DIGITAL VIOLENCE IN CANADIAN SPORT

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INTRODUCTION

In March 2022, former Federal Minister of Sport, Pascale St-Onge, announced that there is a "crisis" (Robertson, 2022, para. 3) in the Canadian sport system, after reports of violence, harassment, and abuse in multiple national sports organizations in Canada were publicized. Indeed, existing research has demonstrated that sexual assault, and other forms of interpersonal violence, in Canadian sport are not only pervasive but have also been largely tolerated, normalized, ignored, and silenced by sport organizations (Fogel, 2017; Fogel & Quinlan, 2021, 2023; Parent & Fortier, 2017, 2018). Academic research and media reports alike have focused predominantly on physical forms of violence in sport. Missing from these dialogues has been discussions of the growing phenomenon of digital violence (Powell & Henry, 2017).

Existing research reveals that women, girls, and gender non-conforming individuals are more likely to experience digital violence, and perpetrators are also more likely to target people of colour, 2SLGBTIQ+ individuals, and other historically marginalized groups (Dunn, 2020; Flynn, Powell, & Hindes, 2021; Tandon & Pritchard, 2015). Addressing the 'crisis' in Canadian sport and establishing robust prevention policies requires investigation of the diverse forms of interpersonal violence that occur in sport, including digital forms.



However, to date, no published academic research or journalistic inquiry has examined the problem of digital violence perpetrated by and against athletes in the context of sport in Canada. The current dearth of literature on digital violence in sport has hampered policy development and narrowed dialogues about sexual violence and other forms of interpersonal violence in sport. This study takes up that challenge by examining the forms, characteristics, prevalence, and harms of digital violence in sport in Canada, leading to the creation of a comprehensive prevention and response strategy.

The cultural silencing of sexual assault, harassment, and abuse in sport makes it a particularly challenging topic to study. The normalization of violence in sport, as well as athletes' team loyalties and fears of reprisal, present significant barriers for researchers studying interpersonal violence in sporting contexts. Researching sexual assault, harassment, and abuse in any context is difficult given the reluctance many victims have in reporting their experiences, as well as the potential risks of re-traumatizing victims through the research process. Responding to these known methodological challenges within and outside of sport, we employ Webb et al.'s (2000) unobtrusive method of data collection to examine cases of digital violence in sport. The data analyzed in this study include 81 publicly reported legal cases involving acts that can be considered digital violence in Canadian sport between 2003-2023.

BACKGROUND

Despite the heightened attention that sexual violence, harassment, and abuse in sport is now receiving, this problem is not new. Existing research reveals long-standing problems and the systemic failure of sport organizations to take it seriously (Fogel, 2017; Fogel & Quinlan, 2021, 2023). In the 1990s, researchers at the Center for the Study of Sport in Society at Northeastern University were commissioned by the National Collegiate Athletics Association (NCAA) to conduct a pioneering study of sexual assaults perpetrated by male university athletes against women. Crosset, Benedict, and McDonald (1995) found that while athletes only comprised 3% of university student populations, male athletes were responsible for nearly 20% of reported sexual assaults on the university campuses (Crosset, Benedict, & McDonald, 1995). Much of the existing literature on sexual assault by male athletes has focused on an American context (e.g. Belinda-Rose, Desmarais, Baldwin, & Chandler, 2016; Boeringer, 1996, 1999; Chandler, Johnson, & Carroll, 1999; Cheever & Eisenberg, 2020; Murnen & Cohen, Building on Crosset, Benedict, McDonald's (1995) work, Boeringer, (1996)surveyed 477 male undergraduate students, 16.2% of whom were student-athletes, and concluded that male athletes displayed a "greater rape proclivity" (p. 134). Similarly, Chandler, Johnson, and Carroll (1999) found that of the 342 American college students they sampled, male student-athletes were significantly more likely to perpetrate sexual assaults than non-athletes. These findings have been supported in a meta-analysis by Murnen and Cohen (2007) that focused on sexually aggressive behaviours and attitudes of college men and found significant correlation between men's athletic participation and sexual aggressivity. Belinda-Rose et al. (2016) surveyed 379 male college students in the United States and found that male athletes were

77% more likely to engage in sexually coercive behaviours than male non-athletes. Most recently, Cheever and Eisenberg (2020) surveyed 122,501 high school students in Minnesota and found that males who were highly involved in sport were significantly more likely to coerce another person into sex than any other group. In a Canadian study, Fogel (2017) revealed that 23% of media reports of sexual assaults on Canadian university campuses from the past 10 years involved male university athletes alleged perpetrators, as despite competitive male athletes comprising less than 2% of the Canadian university student population. Taken together, this evidence suggests a high prevalence of sexual assaults and harassment perpetrated by male athletes, as well as cultural belief systems in many competitive men's sports that normalize and celebrate violence against women. While these studies undoubtedly have their limitations — many utilize samples limited to university student populations and do not include in-depth qualitative analyses — they reveal a connection between competitive men's sport and off-field violence directed towards women.

