



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

PS

March 8, 2012

Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, New York 14202

RE: LOCAL LAW INTRO NO. 10-2011 – CYBERBULLING LAW

Dear Honorable Members:

In regards to the above referenced Local Law, although I have serious doubts that this law can be adequately enforced in its current form, and it appears neither the District Attorney's Office nor officials associated with the local judiciary were contacted regarding its enforceability during the drafting of the bill, vetoing this legislation would send the wrong message to our community. Therefore, I will sign it into law but I am calling upon the architects of this local law to work with law enforcement agents, local schools, the District Attorney and the Family Court on this important subject so enhanced and enforceable legislation can be approved by your honorable body in the future.

Victims of cyberbullying deserve nothing less than to have their online tormentors prosecuted. After talking to numerous law enforcement agents, it is clear to me that even with this law in effect, police may not be able to charge the offender(s), nor the District Attorney's Office the power to properly prosecute, in the vast majority of cyberbullying cases because it will be too difficult to prove who electronically disseminated the harassing statement without an admission of guilt or eyewitness, especially when many online sites can be established and run anonymously. Although I hope this law will serve as a deterrent, I fear that this legislation will give victims false hope and will compound their suffering when law enforcement is unable to act. Legislation that can be enforced needs to be approved if we are going to stop the most tragic results of cyberbullying.

In addition, a simple blanket prohibition may not be the best way to prevent cyberbullying. Justin W. Patchin, co-director of the Cyberbullying Research Center, has stated, "cyberbullying laws are useful to the extent that they draw attention to this problem, but it is

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important that laws are crafted in a way that is informed by research, not singular high profile incidents.” Experts on this subject have stressed the importance of including parents and the school system, both of which this local law ignores. If we are serious about preventing cyberbullying, a method that includes parents and schools needs to be implemented, and unfortunately this law includes neither as part of the solution.

I applaud the County Legislature for tackling this subject and hope the state legislature acts quickly on their own legislation preventing cyberbullying. This local law is a positive first step, but additional work needs to be done.

Sincerely yours,



Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mc

Encl.

cc: Hon. Frank A. Sedita, III
Hon. Timothy B. Howard
Hon. Janice M. Rosa, Supervising Judge of Family Courts
Hon. Rosalie Bailey
Hon. Lisa Bloch Rodwin
Hon. Paul Buchanan
Hon. Kevin M. Carter
Hon. Sharon LoVallo
Hon. Margaret Szczur