be protected by the First Amendment, but on the other, it may choose not to remove fighting words that

are directed at an adolescent victim (Balkin, 2018). With state legislation performing inadequately and adolescents increasingly committing suicide, parents seek retribution from lawsuits (Simon & Nicholson, 2019). Parents' perception in favor of legislation against cyber-bullying has significantly increased over recent years (Hudson, 2019). Consequently, activists have presented the United States Congress with proposed legislation, such as the Tyler Clementi Higher Education Anti-Harassment Act, in an effort to protect students specifically from cyber-bullying harassment (Hudson, 2019). Balkin (2018) stated that under the current First Amendment doctrine, most online sites are not able to ban hate speech or other emotionally upsetting speech because only face-to-face words can cause an immediate breach of the peace. Therefore, online perpetrators who provoke their victims in social media discussions typically evade punishments. Sometimes, private-infrastructure companies may choose not to ban offensive speech if they perceive it could make the sites far less valuable for the vast majority of users, according to Balkin (2018). Such selective behavior suggests that some private-infrastructure companies place more value on maintaining profit and organizational sustainability over moral standards. Furthermore, social media sites merely provide limited sanctions, if any, for misbehavior, such as denying access to the site, either by temporarily or permanently closing the user's account, and removing some or all of a user's presumed offensive content (Balkin, 2018). However, a cyber-bully could effortlessly open a new account and continue their deviant behavior under a different pseudonym. Cyber-bullies commonly make use of a pseudonym to hide their identity, which was observed in the Meier's case (United States v. Drew, 2009). To better

understand the lack of protection from forbidden speech, it may help to analyze the First Amendment. The United States Bill of Rights was created in a world that we see around us and live within. The document's existence is based on ontological assumptions and defined rights for citizens who really exist. However, the internet has been described as a virtual, jurisdictional unspecified environment in which social experiences, ideas, information, social support, media, discussions, and various other forms of exchanges are shared in cyberspace (Cross, 2020). Therefore, applying the First Amendment doctrine to a digital world presents significant challenges, especially when attempting to prevent freedom of expression turning into expressions that legally define cyber-bullying behavior. Cyber-bullies are physically nowhere near the victims when they torment their victims; therefore, an immediate breach of the peace is highly unlikely (Balkin, 2018). Legislation can be confounding, and legal terms require careful interpretation to understand their true meanings. The legal term immediate breach of peace describes an incident in which face-to-face words are likely to cause an immediate breach of the peace, in which the victim experienced a form of a criminal offense (Balkin, 2018; *Chaplinsky v. New Hampshire*, 1942; *Texas v. Johnson*, 1989). Raza, Halligan, Meier, Burdette, and Green did not, according to Balkin's (2018) argument, experience an immediate breach of the peace since neither one of their victimizations described direct face-to-face incidents. Nonetheless, freedom of expression is not an absolute right, meaning that certain categories of expression are prohibited by some state governments (Fay, 2018). For instance, obscenity, defamation, fraud, incitement, and speech integral to criminal conduct are some categories that are part of the free speech regulation that

determine when a citizen's expression constituted a serious offense (Fay, 2018). The fighting words doctrine prohibits states from punishing speech that merely causes emotional upset unless it inflicts injury or incites an immediate breach of the peace (Balkin, 2018). To cause an immediate breach of the peace, an individual would have to express profane, obscene words in a threatening manner, and cause violence (Balkin, 2018; *Chaplinsky v. New Hampshire*, 1942). However, it is challenging to differentiate an actual threat from a false one, which can further complicate cyber-bullying matters.

Throughout the twentieth century, the interpretation of the First Amendment has changed radically due to free-speech claims, which added limitations to the freedom of speech, making it no longer appear like a straightforward constitutional right as it once was perceived in 1791. Adding yet another limitation with specific cyber-bullying harassment terms to the First Amendment to filter online freedom of speech may benefit victims, but would most likely present constitutional objections likewise. Similarly, would implementing a federal legislation against cyber-bullying restrict freedom of expression and possibly permanently violate a citizen's First Amendment right. Once a federal legislation has been implemented, no state legislation has the power to abolish or reduce the rights afforded by the federal government. Likewise, no state would have the authority to expand on the rights afforded by the federal government. To prevent states from claiming too much power, the Constitution's Supremacy Clause holds that all legislation enacted by state governments must comply with the Constitution. In 1969, the Supreme Court of the United States decided on a case involving students who wore black armbands to school to protest the United States' involvement in the Vietnam War, which

defined First Amendment rights of students in public schools (Briggs, 2017; *Tinker v. Des Moines*, 1969). Since this landmark decision, however, the Supreme Court of the United States has remained silent on the criminalization of online, off-campus speech in relation to the First Amendment and has denied *certiorari* in cases concerning freedom of speech of cyber-bullies (Briggs, 2017). The First Amendment states that the United States Congress “shall make no law. . . abridging the freedom of speech” (p. 1571), and Smith (2018) continued that courts have interpreted this definition to apply to both speech and expressive conduct.

The Fourth Amendment

The Supreme Court of the United States has time after time defended the expectations of privacy that citizens possess in their homes and immediate possessions as reasonable (Li, 2018). Specifically, the Fourth Amendment does not prohibit searches and seizures; instead, it protects citizens from unreasonable searches (Li, 2018; Sekhon, 2018). To ensure a citizen’s right to be free from unreasonable searches and seizures, law enforcement agencies require a warrant before beginning a search; otherwise, the search is presumptively unreasonable (Li, 2018; Sekhon, 2018). According to Li (2018) and Sekhon (2018), however, a warrant must: (a) be supported by a probable cause, (b) include a law enforcement officer’s oath or affirmation, and (c) specify the place to be searched as well as the persons or items to be seized in order to meet the three constitutional criteria. The latter, which is referred to as the Particularity Clause, specifically limits the scope of a search and legally restricts a law enforcement officer’s search to items that are only listed in the warrant (Li, 2018). Guidelines such as

mentioned previously are crucial because if they are neglected, any evidence found and collected in a search can be deemed inadmissible in court. Unless the plain view doctrine can be applied to incriminating evidence found during a search that was not previously listed in the warrant, as Li (2018) affirmed. Currently, the Particularity Clause fails to provide the same restrictive protection for digital searches and citizens, or students accused of cyber-bullying are not adequately safeguarded from unreasonable searches and seizures (Holloway, 2020; Li, 2018). This means that a law enforcement officer can conduct a warranted search on a middle-schooler's electronic device and search through all the data present on the device irrespective of what information the warrant entails (Li, 2018). Consequently, any evidence found on the electronic device that is considered incriminating could be seized (Li, 2018). For instance, an accused cyber-bully could be charged with theft or vandalism based on the evidence found on his or her electronic device during the search for the investigation of a cyber-bullying case.

Holloway (2020) outlined three specific challenges with the Fourth Amendment in relation to conducting searches on electronic devices. First, the author's findings indicated that the Particularity Clause does not limit the scope of warrants to search electronic devices (Holloway, 2020). Therefore, when warrants are requested to conduct searches on electronic devices, the description of what will be searched and seized is typically vague, as is it impossible for law enforcement officers to know beforehand the name and location of the incriminating files (Holloway, 2020; Li, 2018). For this reason, courts consistently grant warrants to search an entire electronic device even if it subjects citizens to unreasonable searches and seizures (Holloway, 2020; Li, 2018). Providing

more specifications to satisfy the Particularity Clause is generally impossible (Holloway, 2020; Li, 2018). Second, Holloway, (2020) emphasized that sophisticated investigative procedures have enabled law enforcement officers to access all the digital data that is present on a device. In theory, this broad access would not subject a citizen to unreasonable searches and seizures if law enforcement agencies would search electronic devices in the same manner that they search homes or vehicles (Holloway, 2020). However, the Fourth Amendment does not limit how long law enforcement officers can search through electronic devices, thus allowing them an extended amount of time to find potentially incriminating data (Holloway, 2020). Finally, the author's third argument was that the plain view doctrine does not apply to searches conducted on electronic devices since law enforcement officers with a warrant can legally access and open all files and view each piece of data (Holloway, 2020; Li, 2018). Essentially, law enforcement officers with warrants have unlimited access to all data on electronic devices (Holloway, 2020; Li, 2018). Such investigations can place other household members at risk of being incriminated if certain electronic devices, for example desktop computers, are shared in the home. According to Holloway (2020), the Fourth Amendment doctrine significantly fails to limit the scope of digital searches. The literature findings indicated to what extent students' right to privacy can be violated once they are being accused or involved in a cyber-bullying crime. In an attempt to address this violation, Holloway (2020) explained that the United States Court of Appeals for the Tenth Circuit developed the following approach. A law enforcement officer executing a search warrant is first to search in the most obvious places, such as the hard drive, and as it becomes necessary, using a

pyramidal search method, the officer is to progressively advance the search from the obvious to the obscure (Holloway, 2020). However, the court's approach merely depicts which steps law enforcement officers are to follow when conducting digital searches (Holloway, 2020). Implementing a federal legislation that could establish a statute to limit the scope of digital searches, such as the pyramidal search method, could make digital searches and seizures reasonable.

The probability is high that school officials may intentionally avoid potential conflict with the Fourth Amendment when it comes to the management of cyber-bullying on campus. Searches and seizures of students' electronic devices conducted by school staff members could conflict with the Fourth Amendment, thus potentially leading to unwanted attention and costly lawsuits (Fedders, 2019). In one particular instance, when a student from Kentucky violated his school's policy regarding cell phone usage, a court ruled the search of the student's cell phone performed by a school staff member as unconstitutional and in violation of the student's Fourth Amendment (Fedders, 2019). According to Fedders (2019), the court cited that the search exceeded the scope of the reason for the cell phone seizure. Therefore, it is possible that school counselors and other school staff members may choose not to interfere with cyber-bullying complaints to avoid Fourth Amendment conflicts, which could be a contributing factor to the current lack of cyber-bullying management.

School Officials Failing to Comply with Anti-Bullying Policies

The surge in suicide deaths related to cyber-bullying among middle-school students prompted parents to file lawsuits against officials of their school districts for

failing to report and address cyber-bullying incidents, which could have prevented some suicides (*Burdette v. San Diego Unified School District*, 2017; Simon & Nicholson, 2019). Among them were the parents of Burdette, who claimed that school officials employed at the school Burdette attended failed to follow state-mandated anti-bullying policies and procedures that were implemented to protect students specifically from cyber-bullying (*Burdette v. San Diego Unified School District*, 2017). The California Education Code mandates that all school officials implement and enforce certain anti-bullying policies and procedures to prevent and report cyber-bullying. Burdette's school officials even outlined specific steps in Administrative Procedure 6381, which clearly defined that:

[a]ll certificated and classified staff will receive annual training that includes discussion, information and/or instruction about: the district's Bullying, Harassment, and Intimidation Prohibition and Non-Discrimination Policies; this procedure and reporting/investigation requirements; effective interventions to employ when witnessing bullying, harassment or intimidation... (*Id.*) (*Burdette v. San Diego Unified School District*, 2017, p. 5).