In addition to athlete-perpetrated violence against women, off-field violence in sport also includes athletes abusing one another during hazing



rituals (Fogel & Quinlan, 2021), and coaches and other authority figures in sport abusing young athletes. In 2019, the Canadian Broadcasting Company (CBC) ran a groundbreaking three-part series on sexual exploitation in Canadian sport highlighting that over 200 coaches have been charged with sexual offences against children in the last twenty years in Canada (Heroux & Ward, 2019; Strashin & Ward, 2019; Ward & Strashin, 2019). The series generated significant public attention on sexual exploitation by coaches against young athletes in Canada, as well as the inadequacy of sports organizations' and government officials' responses to the problem.

Of all the different forms of abuse in sport, coach-perpetrated sexual assaults and harassment against athletes have been the most widely researched. Much of this research has been conducted outside of Canada, with the exception of some quantitative survey-based Canadian research (e.g. Kirby & Greaves, 1997; Kirby, Greaves, & Hankivsky, 2000; Parent et al., 2016). In 1997, Kirby and Greaves surveyed 266 male and female national team athletes in Canada about their experiences and perceptions of sexual abuse and harassment. They found that 52% of national level athletes in Canada are directly aware of or have witnessed sexual harassment or abuse in their sporting environment. In 72% of those incidents, the perpetrator of the abuse was a coach (Kirby, Greaves, & Hankivsky, 2000). Fifty-eight of the 266 surveyed athletes (22%) indicated that they had had sexual intercourse with an authority figure in sport. Of those, 26% reported also being physically or emotionally abused by the authority figure who they had sexual relations with. In a study of youth sexual behaviour, Parent et al. (2016) surveyed 6,450 teenagers, not all of whom were athletes, between 14 and 16 years old in Quebec. Thirty-three teenagers indicated that they had been sexually abused by a coach.

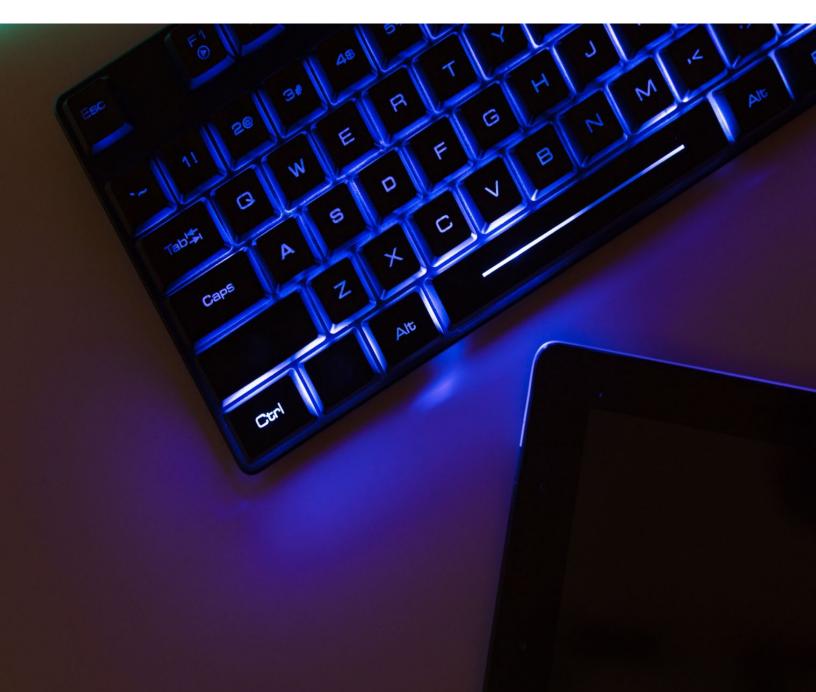
Similar prevalence studies have been conducted internationally. In Australia, in a study of 370 athletes at varying levels of sport, Leahy et al.

(2002) found that 37 (10%) reported experiencing sexually abuse in a sports environment, with higher rates of victimization at elite levels of sport than club or recreational levels. In a quantitative study in Denmark, a survey of 140 student athletes revealed that 8.5% had been kissed by a coach on the mouth, 25% had been inappropriately stared at by their coach in a sexual manner, and 2% had experienced sexual advances by a coach (Nielsen, 2001). In the same study, of the 207 coaches surveyed, 41 indicated that they had engaged in a sexual relationship with an athlete over 18-years old and 6 reported to have engaged in a sexual relationship with an athlete under 18-years old (Nielsen, 2001). Volkwein et al.'s (1997) survey of 210 female university athletes in the United States found that 2% experienced unwanted sexual advances from their coach. A survey of 4043 athletes in the Netherlands found that 14% indicated they had been sexually victimized (Vertommen et al., 2016). In a Norwegian study of 553 female athletes, 284 (51%) had experienced sexual harassment (Fasting et al., 2000). Similarly, in a retrospective British survey of 6,124 young adults responding to questions on their experiences in sport as children, 171 (3%) indicated they had been sexually abused and 1,784 (29%) had been sexually harassed (Alexander et al., 2011). In a British study, Brackenridge et al. (2008) examined 159 cases of sexual violence in sport and identified that 98% were perpetrated by coaches.

