

# **The Use of Information and Communication Technologies to Coerce and Control in Domestic Violence and Following Separation**

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## **INTRODUCTION**

As understandings of what constitutes domestic violence (defined here as violence between intimate partners) both during a relationship and following separation have developed, there has been increasing acknowledgement that non-physical forms of violence are intimidating and frightening, and can have significant and long term effects for women. Non-physical forms of violence include psychological abuse, social abuse and stalking, all of which are documented in the literature. Less well documented are emerging non-physical forms of abuse and control, such as cyberstalking and cyber surveillance, which use digital information and communication technologies (ICTs). To date, these have only been considered narrowly, for example in the context of risks to safety associated with online dating and chat room contacts, when they move from the virtual to the non-virtual, real world.

The use of ICTs in the abuse of women and children has been highlighted by incidents reported in the media: for example, in a case in Melbourne where a young woman was physically, verbally and sexually assaulted by a group of young men, when the incidents were filmed and later distributed and sold on the Internet; and the various cases in Australia and internationally, of men being arrested for distributing images of child abuse and child pornography.

This paper discusses the use of ICTs in situations of domestic violence or intimate partner violence. We have used the term ICTs to include various forms of technology, such as computers and the associated use of the Internet, mobile phones and other communication devices, including global positioning systems (GPS) or satellite navigators, digital cameras and other recording equipment. ICTs have made a huge difference to how people communicate and keep in contact, and to their access to a wide range of information across the globe. There are both positive and negative aspects to the increased availability of ICTs, which will be canvassed in this paper.

Gendered language is used in this paper to reflect the fact that the majority of perpetrators of domestic violence are men. We acknowledge that both men and women (including those in same sex relationships) may use ICTs to abuse, control and monitor current and former intimate partners; however, the language used in this paper reflects the majority of cases.

The next section of this paper highlights the use of coercive control by perpetrators, in the context of domestic violence. The paper then explores the accessibility and usage of ICTs in Australia. A discussion of perpetrators' abuse of ICTs in the context of domestic violence (both during a relationship and following separation) follows; this section provides details of the use of such technologies by perpetrators to abuse, and the methods employed. It also discusses the phenomenon of cyberstalking and digital voyeurism. The paper then considers the use of ICTs particularly, the use of the Internet by women survivors of domestic violence and domestic violence services. The paper concludes by considering some implications of the use of ICTs by domestic violence perpetrators, for services' practice, legislation and policy, and research. Tips for safety planning with women follow in an appendix.

## **DOMESTIC VIOLENCE AND COERCIVE CONTROL**

It is widely accepted that domestic violence is aimed at controlling the partner who is the target of violence and abuse (Hague & Malos 2005; Hearn 1998). This abuse of power in the relationship is often associated with a sense of ownership and sexual jealousy (Dobash *et al.* 2004), and traditionally-held views of women and men, their roles and acceptable behaviours. There has been increasing acknowledgement that non-physical forms of domestic violence are equally significant in their effects on women and children. For example, continued psychological abuse where women are put down and humiliated by their partner, or isolated from seeing family and friends so that they are more socially dependent on the abuser, are all reported to have considerable effects on women leaving and recovering from abusive relationships (Bagshaw *et al.* 1999; Lewis *et al.* 2006; MacKinnon 2008; Sackett & Saunders 1999). Important research is being conducted, primarily in North America, on the dynamics of coercive control and its effects. Dutton and Goodman (2005) note that coercive control has not received attention from the more general legal response to domestic violence:

Finally, and perhaps most urgently, the role of coercive control in domestic violence needs to be more thoroughly understood in the legal context. In that context, domestic violence is usually understood as a one size fits all category, based on acts of assault alone without regard to the coercive context in which they occur. Moreover, the role of coercive control in extracting criminal conduct is rarely considered in criminal cases (Colvin *et al.* 2001). Much work needs to be done to bring the notion of coercion in domestic violence into the legal arena. Without attention to this critical element of domestic violence, legal actors hear only parts of the stories that victims bring them every day in court (p. 744).

Stark (2007) has made important contributions to documenting the breadth and pervasiveness of coercive control and its effects on women who are victimised. In essence, he documents how coercive control, through intimidation, isolation and the deprivation of women's liberty, can have more significant effects on women psychologically than does the use of physical violence. Stark similarly argues that this violation of women's human rights has not been addressed through the legal response to domestic violence, which reflects a broader emphasis on physical violence as the most concerning and damaging to its victims. Stark's work is particularly relevant to the focus of this paper, as the misuse of ICTs to control and place women under surveillance also runs the risk of being seen as trivial — not as serious as physical violence — and being minimised as 'not really doing much harm'. It could be argued that the misuse of ICTs provides further opportunity for violence against women by extending the apparatus available for coercive control and surveillance. In essence, we are arguing that the misuse of ICTs is not a new form of domestic violence and stalking: rather, the misuse of ICTs provides new and more extensive techniques for the control and abuse of women.