Moreover, California Education Code section 201 reaffirms that “all pupils have the right to participate fully in the education process, free from discrimination and harassment” (*Burdette v. San Diego Unified School District*, 2017, p.18). Although the San Diego Unified school district contended that section 201 only applies to a protected class, which refers to a group of individuals sharing a common trait and are legally protected from being discriminated against on the basis of that trait, such as disability,

gender, gender identity, gender expression, nationality, race or ethnicity, religion, and sexual orientation, Education Code section 201 should apply to all students and entitle them to an education in California schools that is free from harassment (Burdette v. San Diego Unified School District, 2017). In addition, school staff members at the school Burdette attended were obligated to precisely follow anti-bullying measures such as creating a “Safe Space” (p. 5) or a “Respect for All” (p. 5) zone that students can resort to should they experience any type of bullying (Burdette v. San Diego Unified School District, 2017). The school’s policy requires that such safe zones are marked by identifying signs, posters, or other signage for easy identification (Burdette v. San Diego Unified School District, 2017). Unfortunately, in Burdette’s case, school staff members failed to implement and carry out certain aspects of their state-mandated anti-bullying policy, which significantly contributed to Burdette’s demise. Likewise, school staff members neglected to properly supervise and protect both students, Burdette and the perpetrator, while the students were in their care (Burdette v. San Diego Unified School District, 2017). Despite California’s well-established state legislation and San Diego school district’s policy requiring that all students must be issued a pass and directed to a supervised location on campus when they are asked to leave class, Burdette’s teacher plainly ordered Burdette to “get out” (Burdette v. San Diego Unified School District, 2017, pg. 2). The purpose of California’s state legislation requiring supervision of students on school property *at all times* [emphasis added] is to regulate students’ conduct to prevent disorderly and dangerous practices, which are likely to result in physical injury to students, even if an injury is foreseeable or not (Burdette v. San Diego Unified School

District, 2017). Court documents revealed that Burdette's teacher appeared to have commonly violated California's state legislation in addition to the school's policy by ordering students to leave the classroom without issuing a pass and without instructing the students on where to go (Burdette v. San Diego Unified School District, 2017). The lawsuit further stated that one of the school's counselors neither received any form of training or lessons on the school's cyber-bullying policy nor instructions on how to report cyber-bullying incidents during her entire length of employment (Burdette v. San Diego Unified School District, 2017). Another school counselor testified that he did not have any specific recollections of having received any cyber-bullying training throughout his 11 years of employment at the school (Burdette v. San Diego Unified School District, 2017). A third school counselor claimed that she, as well as other school staff members, received training; however, the school counselor failed to provide any details on how or when the training was conducted, who was present, and what specifically was taught (Burdette v. San Diego Unified School District, 2017). However, according to Burdette v. San Diego Unified School District (2017), none of the other school staff members could confirm the school counselor's claim. Moreover, numerous students testified that they were not aware of an anti-bullying policy, nor did they ever see it posted on their campus (Burdette v. San Diego Unified School District, 2017). Other lawsuits disclosed that school staff members do not take cyber-bullying incidents as seriously as they should when they are reported (Simon & Nicholson, 2019). The parents' perceptions are that state legislation are confounding and provide little assistance to parents and cyber-bullying victims who feel that their complaints are not being addressed (Simon &

Nicholson, 2019). More parents have claimed that state legislation continuously neglect to penalize school officials for failing to report cyber-bullying incidents to the state due to the flexibility of the reporting requirements given to schools, although school officials are obligated to submit such reports (Simon & Nicholson, 2019). Literature findings identified that no relation could be established between the presence of anti-bullying policies and school staff members intervening in cyber-bullying behaviors occurring at schools (Hall & Dawes, 2019). Anti-bullying policies are only effective if they are implemented at schools and followed by school staff members with a high degree of fidelity (Hall & Dawes, 2019). According to Hall and Dawes (2019), 51% to 98% of school staff members reported that their school officials adopted an anti-bullying policy in compliance with their state's policy, 39% to 94% reported having received training on the policy, and 78% to 92% indicated that their schools maintained procedures for investigating reports or complaints about bullying. These findings demonstrate a considerable variability in the fidelity of implementation and compliance of policy interventions for cyber-bullying. Therefore, having state legislation in place does not make a difference in the management of cyber-bullying when policies and regulations are not followed, or definitions among legislation are inconsistent. Because cyber-bullying is a widespread problem, a federal legislation could establish uniformity across the nation and implement sanctions against school districts for failing to report cyber-bullying incidents. However, there was a gap in research about how citizens perceive the possible federal criminalization of cyber-bullying among middle-schoolers. For that reason, this

study will explore to what extent study participants believe cyber-bullying behavior should be legally prosecuted.

Summary and Conclusion

The literature review provided comprehensive information on cyber-bullying and how this deviant behavior causes victims to experience immense psychological suffering, which often leads to the development of suicide ideation. The high-profile cyber-bullying cases introduced earlier, demonstrated the relentless, dehumanizing victimization each victim experienced without having engaged in physical contact, as is typical with traditional bullying. The problem with the management of cyber-bullying behavior is complicated by state legislation that lacks uniformity across the nation, making them ineffective. However, school staff members have a major impact on the effect of the management of cyber-bullying, likewise. If anti-bullying policies are not followed by school staff members as mandated by state officials, then school staff members are significantly contributing to the cyber-bullying problem. According to recent lawsuits, it has become evident that school staff members across the nation are not necessarily struggling with the management of cyber-bullying due to a lack of resources, but rather because they are unwilling to comply with state-mandated anti-bullying policies. As a result, cyber-bullies are seldom disciplined for cyber-bullying and thus are able to continue their deviant behaviors that victimize their peers. This pragmatic qualitative study will contribute to the criminal justice research field by providing data to legislators and policy decision-makers to help them better understand the current challenges effective cyber-bullying management presents. For instance, legislators and decision-

makers could devise new measures addressing current jurisdictional and uniformity issues and implement potential sanctions against school officials and school staff members who are uncompliant with state-mandated anti-bullying policies. The following chapter will present the methodology and research design for this explorative study.

Chapter 3: Research Method

The purpose of this study was to explore the perception of study participants regarding how they perceived the possible federal criminalization of cyber-bullying harassment among middle-schoolers. The exploratory nature of the research question pointed to a need for a pragmatic qualitative research approach. This research method was more appropriate for this study because it is utilized to gain a comprehensive understanding of underlying reasons, opinions, and motivations of study participants' perceptions and subjective experiences (Chamberlain & Hodgetts, 2018). Conversely, the quantitative method focuses on establishing existing significant relationships between variables to quantify attitudes, opinions, and behaviors (Chamberlain & Hodgetts, 2018). Researchers who utilize the qualitative research approach are able to bring their paradigms, sets of beliefs, and worldviews to their study, which is often referred to as their realist perspective or ontology (Chamberlain & Hodgetts, 2018). With the use of an interpretive and theoretical framework combined with a realist position, each of these elements shaped this qualitative research study (Chamberlain & Hodgetts, 2018).

Research Design and Rationale

Research Methodology

The methodology consists of several elements that must align with the research question in order to produce a quality research. With each element in place, I used the qualitative methodology to record the behaviors, feelings, and attitudes of the study participants. Each study participant's unique experience or perspective yielded data relating to the research question, which in turn, I analyzed and examined for similarities

and differences. Unlike quantitative research, perception is best studied through qualitative analysis, which involves descriptive questions that begin with words such as “how” or “what” (Chamberlain & Hodgetts, 2018). The research question that guided this study was a question beginning with the word how. Moreover, qualitative research offers the flexibility to conduct interviews, which enables the researcher to follow-up on the data already collected to achieve deeper insights (Chamberlain & Hodgetts, 2018). In addition to flexibility and a focused approach, qualitative research invites philosophical positions, which act as the foundation of the researcher’s approach to a research question (Chamberlain & Hodgetts, 2018). For this reason, the qualitative methodology was ideal for studying the perceptions and opinions of study participants and exploring the theoretical landscape that defined this phenomenon.

The following research question was addressed in this study:

RQ1: How do the residents of San Diego County perceive the possible federal criminalization of cyber-bullying harassment among middle-schoolers?

Ontology

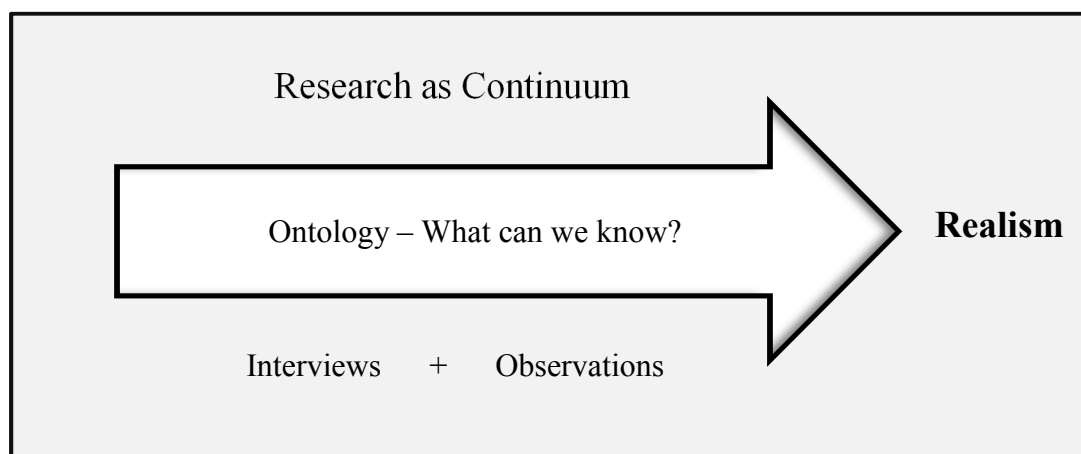
Ontology, the study of being, is a philosophical position that a researcher can relate to the research question (Chamberlain & Hodgetts, 2018). It is primarily concerned with the human world of meanings and interpretations, for example, what there is that can be known (Chamberlain & Hodgetts, 2018). From an interpretivist stance, I assessed, according to my ontological assumptions, the evidence I gathered and built an argument for this study, as illustrated in Figure 1 (Chamberlain & Hodgetts, 2018). The data collection process for this study involved a time-consuming and tedious process. Rather

than perceiving the collected data simply as text, the primary emphasis was to regard it as evidence about the real phenomenon being studied (Chamberlain & Hodgetts, 2018).

According to Chamberlain and Hodgetts (2018), ontology allows for a distinctive method of data collection to gain a broader and more secure understanding of the phenomenon being studied. It is the evidence, such as the physical, behavioral, and mental (i.e., study participant perception) contributions from study participants that I sought to examine to explain how San Diego residents perceived the possible federal criminalization of cyber-bullying harassment among middle-schoolers. All evidence for this study was ultimately processed for thematic extraction.

Figure 1

Realist Perspective



Role of the Researcher

A researcher must maintain ethical behavior throughout the research process to ensure credibility. I served as the sole researcher for this study and interviewed, observed, and reviewed any relevant documents. As a researcher, I assumed an essential role. I was

mindful not to listen to study participants through any prejudiced ideas (Chamberlain & Hodgetts, 2018). Before I began the study, I identified and acknowledged my own bias to prevent any ethical issues that could have influenced the outcome of this research study. Even the slightest misinterpretation of the study participants' responses could have resulted in skewed data. Chamberlain and Hodgetts (2018) discussed the importance of performing a critical analysis of oneself as well as how values and biases can adversely influence a research situation. I did not have a professional relationship with the study participants, nor did I maintain a professional standing with any of the organizations that the study participants are employed within. As a result, I was able to prevent the appearance of power relationships, including potential conflicts of interest.

Methodology

Participant Selection Logic

This study was open to any individual who met the selection criteria. No consideration was given in study participant selection to gender, race, political or religious affiliation, income, or any other demographic. Study participants were selected randomly using a non-probability sampling method. Purposeful random sampling is a strategy widely used in qualitative research for the identification and selection of information-rich cases for the most effective use of limited resources (Saunders & Townsend, 2018). This sampling strategy involves identifying and selecting individuals or groups of individuals that are especially knowledgeable about or experienced with a phenomenon of interest (Saunders & Townsend, 2018). Therefore, this unique sampling strategy was appropriate to explore the perceptions of San Diego residents concerning the

federal criminalization of cyber-bullying. The average sampling size for a qualitative study consists of 10 to 15 study participants; however, data saturation determines when the data collection process actually concludes (Saunders & Townsend, 2018). A large sample size does not guarantee a researcher will reach data saturation, nor does a small sample size. Instead, it is what constitutes the sample size (Saunders & Townsend, 2018). According to Saunders and Townsend (2018), the study sample has reached a sufficient size when new data stop emerging (the point at which new study participants no longer contribute new data). The depth and breadth of salient information to answer the research question has stopped. When no new data emerges from interviews, a researcher has also most likely reached the point of no new themes; therefore, data saturation was achieved. To consider a sample size sufficient depends on the balance between the research purpose, the saturation of data obtained, and the epistemological and ontological positions of the researcher (Saunders & Townsend, 2018).