While much is known about violence and abuse perpetrated by and against athletes in the physical world, very little is known about violence in online spaces in sport. Academic literature on gender-based violence has begun to shine light on the increasing prevalence of digital violence outside of sport. In a Canadian study, Quinlan (2017) identified the occurrence and harms of digital sexual violence in the context of Canadian universities. Through survey-based research, international scholars have identified common forms of digital violence including sexual harassment, cyberstalking, image-based abuse such as the sharing of intimate

images, child luring and exploitation, production and distribution of child abuse materials such as child pornography (Henry & Powell, 2018; Patel & Roesch, 2020; Powell & Henry, 2017, 2019). Researchers have also identified many harms associated with digital violence including anxiety, depression, self-injury, and suicide (Bates, 2017; Champion et al., 2021; Eaton & McGlynn, 2020; Patel & Roesch, 2020). It has also been revealed that women, girls, and gender non-conforming individuals are more likely to experience digital violence and to experience more harm from digital violence, and that perpetrators are also more likely

to target people of colour, 2SLGBTIQ+ individuals, and people from other marginalized groups (Dunn, 2020; Flynn, Powell, and Hindes, 2021; Gámez-Guadix & Incera, 2021; Gámez-Guadix et al., 2022; Tandon & Pritchard, 2015). There are also strong age correlates with digital violence with youth experiencing the highest number of incidents of technology-facilitated violence (Gámez-Guadix et al., 2015; Powell & Henry, 2019). The growing evidence of digital violence outside of sporting contexts, and the serious harms that is causes, suggests that a study on digital violence within sport is long overdue.



DEFINING DIGITAL VIOLENCE

Digital violence can be defined as acts of interpersonal violence that are enabled by digital technologies such as the internet, computers, social media, cellular telephones, text messaging, private messaging, and video chat platforms (Martin & Alaggia, 2013; Mitchell et al., 2011; Powell & Henry, 2017; Quinlan, 2017). Digital violence can rely on the use of digital technologies to facilitate violence in the physical world (e.g. technology-facilitated sexual violence), or can involve violence directly within the digital world (e.g. cyber harassment), or some combination thereof (e.g. the production and distribution of child pornography).

Similar terms are often used to describe digital violence such as technology-facilitated gender-based violence (TFGBV), cyberviolence, and digital abuse. The United Nations defines TFGBV as "an act of violence perpetrated by one or more individuals that is committed, assisted, aggravated, and amplified in part or fully by the use of information and communication technologies or digital media against a person on the basis of their gender" (UNFPA, 2021, p. 10). The Council of Europe (2023) defines cyberviolence as "The use of computer systems to cause, facilitate, or threaten

violence against individuals, that results in (or is likely to result in) physical, sexual, psychological or economic harm or suffering and may include the exploitation of the individual's circumstance, characteristics or vulnerabilities." The Australian eSafety Commision (2023) defines cyber abuse as follows: "when someone sends seriously harmful content to a person... or posts or shares harmful content about them, using an online or electronic service or platform. It can include posts, comments, emails, messages, chats, livestreams, memes, images and videos."

Unlike TFGBV, which can involve varying forms of technology, and cyberviolence, which is specific to computer systems, digital violence includes forms of interpersonal violence specifically enabled by *digital* technologies. While the term digital abuse is most commonly employed to describe abuse that is ongoing and directed towards children and/or intimate partners, digital *violence* is a broader term that encapsulates the use of digital technologies to commit, or attempt to commit, acts of violence, harm, exploitation, and/or intimidation against children, youth, and/or adults.



DIGITAL VIOLENCE CHARACTERISTICS

Digital violence shares some characteristics with physical violence. The World Organization (2011) describes physical violence as "the intentional use of physical force or power, threatened or actual, against oneself, against another person or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation." Digital violence can be similarly described, and like physical violence, it is a can also have severe impacts on the health and well-being of survivors (Bates, 2017; Champion et al., 2021; Eaton & McGlynn, 2020; Patel & Roesch, 2020).

While sharing some similarities, digital violence also has unique characteristics that make it distinct from physical violence. First, it does not require physical proximity. Second, traces of the violence are more easily distributed, which has potential to multiply instances of violence beyond a singular act and exacerbate harm. Third, traces of digital violence, such as the non-consensual sharing of an intimate image, can remain in perpetuity and cause repeated and indefinite harms to survivors. Lastly, the perpetrator of digital violence has more potential to remain anonymous and therefore avoid prosecution or accountability.



COMMON FORMS OF DIGITAL VIOLENCE IN CANADIAN SPORT

For this study, 81 legal cases of digital violence in Canadian sport between 2003-2023 were identified and analyzed. Legal cases were located through systematic searches of the Canadian Legal Information Institute's database of court reports of judges' decisions on significant legal cases in Canada; and news articles were found through Canadian Major Dailies, which is a database of news articles that have appeared in print from over 20 of Canada's most widely circulated newspapers. Additional articles and documents were located through internet searches to supplement the available information on each case. Included in the analysis were the 81 cases where there was sufficient information available on who was involved, when it happened, what sport, at what playing level, and if any disciplinary or legal sanctions resulted. Importantly, this methodological design does not capture all cases of digital violence that occurred in Canadian sport during this twentyyear span. It includes only those cases that were reported in one of Canada's 20 most-read

newspapers, and/or that were reported to police, went to trial, and had a legal decision report written. By relying on an unobtrusive method of collecting and analyzing media and legal case files, the cases discussed in this report are not representative of the totality of cases, occurrences, and experiences of digital violence in Canadian sport. Despite this limitation, the cases in this report provide a unique window into largely unseen trends in digital violence in Canadian sport.