Although this paper focuses on the misuse of ICTs, we do view their development, availability and accessibility as socially and economically productive. In fact they can offer isolated women much increased access to communication with the outside world, can be a safety tool in times of risk and can offer women new avenues to find out about help and support in a discrete and timely manner. The writers acknowledge the positive potential of ICTs in expanding women's means to seek help in situations of domestic violence. ICTs can provide safe, accessible, private and relatively anonymous ways for women to gain information and find help. Women subjected to coercive control often require private or anonymous strategies either because they feel ashamed or in order not to alert the perpetrator that they are seeking help. This aspect of women's help seeking is discussed later in the paper.

In the next section the level of use of ICTs and their availability is considered before looking at how ICTs are used in situations of domestic violence.

## **ACCESSIBILITY AND USE OF INFORMATION AND COMMUNICATION TECHNOLOGIES (ICTs)**

The development, consumption and affordability of ICTs have expanded rapidly in the past decade. Across the Australian population, mobile phones, computers and Internet use, and digital cameras and recorders are considered everyday goods. As an indicator of growing access, the Australian Bureau of Statistics (2007a) *Household Use of Information Technology* survey reported that 73% of Australian households had access to a home computer and 64% had Internet access. Among those with Internet access, the majority had broadband (68%), and just over a third of households (31%) had dial-up connections. Mobile phone ownership is less easily estimated. However, in 2002, 72% of households had mobile phone access, a figure which is likely to have increased in recent times (Australian Bureau of Statistics 2007b). Because there exists a socio-economic divide in relation to ICTs, often referred to as 'the digital divide', it could be expected that those most disadvantaged are least likely to have access to ICTs. The Australian Bureau of Statistics (2007b) *Trends in Household Consumption* research shows that the majority of the population have access to mobile phones and the Internet, thus making the misuse of ICTs in the abuse of women and children a likely occurrence.

## **USE OF ICTS TO EXERT POWER AND CONTROL IN RELATIONSHIPS AND AFTER SEPARATION**

This paper highlights how the concept of 'feeling safe' from an abuser no longer has the same geographic and spatial boundaries as it once did. Because ICTs can locate, communicate with and contact people globally, women's sense of safety can be further eroded, despite what was once considered a 'safe distance'. One of the intentions of this paper is to highlight the many ways in which women may, without knowing it, be under surveillance through their partner's use of ICTs, both while they are living with them and following separation. It is possible, and it is reported by women, that perpetrators continue abusing ICTs after separation, to maintain control over, and abuse and monitor former partners. It has been consistently found that the time of women's separation from their partners is the time when they are most likely to be killed (Dobash *et al.* 2004); thus, this is a time at which they need to be free of surveillance.

This section outlines perpetrators' use of ICTs to abuse and control women. These include ICT-based forms of control and surveillance of women that have been identified through the literature or that have been reported anecdotally to the authors by women or service providers.

### ***Mobile phones and landline phones***

The surveillance of women in situations of domestic violence often involves checking with whom the woman is having contact: family and friends, work colleagues and so on. Mobile phones and landline phones offer a further means of checking women's contacts. Anecdotal evidence suggests that women can be given mobile phones by their male partners as a means to intensify the level of surveillance, so that the men can contact the women at all times. Unanswered calls may provoke a demand to know why she was not available to answer the call. Furthermore, a woman's mobile phone may then be monitored by checking dialled and received calls, calling the woman's voicemail number on her phone to check her messages, or looking at her address book.

This surveillance may extend to checking short message service texts (SMS) on mobile phones. The checking of texts has been described by both young women in dating relationships and older women (Kotka 2005). The checking may be undertaken covertly, or overtly by demand; where a woman hesitates to 'volunteer' the phone for checking, the notion of 'trust in relationships' is employed to undermine the woman's decision. In this situation, a woman is often told that she 'must have something to hide'; that is, that she cannot be trusted (Chung 2003). The woman is not viewed as having any right to privacy. This has the effect of making her the 'difficult one' in the couple. This form of coercive control over a woman causes anxiety and can promote a woman's self blame that she is not more accommodating in the relationship. Calls made can also be checked online or when a printed phone bill arrives. Such checks serve as a similar form of controlling a partner.

A perpetrator might be able to locate someone through their phone, but success depends on the mobile phone (i.e. how new the software is, whether it has GPS capability, etc.). A perpetrator could locate a partner by having physical access to the phone and installing tracking software (i.e. the phone sends the GPS location to the perpetrator) or could install software on the phone electronically and remotely, if the victim then accepted the upload of new software.

More sophisticated misuse of mobile phones includes being able to geographically locate a person through their mobile (Southworth *et al.* 2007). This can be important when partners are separating, particularly if it is possible for women and their mobiles to be located with assistance from their phone company. Such examples should be extremely rare as it is not appropriate for phone companies to divulge personal records to anyone but the police. Perpetrators are likely to have access to such records only if they work for law enforcement or a service provider, where such records are kept.

### ***Digital and video recorders and webcams***

Recent years have seen considerable expansion in the types and accessibility of recording technologies. These include digital cameras and recorders, the addition of audio and visual recording facilities to mobile phones, and cameras for audio and visual recording that are computer-based (often referred to as webcams). Portable hand-held devices can now contain multiple forms of ICT in a single unit, making it much easier to use, or misuse, these technologies. These technologies can increase remote surveillance, and the production and distribution of images can be used to control, intimidate and threaten women.