Instrumentation

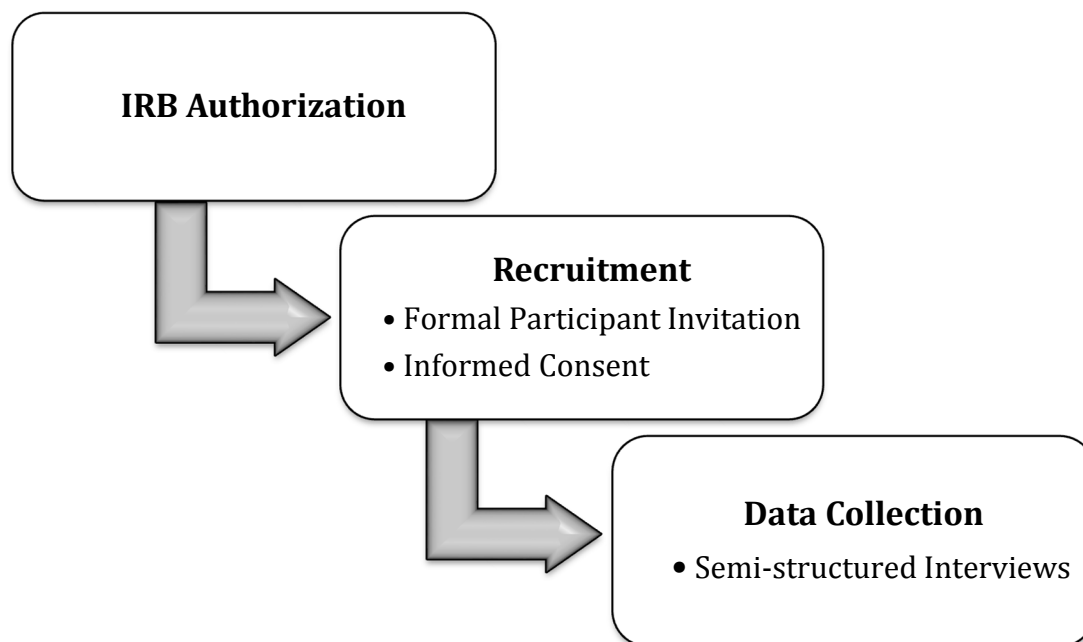
Data for this pragmatic study were solely collected through interviews. I was the sole researcher asking each study participant a series of questions that varied in specific content and order. This strategy relies on open-ended questions and follow-up probes, which can yield new questions that were previously left unexplored. Thus, more data can be produced. The standardized open-ended interview format will allow study participants to discuss their backgrounds, actions, and attitudes in their own terms (Chamberlain & Hodgetts, 2018). The study participants' elaboration in response to the interview questions typically provides a comprehensive account of how the study participants view

a given issue making this data collection method a valuable tool for qualitative research (Chamberlain & Hodgetts, 2018). The interview protocol (Appendix C) was prepared in advance and reviewed by experts in the field of criminal justice to ensure that the contents of the guide were sufficient to answer the research question. During the intensive interviewing process, I utilized a voice recorder in addition to a pen and notebook for interviews conducted in person and over the telephone, and local hard drive recording for interviews conducted with Zoom video communication to record the responses given by the study participants for efficient data analysis. This primary source of data collection method is an excellent, advantageous approach to document the opinions, experiences, and perceptions of study participants.

Observational data served as supplemental data for this pragmatic study. Such data can only be obtained if study participants demonstrate any obvious emotions or behaviors during the interviewing process. Based on the study participants' reactions, the researcher is then able to generate first-hand reports of what the study participants felt during the interviewing process and is personally present, acting as a witness likewise (Chamberlain & Hodgetts, 2018). For example, some study participants may exhibit stronger emotions than other study participants when discussing controversial topics such as the possible federal criminalization of cyber-bullying among middle-schoolers.

Procedures for Recruitment and Participant Selection

The procedures for the recruitment of study participants and data collection followed specific steps as provided in Figure 2.

Figure 2*Recruitment and Data Collection Process*

The recruitment process commenced once Walden University's Institutional Review Board (IRB) approved this study. The length of the study depended on several factors, such as the study participants' response time, data collection and coding developments, as well as on the unprecedented times surrounding the COVID-19 pandemic the nation experienced. I expected the study not to last more than a few months. The recruitment process was kept active for 39 days. Initially, the response to the recruitment flyer was slow; however, after employing Facebook Ads Manager to circulate the recruitment flyer (Appendix B), I received an overwhelming response from interested study participants. Further, several study participants were recruited by word of mouth initiated by study participants who completed the interview. Recruitment was ceased once data saturation was achieved. Several strategies were employed to reach my

target population. With the use of an introduction letter (Appendix A) and a recruitment flyer, legal sample collection occurred by:

- online distribution utilizing various social media platforms and community classifieds
- distribution in various public organizations and businesses (libraries, coffee shops, gyms, etc.)
- distribution in various private organizations (probation offices, law enforcement agencies, district courts, San Diego City Hall, etc.)
- distribution in private and public middle-schools
- distribution in private and public colleges and universities

The recruitment flyer explained the purpose of the research study and requested that those interested in participating contact the researcher at the email address provided on the recruitment flyer. Study participants who met every criterion for the study were invited for an interview.

Criteria for Participant Selection

The criteria for selecting the target population added some restrictions on the study participants; nonetheless, it enabled me to reach a large audience. The recruitment of a broad audience allowed for the inclusion of a potentially diverse sample. Limiting the selection criteria further could have potentially elicited biased viewpoints. The following predetermined selection criteria was utilized for the study participants.

1. must possess at least a bachelor's degree
2. must have been a San Diego County resident for the previous 5 years

3. must be willing to be interviewed in person, online using Zoom video communication, or by telephone lasting approximately 30 to 60 minutes

Selection of Participants

Study participants were randomly selected utilizing a non-probability sampling method. Non-probability sampling refers to research in which sample elements are not based on a predetermined probability but based on research purpose, availability of subjects, subjective judgment, or a variety of other non-statistical criteria (Cassell et al., 2018). Specifically, the purposive random sampling technique was utilized for this study because this strategy allowed me to enhance credibility rather than representativeness. Cassell et al. (2018) explained that researchers choose this sampling technique to select study participants based on the relevance of the research question and is commonly employed in qualitative research. In order to obtain a relevant but diverse study sample, I placed few restrictions on the study participants. Thoughtful consideration was given to the target population sample during the selection process for this study. Because cyber-bullying is a systemic problem, it requires the collaboration between multiple stakeholders to understand this phenomenon and how to efficiently address the problem.

Data Analysis Plan

The data originated from the one-on-one open-ended conversations I had with the study participants. Specific words or phrases that the study participants expressed is referred to as raw data, which subsequently was coded and interpreted. After the interviewing process was completed, all the raw data was analyzed utilizing thematic analysis. To assist me in managing and analyzing the expected large amount of data

obtained from the interviews, I utilized Quirkos, which is a qualitative data analysis computer software. The qualitative data analysis computer software allowed me to organize and analyze the raw data, uncover more in-depth insights, and deliver comprehensive findings. In qualitative research, a code is typically chosen to symbolically assign an attribute from an interview (Chamberlain & Hodgetts, 2018). Codes, categories, and themes represent the hierarchy of classification in qualitative data analysis in regard to the process of thematic extraction (Chamberlain & Hodgetts, 2018). For instance, a code can represent the meaning of a given passage, while a category represents a higher level of classification than a code (Chamberlain & Hodgetts, 2018). A process referred to synthesizing combines codes into a category to consolidate meaning and develop an explanation (Chamberlain & Hodgetts, 2018). According to Chamberlain and Hodgetts (2018), this development describes the combining of different things to subsequently form a new whole. Categorization is a transition from coding to categorizing and can involve subcodes and subcategories. Each category has similar characteristics for the purpose of data grouping. Chamberlain and Hodgetts (2018) explained that after codes have been categorized, they are further organized into descriptive themes, which are eventually interpreted to yield analytical themes. The authors elaborated that the theme is a higher-level of categorization, usually used to identify a significant element, for instance, several segments of the entire content analyses of the data (Chamberlain & Hodgetts, 2018). Once the data synthesis was completed, I was able to identify important or recurrent themes and provide insight and possible solutions to address this study's research question. The data focused on

perceptions concerning the potential implementation of a federal legislation against cyber-bullying among middle-schoolers, and perceptions concerning the extent cyber-bullying should be criminalized, which were key to answering the research question.

Trustworthiness

The value and quality of a research study, in part, depended on my ability to demonstrate the trustworthiness of my study findings (Lester & O'Reilly, 2019). Threats to external and internal validity and reliability could have influenced this study's outcome, rendering my study insignificant (Lester & O'Reilly, 2019). Reliability is analogous to variance, meaning that low reliability equals to high variance whereas validity is analogous to unbiasedness. For instance, researchers who maintain prejudiced views against certain ethnic groups can represent a risk to the validity of their research findings. To ensure trustworthiness, I incorporated several measurements to support my qualitative methodology while preventing potential threats to validity and reliability.

Credibility

All study participants were asked the same questions during the interview. However, follow-up questions differed. As Lester and O'Reilly (2019) stated, credibility refers to confidence in the truth value of the answers and interpretations of the answers that were given to me by the study participants. Therefore, credibility was achieved by study participants describing their perceptions regarding the possible implementation of a federal legislation against cyber-bullying. In addition, I increased internal reliability by recording all interviews since this measure provided for accuracy compared to relying on memory. Member checking was also utilized, which refers to a process whereby study

participants were given the opportunity to verify the interpretations I formed from the interviews (Lester & O'Reilly, 2019). This opportunity allowed study participants to clarify, elaborate, or even correct any errors, if necessary, before I proceeded with the data analysis process (Lester & O'Reilly, 2019).

Dependability

To ensure the reliability of this study, I maintained consistency throughout the study and avoided clerical errors. The slightest inconsistencies can affect the dependability of the entire research study (Lester & O'Reilly, 2019). Dependability is associated with the consistency of the study findings. When the findings are properly documented, they can support future researchers who may desire to repeat the same study by producing similar or identical results (Lester & O'Reilly, 2019). An audit trail is a qualitative strategy that I developed to ensure the dependability of my study findings. Flick (2018) explained that an audit refers to a systematic, independent examination of an activity and its results, through which the existence and appropriate application of specified demands are evaluated and documented. It includes raw data, theoretical notes, summaries, a reconstruction of data and results of syntheses according to the structure of developed and used categories (i.e., themes, definitions, relationships), findings (interpretations and inferences), including but not limited to any reports produced with their integration of concepts and links to existing literature (Flick, 2018).

Transferability

Transferability is an additional key component and is synonymous with external validity, which establishes trustworthiness in qualitative research. According to Cassell et

al. (2018), it is the responsibility of the researcher to provide a thick description of the study findings and how they may be applied to other contexts or settings. To establish transferability, providing a detailed account of the study participants' perceptions, their experiences, including where the interviews occurred, as well as any other aspects of data collection, generated a richer and fuller understanding of the research setting.

Confirmability

According to McGregor (2018), confirmability refers to the researcher's neutrality when interpreting data. A researcher's personal views and opinions of the phenomenon being studied can potentially influence data collection, transcription, coding, and data analysis and lead to biased results (McGregor, 2018). A researcher must ensure that their findings can be confirmed or corroborated by others (i.e., their values did not take over) (McGregor, 2018). Reflexivity involves self-critique and disclosure of what one brings to the research and refers to a process in which researchers identify and acknowledge their personal views and bias while establishing transparency in the study (McGregor, 2018). Confirmability was established through the use of reflective practices. I did not seek to be objective; instead, I aimed to be subjective and publish findings that were shaped by the study participants themselves and not manipulated by the researcher (McGregor, 2018). Furthermore, developing an audit trail was beneficial for ensuring the dependability of my study findings and for increasing transparency and confirmability (Flick, 2018). An audit trail outlines the theoretical framework that underlines a study, including the steps in the qualitative content analysis (Flick, 2018).