Within the 81 cases that were identified and analyzed, five common forms of digital violence in Canadian sport emerged: 1) child pornography offences, 2) child luring, 3) unlawful sharing of intimate images, 4) cyber harassment, and 5) technology-facilitated sexual assault. Many of the cases involved more than one form of digital violence, and thus fell into more than one category. In the pages that follow, each form of digital violence will be defined and explained along with a detailed description of a case that exemplifies common characteristics.



CHILD PORNOGRAPHY

The most prevalent form of publicly reported digital violence in Canadian sport are child pornography related offences. Under section 163.1 of the Criminal Code of Canada, child pornography is defined as any photographic, video, audio recording, written description, or other visual representation that shows a person under 18 years of age engaged in sexual activity or that depicts sexualized nudity. There are four primary criminal offences related to child pornography in Canada 1) making child pornography, including distribution of child pornography, 3) possession of child pornography, and 4) accessing child pornography. For the purposes of this study, we have identified and analyzed cases where individuals involved in Canadian sport have utilized digital technologies, such as cellular telephones, to create or record videos and images that constitute pornography, and/or where child digital technologies such as social media sites and web forums have been used to distribute, access, and obtain child pornography.

In total, we identified and analyzed 48 criminal cases of child pornography related offences involving individuals identified as being involved in Canadian sport. Of those cases, an alarming 47 were coaches working with young athletes. In most cases, athletes under their care were the victims of the child pornography offences, although in many cases the relationship to the victims was not specified, suggesting they may or may not have been athletes. In 47 cases, the reported perpetrator identified as a man. Only one case involved an athlete as the reported perpetrator, where a young man at St. Michael's College School filmed a sexually violent hazing incident involving other athletes and posted it to social media. He pleaded guilty to the offence of making child pornography (Casey, 2021). Interestingly, the digital

trace evidence produced by the filming of the sexual assault is likely a significant contributing factor into why the criminal legal system treated the hazing as sexual assault, whereas in similar past cases they did not (Fogel and Quinlan, 2023).



R. v. Cristoferi-Paolucci [2016]

Jordan Cristoferi-Paulucci was a coach for the Etobicoke Thunder Elite Under 19 young men's basketball team, ran the Etobicoke Basketball Associations summer basketball training program, and refereed youth basketball games. During the 2012 and 2013 seasons, Cristoferi-Paulucci engaged three young athletes, with whom he held a position of trust, in text messaging and social media conversations on Twitter and Facebook using private messaging that involved discussions about and repeated requests to receive pictures of their penises.

One athlete, who was 15 years old when he met Cristoferi-Paulucci, reported that his coach would send him text messages challenging him about the size of his penis. While the athlete initially refused to send a picture, after a couple of months of repeated requests, he sent a photo. Cristoferi-Paulucci later requested a naked picture of the athlete from the neck down in exchange for providing volunteer hours that he needed in High School, Nike basketball gear, and \$500 to work at a summer basketball camp. Cristoferi-Paulucci requested a video of the athlete ejaculating, which the athlete refused.

At the same time, a 16-year-old athlete under Cristoferi-Paulucci's care was also receiving similar text messages questioning the size of the athlete's penis. The athlete sent as many as 13 images of his penis to Cristoferi-Paulucci in exchange for undisclosed financial compensation. Cristoferi-Paulucci's requests then escalated asking for a series of videos involving ejaculation and other activities involving the athlete's penis including placing it on a bag containing ice. The athlete complied and Cristoferi-Paulucci compensated the athlete with money, meals, clothing, and an expensive cellular

telephone. Cristoferi-Paulucci's request then escalated to requests to engage in physical sexual acts with one another, which the athlete declined.

A third athlete, who was 17 years old, also received similar sexually explicit messages over private social media following a similar pattern of Cristoferi-Paulucci challenging his penis size, requesting photos, and offering compensation for the photo in the form of money and clothing items. This athlete refused.

The second athlete described above reported Cristoferi-Paulucci to his basketball association, which notified police. A trail of digital evidence led to criminal convictions for making, possessing, and accessing child pornography. Cristoferi-Paulucci was sentenced to 20-months in prison. He successfully appealed the decision arguing that his rights to a timely trial under the Charter of Rights and Freedoms were violated, which nullified the conviction (Pazzano, 2018).



CHILD LURING

Child luring is defined in section 172.1 of the *Criminal Code of Canada* as the use of telecommunication to facilitate a variety of sexual offences involving minors including, but not limited to, child pornography offences, sexual interference, sexual exploitation, sexual assault, invitation to sexual touching, and/or indecent exposure.

Child luring violations account for the majority of online sexual offence convictions involving children in Canada. Statistics from the Canadian Centre for Justice and Community Safety from between 2014 to 2020 indicate that 77% of online sexual violations against children are luring child offences (Ibrahim, 2022).

In this study, we identified and analyzed **35** publicly reported legal cases of child luring

involving individuals directly involved in Canadian sport. The accused in all 35 cases was a coach, and in some cases also held additional leadership roles within their sport organization, such as president or CEO. In 34 of the 35 cases the accused identified as a man.