Recording technologies make it relatively easy to record someone in unobtrusive and covert ways. Examples include the use of the mobile phone to record conversations, short videos or still pictures. Some recording devices are more obvious than others, owing to their size and proximity to the target. As the technology develops, hidden surveillance cameras and webcams are cheaper to purchase and are much smaller in size. Such devices are relatively easy to install and, as their size decreases, they can be hidden inside smoke detectors, lamps or behind pin-sized holes in ceilings or walls (Southworth *et al.* 2005). Many of these devices, which are able to transmit digital images straight to a computer, enabling the images to be viewed on a webpage (Kee 2005), make it easier for perpetrators to monitor their current or former partners.

The literature refers to examples of devices which can record covertly. For example, women have reported the use of webcams and hidden sound equipment to record their movements around the house without their knowledge or consent (Bagshaw *et al.* 1999; Kotka 2005). Instances include recording women changing, showering or during sexual activity. Such recordings and images can be used to blackmail, humiliate and control women. This can occur either within a relationship or once a relationship has ended, and is a direct form of surveillance of women and their activities. Having their privacy invaded and being 'spied on' promote further feelings of distrust in the relationship and can lead to women's self-surveillance to ensure that they do nothing to upset their partners, in an attempt to prevent the abuse from continuing.

Surveillance images can be circulated to large numbers of people in a short time using recent technologies. Kee (2005) notes that with digital ICT developments, everyone who owns (or who has access to) digital recording devices, such as digital cameras and recorders and even mobile phones with digital recording capabilities, has the ability to become a producer and distributor (and not just a consumer) of personal images, including violence and pornographic materials. These digital images are easy to distribute, by multi-media messaging (MMS) using a mobile phone, transferring the images to another mobile phone using bluetooth technology, or by uploading the images onto a computer. Images can then be easily uploaded onto the Internet, where they can be viewed, sold and copied by a global market of consumers. This use of images and their distribution has been referred to as digital voyeurism. The broad definition of digital voyeurism refers to the use (or abuse) of information and communication technologies to monitor a person or people (Kee 2005). Distributing women's images can be used to threaten women, especially when the images have been produced without their knowledge or used in ways that they did not foresee (Kee 2005). Such threats act as another means to control and exert power over women; this can create anxiety as women never know if or when the threat may be enacted.

### ***Computer and Internet technology***

The home use of computers and the Internet has risen considerably in the past ten years. Southworth *et al.* (2007) note that domestic violence perpetrators can use such technologies in abusive and harmful ways to monitor and harass their current or former intimate partners. There are five main areas which have been identified to date:

- computer monitoring software
- keystroke logging
- instant messaging and chat rooms
- checking browser history
- email tampering.

Computer monitoring software, also known as spyware, was originally developed to monitor children's Internet usage. However, it is also used by perpetrators to monitor their current or former partner's activities on the computer and the Internet (Southworth *et al.* 2007; Southworth *et al.* 2005). There are many different types of spyware, some freely downloadable from the Internet; most record all computer activities. Some of these software programs 'take pictures' of the computer screen every few seconds. Any attempts to delete the Internet browser history and/or emails will be recorded (Southworth *et al.* 2007). Southworth *et al.* (p. 7) note that some computer monitoring software programs are advertised as products enabling people to 'easily spy on your spouse'.

Keystroke loggers are hardware devices with small hard drives that record every typed key on the keyboard (Southworth *et al.* 2007; Southworth *et al.* 2005). As these devices record every typed key, copies of Personal Identification Numbers (PINs), passwords, emails and URL addresses are also recorded, usually for use in fraud activities. These are forms of hardware that must be installed;



they are not simply downloaded from the Internet. It is possible that domestic violence perpetrators can install a keystroke logging device to the computer of their current or former intimate partner to monitor everything which is typed on her computer. This can include checking whether the woman has accessed any sites that can offer assistance or advice, and/or whether she is contacting other people of whom the perpetrator is unaware.

Chat rooms and instant messaging services may be used by a woman to 'chat' with other people (both friends and strangers) and perhaps to seek advice regarding domestic violence, in real-time. Many such programs keep a verbatim log recording all conversations (Kee 2005). If the woman was unaware of this feature or forgot to disable it, it is possible that the perpetrator could access these logs to monitor her online conversations (Kee 2005).

Internet browsers (such as Mozilla Firefox or Internet Explorer) record a history of all the websites visited on a computer. This information is automatically stored into a temporary Internet file on a computer's hard drive (Kee 2005). If a woman is unaware of this or if she does not regularly delete this information, it is possible that a woman's current or former partner could access this information to monitor the websites she has been visiting (Kee 2005; Kranz 2002). A woman's safety may be put at risk if, for example, she had been viewing websites concerning domestic violence and domestic violence services.

Email tampering by perpetrators has been reported by some women. Southworth *et al.* (2002) state that perpetrators may use physical violence against their current or former partners to force them to disclose their email passwords, so that they can monitor email communications. Domestic violence perpetrators are able to intercept or redirect their current or former partner's emails to their own email account (Kee 2005; Kranz 2002). It is also possible for a perpetrator to reconfigure the woman's email account to have duplicate copies of all her emails sent to his email account, without her knowledge. A perpetrator may also access the woman's email account remotely (i.e. not from her 'home' computer), read her email communications before she has done so, and then mark the emails as 'unread', so that she will not know that the emails have already been opened (Kee 2005; Kranz 2002).