Ethical Procedures

Research is essential to the successful promotion of health, well-being, dignity, rights, and safety. When working with study participants, it is crucial to understand and comply with regulations. First and foremost, all individuals who participated in this study voluntarily provided their consent before the interviewing process began. Before I began recruitment and data collection, I submitted the study proposal to the IRB to obtain approval to conduct my research. The approval was granted under 11-20-20-0540951 on November 20, 2020. I did not directly approach or solicit any person to participate in this study. To protect study participants accordingly, I provided informed consent to brief them about the study's purpose, procedures, risks, and benefits and ensured confidentiality. Moreover, to prevent ethical issues, I followed the philosophies of ethics in research. Lester and O'Reilly (2019) outlined the principles of ethical practices that protect study participants and guides researchers in their studies, which emphasize to:

- a) ensure non-maleficence
- b) respect reciprocity
- c) exercise professional integrity
- d) protect confidentiality and privacy
- e) respect the autonomy of study participants
- f) provide equal opportunities for participation

Engaging in a comprehensive discussion with the study participants during the recruitment process, detailing the ethical practices I have set in place, displayed a high level of responsibility, commitment, and transparency to the study participants and, in

turn, prevented ethical issues. Following these ethical practices ensured that my research study could be completed and remembered by the study participants as a positive experience. The integrity of the data was maintained without having withheld any data and exaggerating the accuracy or explanatory power of the data. The data findings were interpreted and presented honestly, fair, and objectively. The study participants were not misled to influence the study outcome.

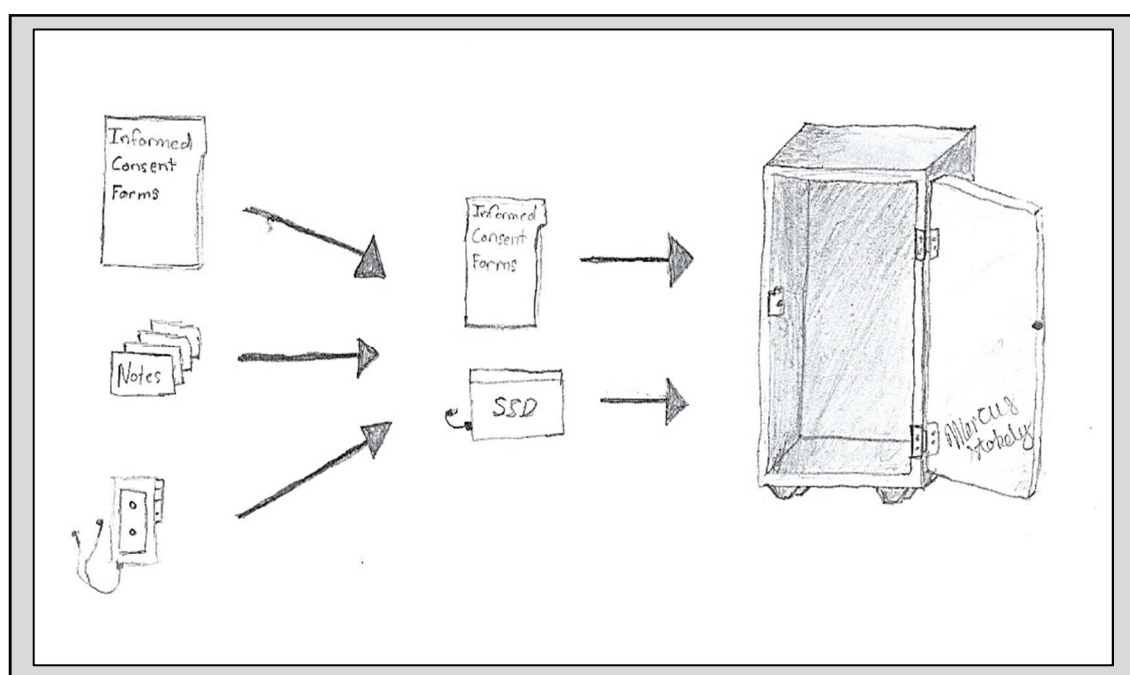
Compensation for participation in this study was considered, which potentially could have facilitated the recruitment process. However, I decided against the provision of compensation to avoid that becoming the determining driver in the recruitment of study participants. Therefore, compensation, in the form of money, gift cards, free services, or any other types of incentives, were not provided to study participants to avoid coercion and undue influence. As a researcher, I want to believe that the main reason why study participants agreed to participate in this research was altruism, that they contributed to research without expecting anything in return. I wanted to ensure that study participation was truly voluntary, rather than an obligation and that study participants possessed a genuine interest in the research topic.

To provide study participants with a high level of confidentiality, I ensured that their identity remained confidential and securely stored and protected all data from unauthorised access. All electronic documentation, such as the interview guide, detailed notes, audio mp3 files, data files from qualitative data analyses, and transcripts, along with other data, was stored on an external solid-state drive (SSD). Notes that were written on paper as well as signed informed consent forms were scanned into Portable Document

Format (PDF) and likewise stored on the external SSD. The original hand-written notes and signed informed consent forms were stored in a file folder. The aforementioned data stored on the external SSD and inside the file folder was deposited inside a safe and will remain in place stored, locked, and password-protected, as depicted in Figure 3, located in my home office, and preserved for approximately 5 years until ultimately destroyed. No other individual will be given permission or access to the data stored in the safe.

Figure 3

Confidentiality



Note. This figure depicts some of the data formats acquired from the data collection process and how the data was ultimately stored.

Summary

The qualitative research approach takes the human experiences of study participants into account, and by analyzing the various behaviors of the study

participants, researchers can gain a better perspective of a given phenomenon. In addition, this methodology allows researchers to shape their study by providing evidence and legitimacy from their philosophical position. The open-ended question format allows for flexibility, including the potential to gather information beyond the surface of rational thoughts and superficial responses. For example, emotional responses can be captured by making observations throughout the interviewing process, which can subsequently be analyzed likewise. Conversely, the closed-ended question format tends to facilitate the analysis of the results by framing the study participants' responses. To ensure the internal and external validity and reliability in this qualitative study, the four key dimensions of trustworthiness were maintained, which are credibility, dependability, transferability, and confirmability. This chapter provided a detailed description of the research method, including the research design, and an explanation of the sampling procedure that occurred. The following chapter will depict the demographics of the study participants and present a comprehensive summary of the data findings.

Chapter 4: Results

Introduction

The aim of this qualitative, pragmatic study was to explore how San Diego County residents perceived the possible federal criminalization of cyber-bullying harassment among middle-schoolers. I sought to determine to what extent San Diego County residents believed cyber-bullying behavior should be criminalized and if they believed it would make a difference in the management of cyber-bullying. The anticipated goal was to provide data that legislators and public policy decision-makers may utilize to enhance existing legislation and anti-bullying policies to effectively reduce cyber-bullying incidents both at schools and outside of schools. Such enhancements would include measures that probe and enforce state-mandated anti-bullying regulations that school staff members fail to follow.

The accompanied research question for this study was:

RQ1: How do the residents of San Diego County perceive the possible federal criminalization of cyber-bullying harassment among middle-schoolers?

This chapter will provide a comprehensive description of the setting, demographics of study participants, the procedures for data collection and analysis, the trustworthiness of the process, and a comprehensive explanation of the data findings.

Research Setting

Once I verified that the study participants met the selection criteria, interviews were scheduled according to the study participants' availabilities and preferences. All 10 study participants were presented with the same options that allowed them to select when

their interviews were conducted and which platform was most convenient for them to participate in the interview. The flexibility accommodated the study participants' schedules and provided them with a safe alternative to minimize potential contact with the Coronavirus compared to in-person interviews. One interview took place at a public park, wearing face masks and gloves and keeping the proper distance of at least 6 ft (1.83 m). [Measurement was made in nonmetric units and converted to the rounded SI equivalent.] Nine study participants opted for online Zoom video communication and telephone interviews. No study participant withdrew from the study.

Demographics

In terms of study eligibility, study participants were required to meet the selection criteria. Inclusion in this research study required that study participants resided in San Diego County at the time of the interview and had lived in San Diego County for a minimum of at least 5 years. Furthermore, the study participants were required to have completed at least a 4-year undergraduate degree. The study sample consisted of five male and five female study participants. Demographic data and contextual information of the study participants who met the selection criteria are presented in Table 1. Further personally identifiable information was not collected.

Table 1*Study Sample Demographic Profile (n = 10)*

Participant code	Gender	Age	Ethnicity	Marital status	Children under 18	Education
P1	male	25-34	White	single	0	master's degree
P2	male	35-44	White	married	1	bachelor's degree
P3	male	45-54	White	married	2	master's degree
P4	male	45-54	White	single	0	bachelor's degree
P5	female	18-24	Hispanic	married	0	bachelor's degree
P6	female	45-54	White	married	2	master's degree
P7	female	25-34	White	in a relationship	0	master's degree
P8	female	35-44	Pacific Islander	married	2	bachelor's degree
P9	male	35-44	White	in a relationship	0	bachelor's degree
P10	female	35-44	White	married	1	master's degree

Data Collection

I began this pragmatic study with participant recruitment and selection, followed by briefings and the signing of consent forms. Subsequently, the interviews were scheduled. Every effort was made to ensure the interview process accommodated study participants' schedules and choice of interview platform. For this research study, individual, in-depth interviews were utilized as the primary data source. A total of 10 semi-structured interviews were conducted over the course of 12 weeks. All 10 study participants were asked the same 11 questions, as outlined in the interview protocol

(Appendix C). The follow-up questions varied and consisted of multiple “why” questions, which were key to further exploring the research question. They essentially supported my research study by allowing me to explore the phenomenon in greater depth. They asked about the significance of the study participants’ answers. The interviews were expected to last approximately 45 minutes and ranged between 25 and 45 minutes. All interviews were audio-recorded to ensure accuracy, which significantly enhanced the credibility of this study. Throughout each interview, I wrote notes by hand to record additional significant observations such as visual observations I made during the in-person interview and online using Zoom video communication. This procedure was added as a supplemental data collection tool. Fewer follow-up interviews were conducted than originally anticipated. This can be ascribed to the unanticipated depth and clarity provided by the study participants’ responses and their general availability. Data collection for this study produced 4.35 hours of digitally recorded interviews, resulting in 97 pages (33,271 words) of interview transcription. Written documents, such as handwritten notes, provided additional data. No issues occurred during the data collection phase of this research study.

Data Analysis

To analyze the collected raw data and generate meaning, I conducted a thematic analysis utilizing the Quirkos qualitative data analysis computer software. Thematic analysis is a method employed to code raw data, develop themes that emerge from the data, define and name themes, and generate meaning (McGregor, 2018). The aim of thematic analysis is to examine commonalities, differences, and relationships (McGregor,

2018). Researchers, however, may read the same data set but generate different themes (McGregor, 2018). Therefore, a researcher must explain how their themes and assertions were developed and provide sufficient and convincing evidence of their themes (McGregor, 2018). Otherwise, they may expose their research study to skepticism (McGregor, 2018). Considering that the purpose of this study was to assess the perceptions of San Diego County residents concerning the possible federal criminalization of cyber-bullying, I concluded that the use of thematic analysis laid the groundwork for an in-depth analysis. Each study participant readily answered all of the interview questions including several follow-up questions. To protect the confidentiality of the study participants, I used participant codes P1, P2, P3, and so forth instead of the study participants' names. After data collection, the interviews were compiled and transcribed for analysis. The transcribed data was coded and recurring patterns were organized into categories and themes. The research question along with the 11 interview questions (Appendix C) provided me with a guide for establishing the preliminary coding framework that was analyzed to determine patterns that could be assigned to categories and themes. Because of this process, I was able to extract the accurate meaning of each study participant's response. The recurring perceptions were expressed using different words and phrases and were sometimes expressed using the same words and phrases, or even entire sentences. The codes (Appendix D) consisted of: experience, empathy, sense of judicial fairness, proactive versus reactive tendency, faith in the United States' legal system, and responsibility. I concluded that those codes that occurred at least three times were significant. The initial codes that were decoded from interview data, were analyzed

to determine patterns that could be assigned to categories and themes. Transcribed interviews and other notes, including from my observations, were examined to uncover important revelations, thoughts, quotes, and common threads of information with the goal of discerning specific emerging themes. All study participants provided information for each category, but I display the quotes that best summarize each category. Study participants discussed their information in depth to provide a clear understanding of what they were saying. The categories that were formulated from the codes were: (a) awareness, (b) perceived measures, and (c) trust. The themes represent the recurring perceptions among study participants that revealed themselves in different ways through the data. A theme is a central idea revealed by study participants through repeated readings of transcribed data as it is discerned by the researcher and infers what the text is about (McGregor, 2018). I verified my findings to ensure conformity with data and did not find any discrepancy with the evidence of trustworthiness that I outlined in Chapter 3. Table 2 offers a visual presentation of the codes and how they correspond to the interview questions.