Canadian Centre for Justice and Community Safety identify that the majority of child luring offences also include child pornography offences, where victims are lured into sending explicit content over text messaging or the internet (Ibrahim, 2022), as seen in the Cristoferi-Paulucci case previously discussed. Seventeen of the 35 cases (50%) of child luring cases also involved child pornography offences.



R. v. Potvin [2014]

Joseph Emile "Luc" Potvin, a volleyball coach in Nova Scotia who was 53-years old, cultivated a relationship with a 17-year-old female player on his volleyball team over text messaging and webcam chats (Rhodes, 2014). The online communications between the coach and athlete became increasingly sexual and evolved to sharing nude images and sexual intercourse. Under criminal law in Canada, not only did the coach lure the young athlete into child pornography but also sexual exploitation.

The athlete's father became suspicious of the relationship and after accessing her text and online messages with her coach, he handed the material over to the police. Potvin pleaded guilty to charges of sexual exploitation, sexual assault, child luring, and producing child pornography and was sentenced to four years in prison (Rhodes, 2014).

At the sentencing hearing, information was disclosed that Potvin had been previously convicted of sexual assault, sexual exploitation, and invitation to sexually touching involving a 12-year-old girl ("Volleyball coach facing," 2011). The school where he coached later admitted that they did not do any background screening when they gave him the coaching position ("School board admits," 2011).



UNLAWFUL SHARING OF INTIMATE IMAGES

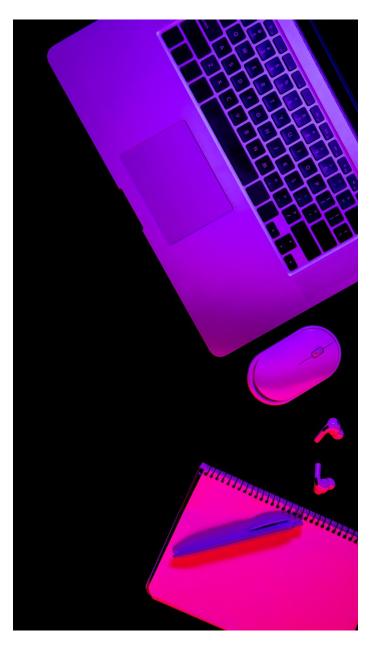
In 2015 the Criminal Code of Canada was amended to include a new law prohibiting the **sharing of intimate images without consent**. The Criminal Code states, "Everyone who knowingly publishes, distributes, transmits, sells, makes available or advertises an intimate image of a person knowing that the person depicted in the image did not give their consent to that conduct, or being reckless as to whether or not that person gave their consent to that conduct, is guilty" (162.1(1)).

Intimate images can be defined as any visual recording such as photographs or video in which a person is nude, exposing his or her genitals, anal region, or breasts or is engaged in sexual activity.

The law was established to prevent and better respond to the rise of images being disseminated in the virtual world, some of which without consent and of an intimate nature. The law was developed in the aftermath of the Amanda Todd case, which made international headlines. Amanda Todd, a B.C. teenager, was blackmailed into exposing her breasts on a webcam chat, which the perpetrator then distributed online. Todd posted a video on YouTube outlining her experiences of cyber bullying and harassment and then committed suicide. The perpetrator, Aydin Coban, was sentenced to 13 years in prison on charges related to child pornography, extortion, luring, and criminal harassment (R. v. Coban, 2022). The case cast worldwide attention onto sexual exploitation and the sharing of intimate images online particularly involving young persons.

In this study, we identified and analyzed 28 publicly reported legal cases involving the unlawful recording and/or sharing of intimate images. The 28 cases involved as many as 40 reported perpetrators, as three of the cases involved

groups of 4-6 young male-identified athletes. Of the 28 cases, 6 involved athletes, while 22 involved coaches as the reported perpetrators. 27 were reportedly men, while one involved a womanidentified coach.



R. v. Walsh [2016]

In 2016, a male-identified university lacrosse player, Patrick Walsh, recorded images of a young, naked, intoxicated woman and streamed a FaceTime video of her to his friends (Powell, 2018). According to the presiding judge, "His conduct was demeaning and callous as the victim repeatedly said no. He showed further disregard for her dignity when he laughed at her" (as cited in Powell, 2018, para. 4).

He met the young woman, a student at a Toronto university, at a bar and invited her back to his mother's downtown condo. There, the victim testified that he forced her to perform oral sex and sexually assaulted her and recorded her while she vomited naked. A jury found Walsh guilty of sexual assault. Walsh was sentenced to two years in prison (Pazzano, 2019).