Another method of email tampering includes checking the 'sent' and 'deleted' folders of an email account. Most email programs store copies of sent and deleted emails in folders, where they often remain until they are permanently deleted. If a woman is unaware of this feature, it is possible that her current or former partner may access these folders to monitor her email conversations (Kee 2005; Kranz 2002).

Internet-based abuse can also include gaining access to a woman's Internet banking. This may involve not only viewing the use of her money but also tampering with her accounts by transferring money out of her account, or purchasing items on her credit and debit cards. This possibility for abuse expands the ways in which financial abuse can be inflicted on women in situations of domestic violence.

There is the potential for non-physical acts of abuse through ICTs to be viewed as less serious than acts of physical violence, as has occurred in the past with issues of psychological and social abuse. We would again stress here what Stark (2007) and other authors (e.g. MacKinnon 2008) have emphasised, that it is crucial to understand these behaviours as occurring within a context of a range of other behaviours that, in total, are being used systematically by a perpetrator to control a woman and undermine her. For example, a partner asking who had just called or who was sending a text may not be concerning to a woman if it were an isolated event. However, when this occurs with all calls and texts made and received and, additionally, the woman is always questioned about where she is going, who she will be seeing and what time she will be home, and there are phone calls by her partner to check on her when she leaves the house, then this is not merely an interest by a man

in his partner's life. This is a form of surveillance which is about controlling another person's behaviour and whereabouts.

### ***Stalking and surveillance with technology***

The term stalking is used to describe the wilful, repeated, and malicious following, harassing or threatening of another person (Melton 2007). Stalking has been recognised as a form of abusive behaviour aimed at surveillance and control, which domestic violence perpetrators have used following the ending of a relationship. Stalking is associated with control of the victim and often this is heightened when the woman leaves or attempts to separate from the violent partner (McFarlane *et al.* 1999). Post-separation stalking is very frightening for women and has been shown to be associated with a high level of danger to the woman targeted. At times, stalking is also used during a violent relationship, and is often, but not always, related to sexual jealousy (Dobash *et al.* 2004).

Stalking may occur prior to the violent partner murdering his partner and or their children (McFarlane 1999). It is estimated in the United States that between 29% and 54% of all female murder victims are battered women, and in 90% of these cases, stalking preceded the murder (Guy 1993; USDOJ 1998). This has led many to conclude that stalking in intimate relationships is a serious form of domestic violence (Melton 2007, p. 4) and may be an indication of escalating violence.

There could be a 'common sense' tendency to see cyberstalking as 'less harmful' or not dangerous as it does not require physical proximity. Such ideas formerly existed about psychological abuse and other non-physical forms of abuse, which we now know are significantly damaging to women. Given the lethal associations of stalking (Dobash *et al.* 2004), it cannot be assumed that cyberstalking differs as a risk indicator. It is, therefore, important that cyberstalking and other forms of abuse against women involving ICTs are taken seriously and not dismissed as less dangerous.

### ***Cyberstalking***

The term 'cyberstalking' commonly refers to the use of ICTs by stalkers to harass their victims (D'Ovidio and Doyle 2003; Petherick 2001; Sullivan 2002). It can be argued that cyberstalking is an extension of traditional stalking (also referred to as offline stalking), except that cyberstalkers use ICTs to facilitate their observations of or contact with their victim(s) (Davidson 2000; Finn and Banach 2000; Gani 2002; Ogilvie 2000a; Petherick 2001; Sullivan 2002; United States Attorney General 1999). Although there is no universally accepted definition of cyberstalking (McFarlane and Bocij 2003; National White Collar Crime Center [NW3C] 2003; United States Attorney General 1999), this phenomenon has been described as including, but not limited to, the unsolicited use of electronic mail (email), Internet chat rooms, message boards or guest books, commercial service user profiles, Internet websites and Internet news groups to pursue and or harass a specific individual or a group of individuals (CyberAngels 2001; Deirmenjian 1999; D'Ovidio & Doyle 2003; United States Attorney General 1999). Cyberstalking can occur either alone or in combination with other forms of harassment.

Three primary types of cyberstalking have been identified: email stalking, Internet stalking and computer stalking (Ogilvie 2000a). Email stalking constitutes the use of email to send unsolicited messages from a cyberstalker to a victim (Finn and Banach 2000; Gani 2002; Ogilvie 2000a; Sullivan 2002). Researchers define specific acts of email stalking to include:

- unsolicited threatening and/or obscene emails
- sending viruses
- flooding a victim's email box with junk mail (known as 'spamming')
- sending long emails that use all of the victim's computer memory (known as 'mail bombing'), which may include the emailing of images.

Sullivan (2002) notes that short message service texts (SMS) on mobile phones, which are similar to email, are also used by cyberstalkers.