Table 2*Significant Codes: Relations to Interview Questions*

Code	Correspondences to interview questions	Description
Code 1	1,2,3,4,5,10	Experience
Code 2	2,8	Empathy
Code 3	6,7,8,9	Sense of Judicial Fairness
Code 4	6,7,8,9	Proactive versus Reactive Tendency
Code 5	7,8,9	Faith in the United States' Legal System
Code 6	10, 11	Responsibility

Evidence of Trustworthiness

In qualitative research, a researcher must be wary of internal threats to credibility, plausibility, applicability, confirmability, and consistency (McGregor, 2018).

Trustworthiness largely depends on how well the research study was designed and conducted. Some examples of external threats to trustworthiness can include researcher bias and participant self-reporting bias. To reinforce validity and reliability, I provided confidentiality and conducted member checking. Sometimes, member checking occurred during the interview; other times, I followed-up with the study participant after the interview was conducted and restated or summarized the study participant's answers and then questioned the study participant to determine accuracy. Aside from member checking, an expert review of the interview guide was utilized. An expert review enhances the validity of an interview protocol and helps identify and prevent potential

researcher bias. Transferability was satisfied by providing a comprehensive discussion of the procedures and data findings of the study. As a result, future researchers will be able to replicate this research study to validate the findings or to reproduce it for other populations or settings. Dependability was fulfilled through an audit trail that consists of a compilation of data (i.e., interview questions, consent forms, field notes, audio recordings, etc.) and enhances the accuracy and dependability of the data for the benefit of future researchers. Finally, confirmability was satisfied through the use of reflective practices that enables researchers to identify and acknowledge their personal views and bias preventing the manipulation of the data findings.

Results

One research question was created for this study to facilitate an understanding of San Diego residents' perceptions concerning the illegality of cyber-bullying among adolescents. The study consisted of 11 interview questions. Study participant responses to the questions in the interview protocol (Appendix C) resulted in two themes.

Interview Question 1

What is your definition of cyber-bullying?

One study participant defined cyber-bullying as a malicious behavior that “Is done digitally, that’s what sets it apart from non-cyber-bullying, and it can include harassment like obsessively texting or messaging negative things about somebody.” All 10 of the study participants specifically accentuated the use of electronic communication devices to “harass, intimidate, attack, and degrade” cyber-bullying victims. According to the majority of the study participants, cyber-bullying activities include posting videos,

photos, or comments about a person without their consent that causes emotional harm. The study participants agreed that cyber-bullying occurs over the “internet” or “online.” More specifically, three of the 10 study participants noted that cyber-bullying can be perpetrated by individuals who are known or unknown to the victims. Figure 4 provides a meaningful analysis of the data by depicting the frequency of certain words study participants used to define cyber-bullying. All study participants provided responses that supported the theme ideology, which referenced the study participants’ experiences relating to the social problem.

Figure 4

Word Cloud Generated from Quirkos Software



Note. The size of a word demonstrates how significant it is (i.e., how often it appeared during interviews).

Interview Question 2

What are some of the consequences that cyber-bullying can evoke on youth?

All study participants cited various psychosomatic symptoms and psychological consequences as major concerns of cyber-bullying victimization. These included irritability, aggressiveness, insomnia, sadness, feelings of low self-esteem, antisocialism, loneliness, eating disorders, thoughts of regret, a sense of worthlessness, feelings of self-hatred, self-harming behaviors, loss of interest, depression, anxiety disorders, physical pain resulting from experiencing extreme amounts of stress, and suicide ideation to include suicidal behaviors. Other risks factors mentioned included poor academic performance, truancy, and theft. Two of the 10 study participants emphasized suicide death resulting from cyber-bullying harassment as a “worst-case scenario.” Only two of the 10 study participants mentioned drug abuse and alcohol dependency as a consequence of cyber-bullying victimization. All study participants provided responses that noted the theme ideology, which explored the study participants’ experiences and level of empathy relating to the social problem.

Interview Question 3

Can you tell me about a cyber-bullying case in which an adolescent committed suicide?

Nine out of 10 study participants were familiar with at least one suicide death case and described details of the case to the best of their recollection. Specifically, the high-profile suicide death of Conrad Roy age 18 was mentioned by two study participants during the interviews. One of these two study participants remembered that the victim’s

girlfriend sent Roy text messages coercing and encouraging him into committing suicide and repeatedly assured Roy that doing so “was a good idea if he [Roy] did.” In an unrelated cyber-bullying suicide death case, a different study participant shared that two cyber-bullies initially “were charged with a crime” because their malicious actions provoked the victim’s suicide death. However, the study participant could not recall the outcome of the case, specifically, the sentencing details. Although the majority of the study participants in this research study remembered hearing about at least one adolescent suicide death case attributed to cyber-bullying harassment, they could not recollect and share specific details of the cases, such as the victims’ names, sentencing outcomes, and the states in which the cyber-bullying suicide deaths occurred. However, the majority of the study participants agreed that the cases they cited provided sufficient *mens rea*. Furthermore, the study participants agreed that social media was a determining contributor of cyber-bullying harassment. Two of the 10 study participants felt inclined to share personal details about the cyber-bullying victimization they experienced first-hand as a parent. In one case, a study participant shared that the victimization was so severe that her child developed feelings of depression, leading to self-harming behavior, and avoided going to school. Enrolling her child into a new school has only slightly improved the child’s symptoms of depression and self-harming behavior because the harassing messages continue to appear on social media, the study participant explained. “It’s like kids these days have nothing better to do. How about helping in the community after school if you are bored?” Adding, “Do the parents really not see what their kids are doing online? I mean, what they post and stuff?” The second study participant stated that her

child's cyber-bullying harassment required her child to undergo significant professional treatment involving medications to overcome their intense cyber-bullying experience. Primarily, the aim of this interview question was to explore the level of awareness concerning adolescent suicide death cases among the study sample rather than specific details surrounding the suicide death cases. The majority of the study participants provided responses that supported the theme of ideology relating to the study participants' experiences with cyber-bullying harassment.

Interview Question 4

What do you know of California's state legislation against cyber-bullying?

None of the 10 study participants were able to explain what legal or punitive measures California state legislators set in place against cyber-bullying. For instance, study participants responded to this question with "I don't have any knowledge of that," "Honestly, I don't know what it is," "Honestly, I don't know anything about what the laws, or anything like that, are," "I do not know anything about it," "I don't know much about the specifics. I know that California, and many states, I believe, have really cracked down on cyber-bullying over the last several years," "I know nothing," "I didn't really raise kids in California...so, I don't really know of any kind of laws about that," "I can't tell you," "I would assume that there is something against cyber-bullying, but I don't know about it," and "I really don't know anything about it." Prosecutors may use Penal Code 653.2 to litigate types of electronic cyber-harassment cases, which defined that:

- (a) Every person who, with intent to place another person in reasonable fear for his or her safety, or the safety of the other person's immediate family, by means

of an electronic communication device, and without consent of the other person, and for the purpose of imminently causing that other person unwanted physical contact, injury, or harassment, by a third party, electronically distributes, publishes, emails, hyperlinks, or makes available for downloading, personal identifying information, including, but not limited to, a digital image of another person, or an electronic message of a harassing nature about another person, which would be likely to incite or produce that unlawful action, is guilty of a misdemeanor punishable by up to one year in a county jail, by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment.

(b) For purposes of this section, “electronic communication device” includes, but is not limited to, telephones, cell phones, computers, Internet Web pages or sites, Internet phones, hybrid cellular/Internet/wireless devices, personal digital assistants (PDAs), video recorders, fax machines, or pagers. “Electronic communication” has the same meaning as the term is defined in Section 2510(12) of Title 18 of the United States Code.

(c) For purposes of this section, the following terms apply:

(1) “Harassment” means a knowing and willful course of conduct directed at a specific person that a reasonable person would consider as seriously alarming, seriously annoying, seriously tormenting, or seriously terrorizing the person and that serves no legitimate purpose.

(2) “Of a harassing nature” means of a nature that a reasonable person would consider as seriously alarming, seriously annoying, seriously tormenting, or seriously terrorizing of the person and that serves no legitimate purpose.

(Amended by Stats. 2009, Ch. 140, Sec. 144. (AB 1164) Effective January 1, 2010.) (California Legislative Information, n.d.).

This interview question explored the overall level of awareness among study participants regarding California’s legislation against cyber-bullying. Upon further probing study participants to what extent they supported their state legislation against cyber-bullying, one study participant responded, “As a misdemeanor, I would support it, but I guess it depends on the situation.” Another study participant stated that a misdemeanor would be an appropriate form of punishment for a cyber-bullying harassment crime; however, the study participant further explained that if a cyber-bullying harassment crime resulted in a suicide death, it would be appropriate to punish an adolescent with a more serious charge such as a felony. Seven of the 10 study participants stated that California’s state legislation was not effective against managing cyber-bullying harassment. One reason cited by one study participant was that “No one knows about it [legislation].” The same study participant added that the minority of cyber-bullying harassment crimes even get to the point of being charged as a misdemeanor. The majority of the study participants noted the theme of ideology relating to their proactive versus reactive tendencies concerning cyber-bullying harassment. For example, the study participants voiced their support for judicial punishments for committing a cyber-bullying crime, and in one interview, even for a need for stricter

judicial punishments if suicide deaths are involved, while at the same time, the study participants stated that such punishments could potentially evoke unintended challenges.

Interview Question 5

To your knowledge, does the United States presently have a federal legislation against cyber-bullying in place?

Three study participants did not know if the United States currently has a federal legislation against cyber-bullying in place and seven study participants stated that they did not think a federal legislation against cyber-bullying currently existed. One study participant more specifically noted that “I think that the government would leave that up to the states as they have like for the age of consent. I would think that a federal legislation is not in place because the federal government leaves that up the states.” All 10 study participants provided responses that supported the theme of ideology, which related to the study participants’ experiences with the social problem.

Interview Question 6

To what extent do you support the implementation of a federal legislation against cyber-bullying?

Six of the 10 study participants’ initial responses revealed that they fully supported the implementation of a federal legislation against cyber-bullying. However, some study participants expressed that their support would depend on how the federal legislation would be defined and what it entailed, including potential consequences it could evoke. For instance, the idea of a federal legislation superseding or infringing on existing state legislation and states potentially losing some of their granted powers that

currently address their needs was an important decision factor expressed by one of the six study participants who supported the implementation of a federal legislation. Similarly, a study participant who did not support the implementation of a federal implementation against cyber-bullying stated that “States should be able to legislate for themselves, you know, make their own statutes, their own laws and rules, and keep the federal government out of it.” Seven of the 10 study participants noted the theme of ideology, relating to the study participants’ experiences regarding the social problem and the theme of potential barriers, which relates to the study participants’ sense of judicial fairness and faith in the legal system.

Interview Question 7

Would you support a federal legislation against cyber-bullying if it limited or restricted your First Amendment?

When study participants were asked if they would support a federal legislation against cyber-bullying if it potentially limited their freedom of expression two study participants answered in favor of such legislation, five against, and three could not give a clear position stating “I’m not sure. Maybe depending on what extent, I guess,” and “I don’t know...I wanna stand in between and if there were something written already, I would have to read it for me to actually agree or disagree. That’s hard,” referring to not being able to provide a definite answer. One study participant who could not provide a clear answer stated that “I don’t know. I would support a federal legislation if it would really make a difference in helping kids, but I doubt that enacting a federal legislation alone would make a difference. It requires a joint effort. So, what would be the next step

once there is a federal legislation in effect and citizens have given up a little more of their First Amendment right in an effort to help victims but kids continue to commit suicide? How does a federal legislation control bullying speech?” One of the study participants who did not support the possible federal criminalization of cyber-bullying cited that “On one side, I want to trust the government and trust people to do the right things on limiting that type of speech, but part of me also does not trust the people who make those decisions, so I am less inclined to support something that would limit the First Amendment.” A different study participant elaborated that “If there was a federal legislation the chances of me being found guilty for this [cyber-bullying], or even be accused of this [cyber-bullying], are gonna be slim to none,” alluding to the lack of resources or means to enforce a federal legislation. Besides, the same study participant argued that individual states already have the capability to prosecute cyber-bullies through the states’ court hierarchical structures. Therefore, a federal legislation could not provide any additional benefits, but instead, induce potential adverse consequences. Furthermore, the same study participant argued that rules or regulations should not be implemented if they could not be enforced. Arguing that cyber-bullies would continue to commit cyber-bullying crimes “Because they [cyber-bullies] know that if the consequences for their actions are going to be overlooked because there’s more important things such as murder and manslaughter and things like that.” The majority of the study participants provided responses that supported the theme of ideology referencing their thoughts on proactive versus reactive tendencies, which include the prevention or punishment of cyber-bullying behavior relating to the social problem and the theme of

potential barriers relating to the study participants' sense of judicial fairness and their faith in the legal system.