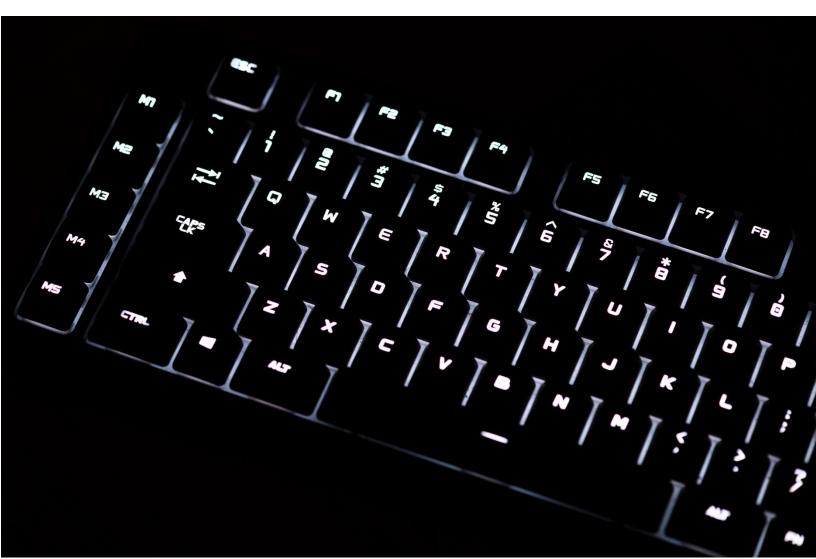


CYBER-HARASSMENT

Cyber-harassment includes a variety of unwanted digital communications. The United Nations defines cyber-harassment as "a threat via the use of digital technologies. It can take place on social media, messaging platforms, and cell phones. It is a repeated behavior, aimed at threatening, scaring, shaming, and silencing those who are targeted" (n.d., para. 2). Cyber harassment is also commonly termed cyber-bullying, which likewise involves engaging in online threatening behaviour towards another to cause harm, fear, and/or reputational damage.

Canada does not have specific criminal laws that define and prohibit cyber-harassment, but there are several criminal laws that can be connected to cyber-harassment. Many cases of child luring, as just discussed, could be considered threatening behaviour towards the recipient. Furthermore, **criminal harassment** is defined in section 264(1) of the Criminal Code of Canada as repeatedly following, communicating with, or watching a person in a manner that causes them to fear for their safety. Other connected crimes can include uttering threats, extortion, incitement of hatred, and indecent exposure.

In this study, **12 cases were identified and analyzed that involved cyber-harassment**. All of the reported perpetrators were coaches cyber-harassing athletes, and were identified as men.



R. v. Sutherland [2019]

Yellowknife Gymnastics Club coach, Ricky Lee Sutherland, began contacting a female 17-year-old gymnast from the club, via text messaging and social media, including on Instagram and Snapchat. While the messages he sent began as seemingly innocuous, they increasingly involved sexual harassment of the athlete. In one, Sutherland refers to himself as her "secret admirer" (para. 11). In another, he tells her to "get her sexy butt to bed" (para. 11) and commenting on a picture she posted in sweatpants he wrote "Ok, take those off right now" (para. 11).

Beyond sending repeated threatening and harassing messages to the young gymnast, Sutherland also sent the gymnast unrequested sexualized pictures of himself.

The distressed athlete saved the messages and photos using a screen-capture function on her phone, blocked him on social media, and reported the cyber-harassment. In a lengthy sentencing decision, the judge contemplates various possible criminal charges that characterized Sutherland's behaviour before settling on a conviction for child luring. Sutherland was sentenced to 1-year in prison for the offences.



TECHNOLOGY-FACILITATED SEXUAL ASSAULT

An important consideration in relation to digital violence is that it is not restricted to the virtual world. The harm that it causes is real and is felt by real people in the physical world. Digital violence, such as the forms already discussed, can also lead to the perpetration of physical acts of violence, such as sexual assault. The case of *R. v. Potvin* [2014] as discussed previously provided one example of how a coach can use **digital-grooming** to facilitate a sexually violent relationship with an athlete.

Sexual assault is defined in Canadian law as "an assault committed in circumstances of a sexual nature, such that the sexual integrity of the victim is violated" (*R. v. Chase*, 1987, para. 3). There is

currently no specific law that differentiates sexual assaults that are facilitated through technology. However, technology-facilitated sexual assault can be defined as sexual assaults that are enabled by digital communications technology, such as social media, messaging platforms, and dating apps.

In this study, we identified and analyzed **24** cases of technology-facilitated sexual assault. 23 of the cases involved reported perpetrators who were coaches, and 23 of the reported perpetrators were identified as men. In one case involving three maleidentified athletes, an online dating app was used to lure a young woman to the hotel room of university hockey players who allegedly engaged in a group sexual assault of the woman.



R. v. Bell [2016]

Describing the role of **grooming** in sexual abuse in sport, Brackenridge and Fasting (2005) write, "Grooming is central to the abusive relationship...It involves slowly gaining the trust of the potential victim before systematically breaking down interpersonal barriers prior to committing actual sexual abuse. This process may take weeks, months or years with the perpetrator usually moving steadily so that he is able to maintain secrecy and avoid exposure. Grooming is important because it brings about the appearance of cooperation from the athlete, making the act of abuse seem to be consensual." (p. 35)

Similarly, Craven, Brown, and Gilchrist (2006) describe grooming as a "process by which a person prepares a child, significant adults and the environment for the abuse of this child. Specific goals include gaining access to the child, gaining the child's compliance, and maintaining the child's secrecy to avoid disclosure" (p. 297).

With the development and increased use of digital technologies, the process of grooming now often involves ongoing communications with

athletes over text messaging, social media, and other virtual chat platforms. The case of former national swim team coach Matt Bell, who later became head coach and CEO of Ajax swimming, provides a clear illustration of this form of cybergrooming leading to sexual assault in the physical world.