Email stalking is comparable to offline stalking where letters and phone calls are used by the stalker to communicate to the victim (Ogilvie 2000b). As a medium of communication, email resembles phone calls, in their immediacy, and letters, in that they facilitate communication while removing direct verbal contact (Gani 2002; Ogilvie 2000b; Sullivan 2002). Ogilvie (2000b) acknowledges that the adoption of email by stalkers is not unexpected, in that phone calls and letters are the most frequent methods employed by offline stalkers (Burgess *et al.* 1997; Mullen *et al.* 1999; Zona *et al.* 1993).

Internet stalking does not involve direct communication with the victim; instead, cyberstalkers make use of the Internet to endanger and defame victims. This form of cyberstalking removes the stalking activities from the private sphere and takes them into the public domain (Gani 2002; Ogilvie 2000a & 2000b; Sullivan 2002).

Examples of Internet stalking may include:

- impersonating the victim, and revealing false and/or misleading and personal information about the victim on the Internet, which may incite unwanted and unwelcome attention to the victim, both in cyberspace and in the physical world (Finn & Banach 2000; Ogilvie 2000a; Sullivan 2002)
- generating a web page(s) about the victim that monitors and/ or slanders the victim (Ogilvie 2000a; Sullivan 2002).

Cyberstalkers using Internet stalking may also employ other methods of stalking, both on- and offline, which can spill over into the physical world (Ogilvie 2000a): Internet stalking is often accompanied by other traditional methods of stalking such as threatening mail, property vandalism and physical attacks (Laughren 2000).

Computer stalking involves the cyberstalker taking unauthorised control over the victim's computer (Ogilvie 2000a). The stalker can link directly to the victim's computer (via a computer-to-computer link, not through an Internet service provider); for example, by taking advantage of the computer operating system (Ogilvie 2000a and 2000b). A cyberstalker who employs this method will remove all control of the computer from the victim. The only way the victim can make the stalker relinquish control of her/ his computer is to disconnect the computer from the Internet and to reconnect with a new Internet address. Karp (2000, cited in Ogilvie 2000a, p. 4) describes a stalker using this technique. The stalker sent the message 'I'm going to get you' to the victim's computer and then opened the victim's CD-ROM drive to demonstrate his control of her computer.

In a South Australian qualitative study of stalking and cyberstalking, data was gathered in an anonymous phone-in. Forty participants, of whom thirty-five were women, phoned in. Fifteen of these women disclosed that the perpetrator was a current or former male partner. However, as Kotka (2005) notes, other women in the study may have been stalked, both on- and offline, by a current or former partner, but chose not to disclose this, or felt unsafe in disclosing this information at the time.

Participants reported on the effects of being stalked or cyberstalked as 'intense and long term' and reported that stalking affected their entire lives including work, finances, and social, physical and emotional health (Kotka 2005, p. 42). Where there was an intimate (not necessarily sexual) relationship between the victim and perpetrator (including current or former partners), the abusive behaviours were more likely to involve threats, property damage, surveillance and physical and sexual assaults. The study found that the temporal duration of the stalking experience was not directly associated to the severity and length of effects felt by victims; participants reported the negative effects of stalking long after the stalking behaviours had ceased (Kotka 2005).



## PROMOTING WOMEN'S SAFETY AND WELLBEING IN THE DIGITAL AGE

In considering the role (potential and actual) of ICTs in supporting women seeking help in situations of domestic violence, it is worth briefly reviewing women's existing help seeking patterns. In general, a consistent finding of research worldwide is that women initially access informal sources of help, such as family and friends (Bagshaw *et al.* 1999; Fugate *et al.* 2005; Goodkind *et al.* 2004; Ingram 2007; Moe 2007; Patton 2003). Formal services are generally not the first services women access. Family and or friends may be avoided or disclosure prolonged where women anticipate a judgmental or hostile response to disclosure (Ingram 2007; Moe 2007). Issues of private shame associated with domestic violence are still pervasive, regardless of class, culture, location or age (Bagshaw *et al.* 1999; Fugate *et al.* 2005; Ingram 2007). The personal and private shame experienced by many women, make the anonymity and accessibility of the Internet an important potential early source of information gathering about their experience.

Where women do not initially identify their situation as domestic violence, which is more likely where there is an absence of physical violence, the difficulty is identifying how they may go about searching for information on the Internet, as 'domestic violence' is unlikely to be in their search terms. This aside, the Internet offers women a wealth of information and potential support through online developments in counselling. The ethical issue in this emerging area of work is to ensure that counselling can be provided safely and supportively for women.

Kranz (2002) argues that, based on studies concerning women's general Internet usage, it is highly probable that women survivors of domestic violence are using the Internet to search for information about domestic violence, available services and supports, their rights, and access to safety plans and information about safety planning. In taking this information into account, the usual issues associated with the digital divide are relevant, as we would anticipate that those least likely to use the Internet for assistance will be those who tend to be most marginalised; this includes women who are refugees, women whose first language is not English, women who are not literate, and women in poverty who have no access to the Internet or do not have the requisite skills for using the Internet.