Interview Question 8

Would you support a federal legislation against cyber-bullying if middle-schoolers would have to answer to a federal court compared to a juvenile court?

The thought of a legislation that could potentially prosecute adolescents in a federal court for a cyber-bullying crime was not supported by eight of the 10 study participants. While all 10 study participants maintained that cyber-bullies should be legally held responsible for a cyber-bullying crime they committed, provided it involved a suicide death and a *mens rea*, only two study participants supported the potential federal criminalization of cyber-bullying. The most frequently cited argument study participants expressed against the federal criminalization of cyber-bullying was that once cyber-bullying would become a federal crime it could subject adolescents to federal sentencing guidelines. A federal legislation was negatively associated with severe mandatory minimum sentencings, which could lead to lengthy sentences in a federal prison, potentially even for first-time and non-violent juvenile offenders. One study participant in particular noted that "An adolescent could be sent to a prison for a long time. I don't think that would really teach a child acceptance of responsibility." Other reasons cited against the federal criminalization of cyber-bullying included that "If there is already a law and it's not working on its own, making another law probably isn't going to help," referencing the existing California state legislation against cyber-bullying, and "You don't want to permanently ruin young people's lives who might not even realize

what they did, you know. There are other alternatives to penalize cyber-bullying. At that age you don't have the ability to understand what consequences your actions could evoke." One study participant explained that sending adolescents to prisons would not necessarily reduce cyber-bullying incidents but possibly increase violent behavior among imprisoned adolescents once they would be incarcerated with violent offenders where they could observe and adopt criminal behaviors. A study participant who was employed by a federal government agency claimed that the only possible benefit a federal legislation could provide would entail the elimination of jurisdictional issues that attorneys currently face when attempting to prosecute cyber-bullies located across state borders. However, this benefit could not justify implementing a federal legislation if it carries the potential of subjecting adolescents to federal sentencing guidelines. All of the study participants provided responses that supported the theme of ideology referencing their perceptions on proactive versus reactive tendencies, which include the prevention or punishment of cyber-bullying behavior and the level of empathy they felt toward the victim or cyber-bully. Furthermore, the study participants' responses noted the theme of potential barriers, which references the study participants' sense of judicial fairness and their faith in the legal system.

Interview Question 9

How effective do you think a federal legislation would be against cyber-bullying?

Nine of the 10 study participants answered that a federal legislation would not be effective against cyber-bullying harassment. For instance, one study participant expressed the following, "I don't think a federal legislation is going to stop them from doing it

initially. It could stop them from repeat offending, perhaps if intervention is made, but it first has to be reported. There has to be a lot that is put into place prior to them even getting in trouble. I don't know how effective whatever that consequence would be. I don't think kids at a certain age are thinking about federal legislation and consequences. It might impact the parents though and what they decide to do with their children.” Similarly, another study participant indicated, “Yeah, just kind of what I said with the California legislation, it would be ineffective. I think this problem is gonna take, you know, the whole community and all the different aspects of communities to handle this problem. So, I think it would be ineffective.” All of the study participants provided responses that supported the theme of ideology referencing their thoughts on proactive versus reactive tendencies to prevent or punish cyber-bullying behavior. In Addition, the study participants’ responses noted the theme of potential barriers, which references the study participants’ sense of judicial fairness and their faith in the legal system.

Interview Question 10

How helpful do you find the resources currently available at schools against cyber-bullying?

Eight of the 10 study participants found that the resources currently available at California public schools are neither effective nor helpful against cyber-bullying behavior. According to three of the eight study participants, the resources, which include prevention programs that address attitudes and behaviors associated with cyber-bullying and advocate for positive learning environments and online safety, are often not followed by school staff members. For instance, of these eight study participants, one described a

personal experience involving a serious cyber-bullying incident. “I don’t think they’re effective at all. The reason I say that is, my oldest son was cyber-bullied, and he *still* [emphasis added] gets bullied. He was bullied in middle school; actually, he was bullied in elementary school, middle school, and now he’s getting bullied in high school. I witnessed it. I talked to my son about it, you know, ‘What happened?’ ‘Did you report it?’ And when my child said ‘Yes, I reported it to the teacher,’ the teacher just ignored it. So, no, I don’t think it’s effective, and I see the stress. I mean, it still goes on. I see the stress it causes him.” Another study participant stated that “The resources help the kids who are being bullied, but it doesn’t stop the problem from happening.” Prevention programs are based on training and administrative strategies and can be effective provided school staff members are adequately trained and participate in these programs, according to two study participants. One particular study participant was concerned with the lack of training school staff members may possess regarding the management of cyber-bullying behavior. The study participant stated, “Although that person is an adult, it doesn’t make them an expert or educated in the practices of de-escalation of cyber-bullying incidents.” Further expressing concern, the same study participant added that schools may use the anti-bullying resources and campaigns as a “Bumper sticker for my son’s school...because now the principal, for his funding resources, has checked the block and said ‘Okay, I’ve done that.’ Then that’s ineffective. I think it needs to be reinforced throughout the year.” The study participant voiced support for the allocation of funds toward schools for anti-bullying resources but expressed the concern hoping “It doesn’t fall on deaf ears and it’s just a bumper sticker that schools put on and say ‘Hey,

we are compliant with the state code,' when in reality, do not properly follow the state-mandated regulations." Conversely, two study participants stated that "The counselors are there, they are helpful," and "I think the resources are helpful because many kids don't want to speak out when they're being cyber-bullied. I think the counselors are helpful because it gives the kids someone they can go to and confide in or ask for help to deal with the issue." All of the study participants provided responses that supported the theme of ideology referencing their perceptions on responsibility relating to the management of the social problem.

Interview Question 11

How would you feel if school staff members did not fully comply with state-mandated anti-bullying policies or state education codes?

Study participants expressed that they would feel "sad," "angry," "disappointed," "bothered," "upset," "frustrated," and "I think it's horrible" if school staff members interfered with anti-bullying prevention programs or did not follow state education codes. The terms upset and disappointed were used by more than four study participants. One study participant noted that "They [school staff members] must build a safe learning environment throughout schools and pay attention to what happens in the schools. They should uncover bullying and resolve those incidents quickly." According to two study participants, school staff members should "Be disciplined but also educated. I mean it depends, but if anyone was being bullied it should be dealt with and not just pushed aside," and "They should probably go through some kind of corrective process at work if they were not complying with, you know, their training and their policies and everything

like that.” Especially, since school staff members “are supposed to be protectors, they are supposed to look out for these children, and I think their lack of involvement shows that they would not be looking out for these children.” One study participant in particular argued that “They [school staff members] are some of the people that can be the first intervention and that’s a missed intervention.” That same study participant also argued that “It’s their [school staff members’] responsibility. I’d be interested in hearing more about why they [school staff members] wouldn’t do that, but I would be upset to hear that they [school staff members] are not following policies. Because of my background I would like to know why it’s happening in the first place, how it impacts the kids, and criminalization. What that then does and how it perpetuates.” Some study participants stated that school staff members should be legally held liable if they did not follow certain procedures as mandated by their state or school district’s policy and their negligence resulted in the harm of a student. All of the study participants provided responses that supported the theme of ideology referencing their perceptions on responsibility relating to the management of the social problem.

Interview Observation Data

Observation is a powerful method to study aspects of action such as emotions that are invisible to qualitative approaches (Flick, 2018). This method is helpful to articulate what emotions study participants experienced wordlessly during the interviews and helps describe the mood of the research setting. Observational data serves as supplemental data in research studies to contribute to the findings and are equally significant (Cassell et al., 2018). Overall, all study participants appeared confident, calm, engaged, and comfortable

throughout the interviews while discussing their perceptions concerning the possible implementation of a federal legislation against cyber-bullying. One of the observations I made during the interviews was the degree of empathy and sadness that study participants felt toward cyber-bullying victims, especially among female study participants. During the face-to-face interviews that were conducted in person and online with Zoom video communication two female study participants demonstrated signs of disappointment and sorrow when they discussed the psychosomatic problems associated with cyber-bullying. One female study participant would occasionally let out a silent sigh when thinking about the adverse effects cyber-bullying can evoke on middle-schoolers. Another noteworthy observation describing a similarity or pattern I was able to document during data collection was how quickly study participants answered Interview Question 11. Compared to other interview questions, this particular question evoked the quickest response from most study participants who answered that they would be angry, upset, or sad. The aim of providing observational data is to offer readers access to some additional data that typically remains invisible during the transcription phase. During transcription, words are written down as they were spoken, without any semantic approximations or adaptations to standard written language (Flick, 2018). All utterances are represented in written characters, exactly as acoustically recorded and any emotions and facial expressions made during interviews remain invisible to readers after data transcription has occurred (Flick, 2018). Therefore, observational data provides readers with a sense that researchers obtained a rich, in-depth understanding of their research setting and are conveying it more holistically through multiple data sources (Cassell et al., 2018).

Summary

The research study was designed to gain an in-depth understanding of San Diego residents' perceptions regarding the possible implementation of a federal legislation against cyber-bullying. To address this gap in current research I sought to answer one particular research question in this study. Overall, the interview questions yielded results leaning toward the supporting of a possible federal criminalization of cyber-bullying harassment among middle-schoolers. However, the study participants' support for a federal legislation was contingent upon the extent to which adolescents would be legally penalized, expressing their disapproval of disproportionate and severe punishments for adolescents and legislative changes that could infringe basic constitutional rights. Chapter 5 entails an interpretation of the study findings, including the influence of the research study on future legislative and policy decisions relating to the management of cyber-bullying harassment among middle-schoolers. Moreover, Chapter 5 provides an explanation of the inherent limitations of this study and how they were mitigated, several recommendations for expanding upon the information obtained through this research study, and suggestions for future research.

Chapter 5: Discussion, Conclusions, and Recommendations

Introduction

The study explored San Diego County residents' perception regarding to what extent they believed cyber-bullying harassment should be legally prosecuted. The intent was to gain an in-depth understanding from the respondents' perceptions of the potential implementation of a federal legislation against cyber-bullying and how the legislation could affect middle-schoolers. The majority of the study participants initially posited they were supportive of a federal legislation. However, the primary focus should be to advance education surrounding cyber-bullying and its effects as well as promote positive digital citizenship with a heightened level of responsibility among adolescents. Furthermore, the majority of the study participants supported community rehabilitation rather than judicial punishment for a cyber-bullying crime, especially since punishment can lead to additional consequences. The study findings may potentially reinforce the necessity for enhanced public policy measures and highlight the potential benefit of uniformity and consistency across states to provide a uniform definition for cyber-bullying. The results may additionally inform of potential future management practices and governance issues such as refining existing legislation. Chapter 5 is organized into different sections based on the research question and the resulting themes that emerged during data analysis. The sections are as follows: (a) interpretation of the findings, (b) limitations of the study, (c) recommendations, (d) implications, and (e) conclusion.

Interpretations of Findings

Themes 1 and 2 were related to the research question: How do the residents of San Diego County perceive the possible federal criminalization of cyber-bullying harassment among middle-schoolers? My review of the literature and the study participants' interview responses revealed two significant themes. The two themes identified in the study were: ideology and potential barriers. In the following section, I will provide a description of these themes.