Bell, who was 30 at the time, commenced a personal relationship with an athlete in a position of trust under him that involved the exchange of "thousands of sexually charged texts" with a 16year-old female-identified athlete over a two-year period (as cited in Bowmile, 2016, para. 2). The relationship graduated to a physical one when Bell would ask the athlete to stay after practice to receive massage treatments. The intensified and led to multiple occasions of where the young athlete was invited to his condo and they engaged in physical sexual acts, which the athlete could not consent to under Canada's sexual exploitation laws. The athlete reported her experiences to police and Bell was charged with sexual exploitation, sexual assault, and child luring. He was sentenced to seven months in prison.



EMERGING FORMS OF DIGITAL VIOLENCE

Αt present, digital communication technologies are developing at a rate that far exceeds the development and amendment of criminal law. Additionally, some forms of digital violence also not cross a threshold of criminal behaviour but may still cause significant harms. As such, the common forms of digital violence in Canadian sport that we identified and analyzed in legal cases and media reports are likely just some of the forms of digital violence currently occurring in sport. In this section we turn to research on digital violence in other contexts to identify emerging forms that may be occurring in sport but have not yet been publicly reported in media or legal case files.

The rapid rise of Artificial Intelligence tools has led to the development of **deepfakes** that allow for the creation of seemingly realistic but nonconsensually created sexual imagery (Flynn, Powell, Scott, & Cama, 2022). In one case, Bryan Jeffrey McLachlan, a Judo coach in B.C., pulled pictures of athletes from his team from Facebook and manually digitally altered them to put pictures of himself, including his genitals, into the pictures to make it appear as though he was engaged in sexual acts with the athletes (Goodwein, 2019). According to the judge, the pictures were crude and not realistic. Al is changing the potential for realistic deepfakes, which could cause significant harm to victims.

Doxing refers to the non-consensual disclosure of person information such as phone numbers and addresses. As more private data is stored online, it gives rise to this information being shared, which can lead to various forms of physical and digital violence. For example, if an athlete's cellular telephone number is shared publicly online, it could lead to receiving abusive text messages, e.g. anonymous **cyber-flashing**, which has been observed in other contexts (Sarkar, 2023).

Hacking is defined as the use of technology to gain illegal or unauthorized access to systems, data, and/or resources (UNFPA, 2021). If athletes or others involved in Canadian sport have pictures or other sensitive information stored on their phones or in private social media sites, there is a risk of being hacked and that information being made public or being the victim of **sextortion**, which is the use of blackmail involving nude photos, videos, or private information related to sexual activities (Dunn, 2020).

As digital technologies continue to be developed, new forms of digital violence will continue to emerge. It is not known what impact they will have on Canadian sport, but sport organizations should be proactive in monitoring new trends and ensuring safety for athletes and other sport stakeholders.



Perpetration and Victimization Trends

The 81 legal cases of digital violence in Canadian sport analyzed in this study involved as many as **95 reported perpetrators.** As some cases involved groups of athletes who were under 18, full details are not possible due to information restrictions in the Youth Criminal Justice Act. **Of the 95 reported perpetrators of digital violence in Canadian sport, 94 were identified as men (18+) or young men (15-17-year-olds). That is an astonishing reported 99% male perpetration rate.**

Only one of the 95 perpetrators in this data set was identified as a woman. Madison Biluk, a minor hockey coach was accused of acts with a female-identified player that include child pornography-related offences, luring, unlawful distribution, and technology-facilitated sexual assault (Heintz, 2023). At the time of this writing, Biluk is awaiting trial.

In terms of victims or survivors of digital violence in Canadian sport, all of the reported victims, of which there were over 100, were identified as women or minors, including both boys

and girls. Most cases involved athletes, coaches, and authority figures at highly competitive levels of sport. This is not to say that men, and people who identify as non-binary, transgender, and or gender queer do not experience digital violence in Canadian sport. Those trends were simply not captured in the publicly available reported data.

Existing research on digital violence does, however, suggest that women of colour, Indigenous women from religious minorities, 2SLGBTQ+ women and non-binary individuals, and women with disabilities are targeted by digital violence in unique and compounded ways (Dunn, 2020; Flynn, Powell, and Hindes, 2021; Gámez-Guadix & Incera, 2021; Gámez-Guadix et al., 2022; Tandon & Pritchard, 2015). Consistent with findings of this research study, existing research has identified significant age correlates with digital violence with youth experiencing the highest number of incidents of technology-facilitated violence (Gámez-Guadix et al., 2015; Powell & Henry, 2019).



DIGITAL VIOLENCE IMPACTS

Existing research has identified many harms of digital violence for the individuals who experience it including, anxiety, depression, selfinjury, and suicide (Bates, 2017; Champion et al., 2021; Eaton & McGlynn, 2020; Patel & Roesch, 2020). Importantly, these impacts are not significantly different than for those who experience acts of violence in the physical world.

Victim impacts statements cited in the legal reports analyzed in this study point to significant emotional and psychological harms of digital violence that are often long-lasting, as significant trust violations have occurred for young persons in most of the cases, and concerns over digital records such as online photos existing in perpetuity and resurfacing in the future remain an ongoing concern.