Considering that many women who experience domestic violence are often isolated and under surveillance from their current or former partner, the Internet provides a medium for women to access information and support, in a timely and private manner with relative anonymity. Some organisations may also communicate with women by email, which overcomes issues of isolation, including geographic isolation for women living in rural or remote areas. Email communication can also afford women a sense of privacy, as only an email address needs to be disclosed (and this could be a free email address, such as is offered by Hotmail or Gmail), and other information, such as the perpetrator's name, address and descriptions of the incidents of domestic violence can be disclosed at the discretion of the women.

From a human service organisation's perspective, the Internet may provide an ideal vehicle to disseminate potentially vast amounts of up-to-date information to a large audience, at relatively low cost with wide geographical reach. However, it is not known how many domestic violence services are using the Internet to reach their (potential) target audience.

Finn's (2000) work in north America concerning domestic violence organisations on the Internet is particularly relevant to this paper. In 1998, using the Hotbot search engine, Finn (2000) found 15,215 private not-for-profit organisations indexed under 'domestic violence', 'spouse abuse' or 'family violence' and, using the same search words, 110,987 sites using the Altavista search engine. Finn has also been involved in the content analysis of some of these websites. As Finn's work was based on websites in North America and is relatively dated in the web era, a brief search in the contemporary Australian context was conducted. Using the search term, 'domestic violence' on google.com.au, around 81,000 sites were identified and 1.4 million with yahoo.com.au. In these

examples the search was narrowed to Australian sites only. Importantly, the searches revealed a large range of relevant information available to women about various aspects of domestic violence, ranging from what domestic violence is, through to services providing assistance, support and legal rights. Sites were from government and non-government human service organisations.

There are challenges and benefits for domestic violence organisations employing the Internet to connect with women victims of abuse. The following discussion focuses on three areas:

- direct service/outreach to victims
- responses to men using violence in intimate relationships
- legal issues.<sup>1</sup>

### ***Direct service/outreach***

#### **Women experiencing domestic violence**

Finn's (2000) analysis of domestic violence organisations' websites found that such agencies are providing women with information about domestic violence, risk assessment tools, referral details for services and supports, safety planning and protection orders. Many organisations also detail their intake procedures and the services they provide to women.

Our brief search of Australian sites found similar information was available. Most of the sites combined information and awareness raising with information about appropriate services. The Domestic Violence Resource Centre (Victoria) site <<http://www.dvirc.org.au/>> includes information targeting various age groups and is a good example of an easy to use and easy to follow site for women and young people seeking information and support. It is important that such websites provide contact details (phone number and email address) so that women can access offline supports and services should they need to; it is also important that online supports do not replace or minimise the real world supports available to women.

While the Internet makes it relatively easy and affordable to access a large audience of women and provide them with current, up-to-date information about available services and supports, websites must be carefully developed. It remains a concern that domestic violence perpetrators may access such websites to further their understanding about safety planning and women's legal rights, in order to further control and survey their current or former partners.

#### **E-counselling and other safety issues to consider**

Further to the idea of providing information, there have been advances in web-based counselling. This is where the counsellor and service user communicate by computer, rather than face-to-face. In a geographically dispersed country like Australia, this increases access to counselling services for those in rural and remote areas where transport and distance is a barrier. Other advantages may include offering victims anonymity and confidentiality. In considering e-counselling generally, the Relationships Australia website covers some key points for potential service users to consider (<http://www.relationships.com.au>). Information from the website, summarised below, indicates that being in an unsafe situation such as domestic violence may make e-counselling inappropriate.

#### ***In what circumstances might online counselling NOT be appropriate?***

- If you are in a crisis situation: in which case, you should call an emergency number, such as the 000 number.

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<sup>1</sup> For a broader discussion of domestic violence agencies' employment of the Internet, see Finn (2000).

- If your personal safety is an issue: this could include a domestic violence situation or suicidal feelings. You should call an emergency number.
- If you need specialist medical treatment for a physical condition.
- If you suffer from a mental illness.

### ***What are the advantages and disadvantages of online counselling?***

Some of the advantages are:

- Anonymity: some people feel safer and are able to be more open.
- Convenience: greater flexibility and options in appointments.
- Time efficiency: you don't need to take time off work or travel anywhere.
- Accessibility: it offers increased access to services from rural and remote locations or to people who are unable to leave their homes or travel to an office.
- Cost-effective: it costs less than face-to-face counselling, and travel costs, child-care costs etc can be eliminated.

Some of the disadvantages are:

- Text-based communications often 'truncate' the communication which may lead to misunderstandings. You or your counsellor would say more in a face to face situation than you do when you are typing.
- Non-verbal cues normally present in a conversation are not accessible online, increasing the risk of misinterpretation for both you and your counsellor. Counsellors are trained in how to communicate tone, feeling, humour etc, but these can more easily be misinterpreted in online counselling. Sometimes you have to say 'out loud' what the counsellor would be able to deduce if he or she could see you.
- Sometimes situations are too complex to be adequately conveyed in text messages and therefore the online contact may need to be supplemented by telephone counselling.

(Adapted from the Relationships Australia Website on e-counselling:

<<http://www.relationshiphelponline.com.au/modules.php?op=modload&name=News&file=article&sid=5>>.)