Theme 1: Ideology

The study participants shared similar views regarding the definition of cyber-bullying harassment. Although the responses to Interview Question 1 disclosed some level of consistency to describe cyber-bullying harassment, the study participants' responses depicted in Figure 4 did not provide a uniform definition. Perceived measures and awareness repeatedly appeared in the data, and I concluded that they were important aspects of the ideology relationship. They described the process of problem resolution that first involves the promotion of positive digital citizenship and education on the effects of cyber-bullying harassment before moving to judicial punishment. The study participants provided responses that were geared toward addressing cyber-bullying harassment without creating potentially harsher judicial punishments for adolescents. Their responses demonstrated thoughts that reflected a proactive approach versus a reactive approach to address cyber-bullying harassment, which focused on the prevention rather than punishment of cyber-bullying harassment. For instance, study participants expressed a need for a heightened level of responsibility and social awareness among all

stakeholders to include the educating of possible adverse effects, ranging from psychosomatic symptoms to suicide deaths and the need for persistent parental involvement and monitoring of adolescents' electronic devices. Four study participants explained that the use of public service announcements can be an effective measure for raising awareness and educating society, which offers a comprehensive strategy for changing individual, community, and societal behaviors and attitudes. These four study participants argued that public service announcements can have a high persuasive emotional effect by educating and ultimately changing an individual's values and lifestyle, reforming societal ideals and allegiances. In addition, study participants expressed feelings of empathy toward both the cyber-bullying victims and the cyber-bullies and stated that they understood the challenges all individuals involved in a cyber-bullying case face (i.e., parents or caregivers, victims, cyber-bullies, public officials, school staff members, etc.). Specifically, two study participants stated that as a result of their adolescents' cyber-bullying experiences, they learned that their adolescents' cyber-bullies suffered abuse in their homes and most likely did not receive support to address their trauma. The majority of the study participants agreed that the combined evolution of technological advancements and various social media platforms over the past decade and an escalating lack of parental involvement and monitoring of electronic device use were major contributors to cyber-bullying harassment among adolescents.

Theme 2: Potential Barriers

The second theme explored the perceived shortcomings and potential barriers of a federal criminalization of cyber-bullying harassment. As I interviewed study participants,

several expressed that trust was an essential aspect of their decision to support a federal legislation and cited a lack of trust in their federal government. I determined that trust repeatedly appeared in the data, and therefore, was an essential aspect of the potential barriers relationship. The majority of the study participants described that they did not trust their government to make decisions leading to judicial and constitutional fairness without restricting citizens' freedom of expression. Furthermore, the study participants discussed the perceived shortcomings and potential barriers of a federal criminalization of cyber-bullying harassment among middle-schoolers, which included the potential for administering disproportionate punishments to adolescents and infringement on the First Amendment. Five of the 10 study participants agreed to a certain level of judicial leniency toward cyber-bullies accused of having provoked suicide deaths depending on the circumstances of the criminal cases. These five study participants opposed judicial punishments they perceived disproportionate, such as lengthy prison sentences. They argued that subjecting convicted cyber-bullies to excessive judicial punishments could diminish their chances of achieving their educational and professional goals and consequently be unable to lead productive adult lives. They emphasized that judicial punishments should not be excessive or disproportionate, as they can lead to more harm than good. The study participants' responses reflected an ideology that supported Bentham's theory, which promotes deterrence, reformation, incapacitation, and compensation by deterring potential criminals from committing offenses and that judicial punishment should be tailored to promote the greatest happiness in society by deterring potential criminals from committing offenses. Moreover, four of the 10 study participants

argued that the possible implementation of a federal legislation against cyber-bullying would most likely not solve the current jurisdictional issues. Specifically, the study participants stated that the United States government would not gain power to exercise authority over cyber-bullies and their property who reside in foreign countries since it would not hold jurisdiction to prescribe, jurisdiction to adjudicate, and jurisdiction to enforce.

Summary

This exploratory, pragmatic qualitative study resulted in the following findings based on the data that emerged from the analysis:

- Participants in the study provided various definitions for cyber-bullying harassment rather than providing uniformity.
- All study participants in this study experienced or recognized the various adverse effects cyber-bullying harassment can evoke.
- Seven out of 10 study participants stated that California's state legislation was not effective against managing cyber-bullying harassment.
- Initially 60% of study participants supported the possible implementation of a federal legislation against cyber-bullying. However, some expressed the concern that it could infringe on the First Amendment.
- Ultimately 20% of study participants supported the possible implementation of a federal legislation against cyber-bullying. The majority of study participants strongly opposed disproportionate punishments among adolescents.

- Nine out of 10 study participants stated that a federal legislation would not be effective against cyber-bullying.
- Eight out of 10 study participants found that the resources currently available at California public schools are neither effective nor helpful against cyber-bullying behavior.
- Gender and age were not considered a factor as no discernible patterns or differences in responses emerged along gender lines.

Limitations of the Study

Limitations of a research study are factors that are inherent to the nature of the research or methodology. The following will explain how each limitation of this study was mitigated. The first limitation involved the interviewing of San Diego County residents who were asked to what extent acts of cyber-bullying committed by middle-schoolers should be deemed a federal criminal offense. During the interview process, study participants may have intentionally or unintentionally revealed biased opinions that may have affected the validity and reliability of the data. Despite the strong support for the use of interviewing, this data collection method can induce biased beliefs because a person's narratives and life stories are prone to bias (e.g., selective memory, telescoping, attribution, and exaggeration; McGregor, 2018). Study participants may second-guess what a researcher is after and may be inclined to portray themselves in a manner that presents the best versions of themselves or a version that is socially acceptable. Therefore, it can be challenging for study participants to genuinely open up to the researcher when it comes to discussing sensitive, controversial topics. The study

participants may have been reluctant to fully disclose their personal feelings and views regarding to what extent cyber-bullying harassment among middle-schoolers should be criminalized. To reduce participant bias as much as possible I ensured study participants that their data will truly be kept confidential and presented all information in a judgement free manner throughout the interview process. In addition, I opted to interview study participants individually instead of organizing a focus group in which all study participants would have engaged in a guided discussion and shared their viewpoints and received only a certain amount of privacy.

Another limitation of this study included the coding of qualitative data. Thematic analysis is a process that principally focuses on identifying, organizing, compiling, and interpreting codes and themes in textual data. A researcher may miss nuanced data if rigorous thematic analysis is not carefully performed. Its flexible design can lead to inconsistency and a lack of coherence when developing themes derived from the research data (Nowell et al., 2017). Furthermore, the organizing and sorting of qualitative data is a time-consuming and highly labor-intensive analysis process and requires a high level of commitment. Reliability is often a concern because of the numerous potential interpretations of data possible and the potential for researcher subjectivity to bias. For instance, the slightest misinterpretation of the study participants' responses could influence the outcome of this research study. To prevent issues to reliability and trustworthiness, I conducted member checking by presenting my interpretations to the study participants to obtain clarity and richer responses. Moreover, I was able to dedicate a considerable amount of time to the data analysis process to focus on the rigorous

process of data interrogation and engagement and to identify patterns and provide meanings.

As a result of the ongoing COVID-19 pandemic the nation was experiencing at the time the research study was conducted, most interviews took place online using Zoom video communication. Interviews ostensibly reflect the actual views of the study participants and enables a researcher to ask follow-up questions, which can yield new questions that were previously left unexplored (Lester & O'Reilly, 2019). Thus, more data can be produced. Furthermore, face-to-face interviews provide opportunities to record any visual observations, which can yield new data likewise. Despite the strict safety guidelines and other restrictions California state representatives mandated in response to the COVID-19 pandemic, the data collection process was not significantly affected by the pandemic. Even though most interviews took place online using Zoom video communication, the flexible open-ended interview format allowed study participants to discuss their backgrounds, actions, and attitudes in their own terms even through an online platform. The interviews conducted by telephone presented the same opportunity of gaining a comprehensive account of how the study participants viewed the phenomenon being studied as in-person interviews. Although observations may have been limited during interviews conducted online using Zoom video communication compared to in person interviews, most observations, such as those of obvious body language and other nonverbal cues, could still be recorded.

The research study was conducted by a single researcher subjecting the study to researcher bias, which may be evidenced in the content analysis from the transcripts.

Moreover, researcher bias can be stimulated by how much a researcher interacts with the study participants and consequently influence the study outcome. For instance, the more a researcher engages in actively playing a role, the more that participation must be taken into consideration in the analysis of the data. Participation allows for opportunities for influence. To avoid over-rapport with the study participants to retain the balance between the role of the researcher and study participant, I treated the setting as anthropologically strange and maintained distance in the analytic process (McGregor, 2018). I pledged to avoid a deliberate selection of study participants by opting for random sampling. This sampling technique selects study participants in a manner that the researcher's biases are not permitted to operate and chance alone dictates who is included in the research study (McGregor, 2018). The degree of researcher bias was reduced by not closing the study prematurely, not revealing any personal feelings to the study participants, and not leaving any data unexplored (Flick, 2018). In addition, I sought the assistance of a recently graduated doctoral colleague to conduct a peer debriefing following the preparation of the transcripts. My colleague's assistance and feedback were instrumental in evaluating for the accuracy and credibility of the identified themes.

Lastly, the results of this research study could not be generalized because the study participants were only recruited from San Diego County, California. Therefore, an estimate on how representative the sample is in relation to the general population cannot be provided. Qualitative data from extracted accounts of the lived experiences of study participants are not always understood and may be discounted by intended audiences. Unlike quantitative data, however, qualitative data provides an in-depth understanding of

a given phenomenon. When qualitative studies are combined with data from surveys and numeric analyses, the information can become more relevant and representative.

However, the aim of this research study was to explore first-person perspectives of San Diego County residents, which explored how study participants perceived the possible implementation of a federal legislation that applies explicitly to cyber-bullying harassment among middle-schoolers instead of generalizing.

Recommendations

This research study provides valuable data pertaining to San Diego County residents' perceptions regarding to what extent cyber-bullying harassment among middle-schoolers should be criminalized and the various obstacles that contribute to the lack of the effective management of this social problem. Further research in this area, both inside and outside of academia, is encouraged that replicates this research study to compare and to either confirm or deny the findings of this study. This qualitative research study consisted of an equal number of male and female study participants. While gender analysis was not a goal of this research study, it offers an area that could warrant additional research. Based on the data from this study, gender may not play a role in this discussion. Future researchers can attempt to understand the correlation, if any, that exists between gender, political affiliation, marital status, children, income, and educational level. I obtained some of these identifying variables but did not acquire enough data to make any clear predictions or assertions. Likewise, future researchers can analyze how perceptions vary, if at all, among residents of different states, especially since definitions for cyber-bullying behavior and support for criminal sanctions against adolescents vary

from state to state. This study lays the groundwork for future experimental research that could examine the degree to which social media use concerning online conflict or cyber-bullying harassment among adolescents and the fear of missing out influence psychological distress following social rejection. The findings of a future research study could lead to further insights into how to improve the management of cyber-bullying harassment among middle-schoolers.

Implications for Social Change

The study discussed implications for potential positive social change at the appropriate levels - individual, community, and societal. Social change builds on community-based responses that address underlying social problems on an individual, institutional, community, and national level, which over time can lead to notable improvements in the social structure and cultural designs. The potential impact from this study could affect positive social change and mean a decrease in the cyber-bullying harassment and suicide death rates among adolescents resulting in the quality of life for everyone. There are several areas regarding this phenomenon where positive social change can be achieved as a result of this research study.

Promoting Positive Digital Citizenship

Digital citizenship promotes the advocating and practicing of legal, ethical, safe, and responsible use of data and communications technology in the online environments (Alqahtani et al., 2017; Çiftci & Aladag, 2018). Çiftci and Aladag (2018) stated that digital citizenship describes the norms of appropriate, responsible behavior with regard to technology use. The optimal use of information and communication technology involves

the process of teaching and learning about technology and the use of technology, electronic exchange of information, electronic standards of conduct or procedure, electronic precautions to guarantee safety that can lead to an enhanced level of awareness of positive digital citizenship (Alqahtani et al., 2017; Çiftci & Aladag, 2018). One measure to increase the effectiveness of managing cyber-bullying among middle-schoolers involves the cultivating of positive, quality relationships between school staff members and adolescents and their caregivers that teach and encourage positive digital citizenship both inside and outside of school. Highlighting the current social problem that threatens the concept of positive digital citizenship as fundamental to a classmate's well-being will lead to an increased level of awareness. Digital citizenship is a product of technology-society acculturation rather than a result of constitutional rights. Online misconduct such as cyber-bullying harassment can be attributed to a lack of internet literacy (Çiftci & Aladag, 2018). Instead of implementing a federal legislation, school staff members and caregivers could promote education focused on digital citizenship and basic legal consequences. The adolescents' lack of awareness of existing legislation against cyber-bullying increases the risk of placing them in situations whereby their online behaviors could evoke unintended legal consequences. Learning should include discussions in the categories of respect, education, and protection as a framework for understanding digital citizenship (Alqahtani et al., 2017). Embedding these principles in the curriculum and reinforcing them at home will enhance adolescents' awareness and understanding about the appropriate use of technology (Alqahtani et al., 2017). Teaching adolescents how to use the rules and principles of positive digital citizenship can protect

them from the potential liabilities and misuses of the technology that is available to them and protect adolescent online users from victimization (Çiftci & Aladag, 2018).