In the Sutherland case, the victim described being "haunted and betrayed by her former coach" (as cited in Burke, 2019, para. 7). In a child pornography case in Alberta involving a school coach, the victim describes living in "fear, grief and depression" and "has a constant feeling of insecurity, irritability, and anger" (R. v. Kristian, 2016, para. 58), has isolated himself from others, and has scars on his arms, thighs, and shoulders from self-cutting behaviours arising from feelings of worthlessness.

Impacts of digital violence extendto parents and friends. These impacts can be termed **secondary victimization**. Demonstrating this, parents in a case involving a Halifax soccer coach wrote in their victim impact statement, "So many emotions have ruled our world over the last year and a half - anger, distrust, helplessness, fear, shame, betrayal and guilt. How did we let this happen to our little girl? We will never, ever

completely trust another coach or anyone in a position of authority over our children again" (as cited in Bruce, 2014, A9).

Impacts also extent to the sport organization and larger sport community where the digital violence takes place. After Matt bell was arrested and convicted, Ajax Swimming shut down as an organization. Parents can lose trust in placing their children in the trust of sport coaches. Organizations can also face significant lawsuits. The Durham District School Board is currently facing a \$3 million lawsuit filed by a former athlete who reported that her school running coach subjected her to ongoing sexual harassment over text messages and sexual assaulted her (Carter, 2022).



PREVENTION AND RESPONSE RECOMMENDATIONS

- 1) Recognition and inclusion of digital violence, and all its unique forms, in sport policies in Canada, such as the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS), and code of conduct policies within sport organizations.
- 2) Amendment to existing criminal and human rights laws to adapt and respond to an evolving digital environment.
- 3) Required anti-violence education programming for athletes and sport stakeholders on respect, consent, healthy sexual relationships, boundaries, anti-oppressive language usage, and the identification of different forms of interpersonal violence including digital violence.
- 4) Application of the 'rule of two' within sport organizations to all digital communications between adults and minors, with no one-to-one text messaging, private messaging, emails, web chats, etc.
- 5) Autocratic governance models of sport organizations, e.g. where a coach is also a director and board member, must be prevented by provincial and federal sport governing bodies. Granting this much power and authority to one individual, who can bypass background checks, and is accountable to no one within the organization, produces a dangerous power structure.
- 6) Victims/survivors require increased access to support and resources for reporting and throughout their healing. Conduct policies should include steps that victims can follow to record allegations of digital violence, assurances that their identity will remain confidential, as well as information on the existing 1-800 Abuse-Free Sport Helpline and other victim support resources.
- 7) Enhancing partnerships between sport organizations and existing organizations that work in child protective services and support. Sport organizations have a long, documented history of being ineffective at preventing and responding to interpersonal, gender-based violence. More needs to be done to bring in existing expertise, which should be financially compensated work.
- 8) The Abuse Free Sport Registry should include information on coaches and other sport stakeholders who have been reported for acts of digital violence.
- 9) The male-dominated coaching structure of most sport organizations in Canada needs to be problematized, challenged, and ultimately reorganized. Increasing opportunities for women and people who identify as trans, non-binary, and gender queer to enter coaching and leadership roles in Canadian sport, at all levels, should be prioritized.
- 10) Increasing the visibility and understanding of the problem of digital violence in sport is a necessary step in promoting change. More research is needed on digital violence in sport in Canada and internationally, particularly on prevalence rates and the different experiences and impacts digital violence has on individuals who identify as Black, Indigenous, persons of colour, lesbian, gay, trans, two-spirit, queer, non-binary, or as having disabilities.



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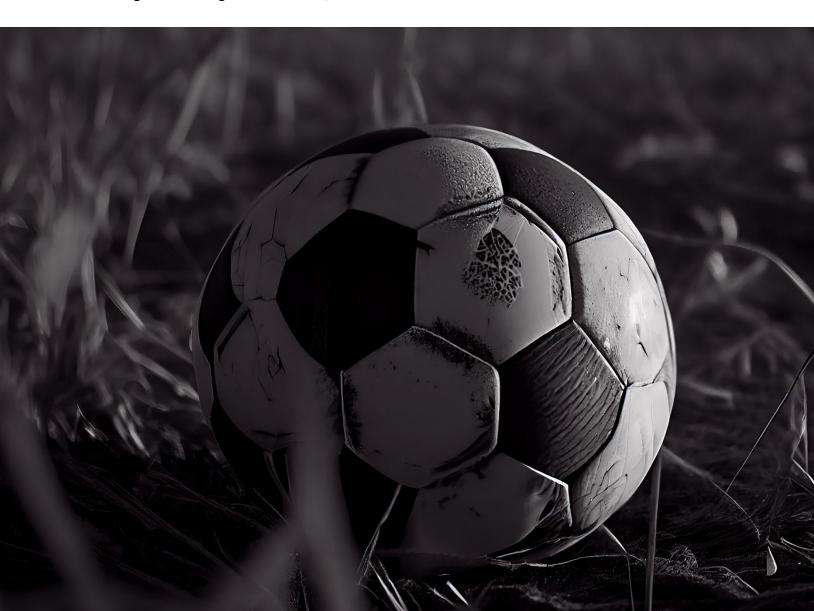


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