The Internet provides new and valuable opportunities for women and men to find out about domestic violence and related support services. However, as noted throughout the paper, information must be provided in a way that protects the safety of women and children. Thus agencies need to advise Internet users about security systems to block hacking, provide guides to safe use of Internet sites, and methods for enabling women and children to delete their site histories/cookies, so that perpetrators cannot trace the sites they have visited. The new area of e-counselling also requires careful deliberation in light of safety issues when it is considered for use with people who are either the victims or perpetrators of domestic violence.

The literature seems to have paid little attention to the implications of children's use of ICTs in times of separation following domestic violence. In situations where it is critical that the victims' location is not found by the perpetrator, it may be important to speak with children about their mobile phone and Internet use to ensure they do not unwittingly pass on this information. Children's social networking sites should not include any address details, passwords should be changed on email and instant messaging accounts, and adults should consider that the perpetrator might use forms of ICTs to gather information from the children that could compromise safety.

### **Men using violence in intimate relationships**

Men seeking help about their use of violence against their partners, outside the criminal justice system, have used helplines and sought out counselling and group programs. In Australia, two notable helplines for men have been established: in Victoria (Men's Referral Service operated by the

organisation, No To Violence) and Western Australia (Men's Domestic Violence Helpline operated by the Western Australian Government).

Evaluation research (e.g. Gibbons & Paterson 2000) indicates that men who use violence or consider themselves as at risk of violence contacted the helpline in greater numbers than expected and were referred to programs. In evaluating their experience, men were positive about the helpline response. There would seem no obvious reason why men would not also use the Internet for such purposes, particularly because it affords them the anonymity and privacy for this behaviour.<sup>2</sup>

There is also potential for using ICTs to electronically monitor domestic violence perpetrators who have been placed under violence intervention orders, but a discussion of this issue does not fall within the scope of this paper.

## LEGAL ISSUES

The current and future use of ICTs by perpetrators in the surveillance, stalking and abuse of women has implications for the criminal justice system's response to domestic violence. The issues considered here are:

- intervention orders and the inclusion of the use of ICTs to stalk and contact within the orders' conditions
- legislation related to misuse of ICTs and domestic violence
- evidence collection from ICTs about domestic violence.

As violence intervention orders<sup>3</sup> are the most common legal response to domestic violence it is critical that the misuses of ICTs discussed above are incorporated in the conditions of orders, as appropriate. For example, orders need to ensure that numerous types of ICT-based contact are excluded: mobile and landline phone calls, emails, instant messaging and so on. This has been taken into account in some jurisdictions; for example, the New South Wales *Crimes Amendment (Apprehended Violence) Act 2006* changed the definition of intimidation to specifically include approaches made by telephone, text messaging, emailing and other technology-assisted means. It seems that most legislation enables such inclusions in violence intervention orders in Australia.

Legislation related to misuse of ICTs needs to include a range of aspects, such as the breach of a woman's privacy in cases where there has been unauthorised access to her bank accounts or other personal records. Stalking legislation has been introduced in various jurisdictions and should include forms of cyberstalking, because the intention does not differ from that of 'non-virtual' stalking and because cyberstalking aims to intimidate, frighten and monitor the target of the stalking. In Queensland, under section 359B of the *Criminal Code (Stalking) Amendment Act of 1999*, cyberstalking is included as unlawful as the legislation covers contacting a person in any way including by telephone, mail, fax, email or through the use of any technology. Similarly, in Victoria, the legislation was updated by the *Crimes (Stalking) Act 2003*, s90 to include acts performed through the use of electronic mediums such as emails and text messaging.

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<sup>2</sup> In relation to web information for men, the No To Violence website includes information for men both about domestic violence and available help ([http://www.ntv.net.au/ntv\\_two.htm](http://www.ntv.net.au/ntv_two.htm)).

<sup>3</sup> There are various names used in Australian states and territories which refer to these forms of protection orders; for brevity this term has been used to cover all these orders in this instance.

Electronic and digital forms of evidence raise issues for evidence collection and evidence credibility, with ever-expanding developments of technology. In the area of forensic computing this poses an ongoing issue with the law and policing. In collaboration with gendered violence researchers, Associate Professor Jill Slay from the University of South Australia has developed software which enables women to collect relevant forms of electronic communication and place it in what has been entitled an 'evidence bin', so that it is available for police and justice officials in cases of domestic violence. The 'evidence bin' is user friendly and easily downloadable; it sits on the computer desktop and evidence is copied into it. The types of evidence which could be used include text messages, emails, phone calls and phone messages. It is critical that police and advocates advise women to keep all these forms of communication from the perpetrator so that they may be used as evidence of contact, harassment and intimidation. It is also crucial that the justice system starts to expect that these forms of evidence will be increasingly common in contemporary cases of domestic violence.

## **CONCLUSIONS AND FUTURE DIRECTIONS**

Domestic violence perpetrators' abuse of digital information and communication technologies has implications for practice, legislation, policies and research. It is recommended that further research be undertaken to increase current understandings about the utilisation of ICTs in the perpetration of domestic violence in Australia, particularly about the advancement of hand-held devices which contain multiple digital technologies in a single unit.