Therefore, it is vital for adolescents to possess an enhanced level of digital citizenship perception to use technology appropriately and responsibly (Alqahtani et al., 2017).

Uniformity and Consistency Across States

Online speech poses a significant challenge for federal courts, which persistently remain silent on the criminalization of online, off-campus speech in relation to the First Amendment and have denied *certiorari* in cyber-bullying cases concerning freedom of speech (Briggs, 2017). Discrepancies and inconsistencies among state legislation and anti-bullying policies have evoked unintended consequences resulting from a lack of a uniform definition (Slattery et al., 2019). One approach to address the lack of definition would involve that all internet speech must be treated uniformly without the need to implement a federal legislation. Cyber-bullying is identified as one of the most prevalent forms of violence, and inconsistencies in definitions make it difficult to determine the true extent of this social problem (Slattery et al., 2019). Slattery et al. (2019) identified that some states have included an Olweus-based definition in their legislation that includes aggressive behavior, power imbalance, and repetition. In contrast, other states define bullying more as types of behavior such as hitting, kicking, and telling lies. Only some states include cyber-bullying by name or by the type of technological interaction such as the use of group or individual text or with social media (Slattery et al., 2019). Consequently, such significant differences and inconsistencies within state legislation do not align with the definitions present in anti-bullying policies among school districts

(Slattery et al., 2019). Statutory definitions should include the degree of recurrence and the degree of intensity of cyber-bullying related behaviors likewise. Cyber-bullying behavior typically includes repeated and prolonged acts of harassment; however, some statutory definitions do not address the frequency of cyber-bullying-related incidents (Slattery et al., 2019). Consequently, some victims are most often left to subjectively determine whether repetition has occurred due to the lack of correlation between the act's severity and a time period (Slattery et al., 2019).

Adopting the European Union's Approach

The European Court of Justice implemented the "right to be forgotten," which refers to a legislation directed in part at web search engines such as Google Search or Microsoft Bing in order to remove harmful content from the internet, thus limiting their publication and distribution (Balkin, 2018; O'Shea, 2017). This innovative approach allows affected individuals to petition to have certain personal information removed from the internet while the legislation restores the balance between free speech and privacy in the digital world (Hosani et al., 2019; O'Shea, 2017). O'Shea (2017) stated that Google Search has evaluated over 1.8 million uniform resource locators, which are web addresses that identify where digital content involving personal information about a citizen can be found for removal, based on over 660,000 requests from European Union citizens. More than 43% of evaluated uniform resource locators on the internet have been removed to date (O'Shea, 2017). This approach could have the potential to address cyber-bullying incidents in which perpetrators repeatedly publish and distribute harmful content directed at their victims. According to O'Shea (2017), allowing victims to detach themselves from

insulting and harmful content through a formal 24-hour takedown request could provide them with an opportunity to heal from their cyber-bullying harassment experience and reclaim control of their online identities. The “right to be forgotten” places pressure on web search engines to effectively police online conduct, legal responsibility for the processing of carrying out personal data that appear on web pages published by third parties, and liability for failure to respond to takedown requests (O’Shea, 2017). For instance, Germany’s NetzDG legislation is aimed at search engines and social media companies to limit forbidden speech (Balkin, 2018). Under European law, the European Union has essentially deputized a private company to serve as its bureaucracy. According to Balkin (2018), this deputizing of privately-owned infrastructure companies is the culmination of the logic of new-school speech regulation.

Hold Privately Owned Communication Platforms Accountable

Privately owned communication platforms include a new kind of power over cultural flows through sorting algorithms that decide what manners of expression are permitted to be published online (Balkin, 2018). Social media companies have created complex systems of private governance and private bureaucracy that govern online users arbitrarily and without due process and transparency (Balkin, 2018). Furthermore, some social media companies tend to discriminate against certain content and applications, often escalating a situation between online users. Unfortunately, instances of cyber-bullying, sexting, and other types of cyber-crimes are frequently published and circulated utilizing privately owned communication platforms. According to Balkin (2018), the technical capacities of privately owned communication platform owners allow for

identifying and removing harmful online content; hence it is easier for them to police and regulate online speech compared to the government. However, privately owned communication platforms are profit-oriented and typically desire financial gain while expanding their markets to reach online users within the nation-state's jurisdiction before focusing on policing and regulating online speech (Balkin, 2018).

Supporting and Training School Staff Members

While school staff members often resort to reactive punishment procedures such as office discipline referrals, detention, suspension or removal from school team sports, and expulsion following instances of cyber-bullying-related behavior; punishment, in fact, has repeatedly been shown to be a less effective approach when used alone and can be associated with a variety of negative outcomes (Paolini, 2018). It is better to prevent cyber-bullying behaviors than to punish them (Schofield, 2019). Ensuring that all school staff members have access to high-quality career-long professional learning can help improve the health and well-being outcomes of adolescents that they work with. Training and skills development are vital parts of building adult confidence and the capacity to recognize and respond to cyber-bullying behavior. Some examples of training and skills development can include inviting guest speakers on campus to discuss cyber-bullying behavior and cyber-bullying cases and hosting cyber-bullying training workshops at schools. Adolescents may benefit from engaging in activities that make them aware of how cyber-bullying harassment occurs and its consequences or the capturing spectator role in which passive students can amplify the cyber-bullying situation and students learn how spectators can help prevent or end cyber-bullying behavior. In addition, all school

districts throughout the United States rather than some should adopt the OUT for Safe Schools campaign. The OUT for Safe Schools Campaign encourages school staff members to publicly identify as supportive LGBTQ+ allies in their school communities and to offer designated safe zones enabling a student to escape from immediate victimization or obtain emotional assistance from a school staff member (Burdette v. San Diego Unified School District, 2017).

Inspiring Change

To rehabilitate, change behavior, and encourage compassion and empathy, those who cyber-bully also rely on the community's support. Cyber-bullies could benefit from receiving support and resources that teach them to grow up learning to interrelate with others without the use of manipulation, harassment, and abuse. Some cyber-bullying behavior can be attributed to experiencing a lack of attention, anger, sadness, trouble at home, including witnessing violence at home, and a need to protect themselves. Implementing measures at school to prevent cyber-bullying such as discipline procedures for cyber-bullying behavior, installing security cameras on campus, and providing field trips to the Museum of Tolerance cannot prevent a cyber-bullying suicide death that occurs off-campus. The majority of suicide deaths occur off-campus, which suggests that these incidents are a part of a larger community issue.

Conclusion

Cyber-bullying is defined as an intentional, aggressive, and repeated act to harm, intimidate, or coerce someone who is perceived as vulnerable with the use of an electronic device (Samara et al., 2017). This unlawful behavior is typically committed

with the intent to cause harm to another person. Evidence from an overwhelming amount of cyber-bullying cases among middle-schoolers demonstrated the adverse effects this type of harassment has on the victims. Cyber-bullying behavior is cruel, humiliating, and causes a tremendous amount of physical and emotional distress to the cyber-bullying victims, which in many cases has led to suicide deaths. In response to the research question of how San Diego County residents perceive the possible federal criminalization of cyber-bullying harassment among middle-schoolers, two of the 10 study participants expressed support for a federal legislation. The majority of the study participants denounced sanctions that they perceived as excessive or disproportionate. Most study participants emphasized the need to focus on: (a) encouraging and maintaining a higher level of awareness concerning cyber-bullying harassment and its effects, (b) educating students in public schools on the potential legal consequences for committing a cyber-bullying crime, and (c) increasing community support, including fidelity among all stakeholders involved, rather than the implementation of a federal legislation. Study participants expressed that the federal criminalization of cyber-bullying harassment could effectively thrust more adolescents into the court system and could mean a regression within the criminal justice system. The challenges legislators and school officials face to succeed in their roles to regulate students' conduct to prevent disorderly and dangerous practices are complicated; the concern is how to enforce anti-bullying policies and procedures to prevent and report cyber-bullying behavior and act instantly to protect victims. The data from this study can provide vital information to readers who may work in youth-related fields. Furthermore, the study findings may serve to guide future

researchers in producing a study that analyzes how perceptions vary, if at all, among residents of different states, especially since definitions for cyber-bullying behavior and support for criminal sanctions against adolescents vary from state to state.

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Appendix A: Researcher Introduction Letter

Nadine D. Stokely

Ph.D. Candidate

CONTACT

cyberbullyingstudy2021@gmail.com

To Participate:

- possess at least a bachelor's degree
- have resided in San Diego County for the previous 5 years
- participate in an interview

Study Timeline:

- study launched in November
- data collection projected to conclude in January
- data analysis expected to conclude in February
- publication of results anticipated by the end of 2021

Dear Participant,

My name is Nadine Stokely, and I am currently pursuing a Ph.D. in Criminal Justice with emphasis on public management and leadership at Walden University. Part of completing my doctoral program is to design and complete a research study.

The purpose of my doctoral research study is to explore to what extent San Diego County residents believe that acts of cyberbullying committed by middle-schoolers should be deemed a criminal offense. To address a gap in current research, I developed a unique interview guide with a series of questions regarding this topic that I would like to ask you. I would like to set aside approximately 30-45 minutes for the interview that can be conveniently conducted via telephone or Zoom chat. The average interview lasts 34 minutes.

Should you decide to participate, please send an email with your name to cyberbullyingstudy2021@gmail.com and an email will be sent to you with an informed consent form containing more information regarding the research study.

I would very much like to have you be a part of my research study.

Sincerely,

Nadine D. Stokely

Appendix B: Recruitment Flyer

Volunteers for a Research Study Needed !

To what extent should cyber-bullying be criminalized to effectively manage cyber-bullying behavior among middle-schoolers?

Meet the following requirements to participate:

- must possess at least a bachelor's degree
- must have resided in San Diego for the previous 5 years
- must be willing to be interviewed in person or online via Zoom chat lasting approximately 30-60 minutes

confidentiality will be maintained

The purpose of this study is to:

- explore the opinions of San Diego residents regarding the extent of the illegality of cyber-bullying among middle-schoolers

What do San Diego residents think of the illegality of cyber-bullying?

To participate:

- send an e-mail with your name to cyberbullyingstudy2021@gmail.com (researcher will contact you)
- research study is expected to close fast!



Today 4:02 PM
d wrld wud b
BetA w/o U!



1. What is your definition of cyber-bullying?
2. What are some of the consequences that cyber-bullying can evoke on youth?
3. Can you tell me about a cyber-bullying case in which an adolescent committed suicide?
4. What do you know of California's state legislation against cyber-bullying?
5. To your knowledge, does the United States presently have a federal legislation against cyber-bullying in place?
6. To what extent do you support the implementation of a federal legislation against cyber-bullying?
7. Would you support a federal legislation against cyber-bullying if it limited or restricted your First Amendment?
8. Would you support a federal legislation against cyber-bullying if middle-schoolers would have to answer to a federal court compared to a juvenile court?
9. How effective do you think a federal legislation would be against cyber-bullying?
10. How helpful do you find the resources currently available at schools against cyber-bullying?
11. How would you feel if school staff members did not fully comply with state-mandated anti-bullying policies or state education codes?

Appendix D: Codes

Code number	Description
Code 1	Experience
Code 2	Empathy
Code 3	Sense of Judicial Fairness
Code 4	Proactive versus Reactive Tendency
Code 5	Faith in the United States' Legal System
Code 6	Responsibility