Qualitative research is needed to 'promote understandings of the day-to-day experiences of survivors, the coping mechanisms used, and the short-term and long-term impacts on survivors', (Southworth *et al.* 2007, p. 852). Quantitative studies are also required to gather prevalence data on the incidence of domestic violence perpetrated using ICTs and the types of ICTs employed by perpetrators. Such prevalence data is urgently required as there are currently no comprehensive studies of the specific technologies used by perpetrators against their current or former partners in Australia. Some monitoring or auditing of the extent to which references to ICTs are included in intervention orders as baseline data would also aid planning about how to ensure that these issues are effectively addressed in the future.

It is recommended that a comprehensive review of Australian legislation concerning domestic violence acts perpetrated with ICTs be undertaken. To date, such reviews have primarily focused on legislation pertaining to cyberstalking (for example, Sullivan 2002). It is critical that an analysis of Australian legislation be undertaken to establish which behaviours are addressed by existing legislation and which behaviours need to be included in the context of domestic violence between current and former partners.

Advocates and workers may need training and support with resource development about the use of ICTs in the context of domestic violence, so that they can undertake safety planning with women and children and better use these technologies themselves to assist and support victims of violence. Current safety planning undertaken by domestic violence organisations may not include the risk of abuse and surveillance through ICTs. It is important that workers are aware of this issue so that they can work with women to educate them about reducing their risk when using ICTs and to explain how perpetrators can use such technologies to abuse.

In summary, this paper has sought to raise awareness of a new and emerging issue: the use of ICTs in perpetrating domestic violence and monitoring current and former intimate partners. As ICTs are rapidly developing, and in consideration of their increased accessibility and affordability, it is imperative that the use of ICTs by domestic violence perpetrators be recognised as a growing area of concern in the context of domestic violence. Conversely, we also hope that this paper has



highlighted the positive and innovative potential use of ICTs to assist women with understanding, seeking help and support in situations of domestic violence. We acknowledge that this is a growing area of gendered violence that is of concern both nationally and internationally, for which it is likely to be very difficult to develop policing and other effective interventions.

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## **APPENDIX**

### **SAFETY PLANNING WITH WOMEN: TIPS FOR ADVOCATES AND WOMEN'S DOMESTIC VIOLENCE WORKERS**

The following tips for women's domestic violence workers and women's advocates aim to provide a list of activities which could be undertaken as part of safety planning with women who are at risk or who have experienced domestic violence, with or without the use of ICTs. Even if women have not experienced domestic violence perpetrated with ICTs, we recommend that workers discuss these issues with women, to inform them about actions to be alert to.

This list is largely based on Southworth *et al.* (2005, pp. 12–14) 'Tips for Advocates'. However, this list is not exhaustive, and workers are encouraged to undertake more detailed and comprehensive safety planning with women.

#### ***Telephones***

- Talk with women about screening (and possibly recording, where this is legal) calls with an answering machine.
- When telephoning women at home or on their mobile telephone, block the ID of the agency, so that the perpetrator is unaware of who is calling (as this information will appear on an itemised telephone bill).

- Phone the woman before faxing documents to her home fax number, to ensure that it is a safe time for her to receive the fax.
- Encourage women to use passwords or phrases for identification purposes when communicating by Teletypewriters (TTY).
- Encourage women who use TTY devices to regularly delete the conversation histories.
- Ensure that domestic violence agencies and women's shelters provide women with TTY devices to use within the organisation.
- Encourage women to contact their mobile phone provider to enquire whether any location services have been enabled.
- Encourage women to use an alternative phone when making calls related to the violence, if they think that their current or former partner is monitoring their landline or mobile telephone calls, and offer them a telephone to use within the organisation.
- To ensure that software is not installed on mobile phones, women should perform a 'factory reset' (see instruction manual) to wipe out any installed software. However, it should be noted that this action also wipes out all contact information and SMS messages.

### ***Locations and surveillance***

- Assist women to locate a police officer or mechanic to search motor vehicles for GPS devices.
- Talk with women about the possibility of hidden cameras being installed in their homes; advise women what to look for.
- Encourage women to develop safety plans.

### ***Computers***

- Encourage women to use computers to which a perpetrator does not have access.
- Talk with women about the dangers of opening email attachments from a perpetrator, using their personal computer. Such attachments could contain viruses.
- Explain to women the dangers of spyware and keystroke logging devices and how these devices may be employed by perpetrators to monitor women's computer activities.
- Encourage women to set up a new free email account (such as Hotmail or Gmail) and talk to them about the dangers of opening this email account from a computer to which a perpetrator may have access.
- Encourage women to change all computer passwords and login details regularly.
- Talk with women about regularly deleting their computer history files.
- Encourage women to search for themselves on the Internet through a search engine, such as Google.
- Advise women that, if their workplace has information about them on the Internet, they should check with their employer about having this removed at a time when their safety is at risk.
- Women should be advised to check with their financial institution(s) to ensure that their former partner cannot access their account through telephone or Internet banking. This is critical as the women's new address could be recorded in the Internet banking files.

### ***Safety planning: children and ICTs***

- Ensure that children do not have their addresses/locations on any social networking site which could be accessed by a perpetrator.
- Talk with mother and children about how the children's mobile phones could be used to get information from children that compromises safety.

- Get children to change passwords on email and other web accounts to reduce the possibility of the perpetrator accessing their email accounts.

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