

## Interdisciplinary Response to Youths Sexting

### Recommendations from the Youth Online Safety Working Group (YOSWG)

In May of 2009 the Youth Online Safety Working Group (YOSWG), comprised of representatives from law enforcement, education, legal, and other public and private organizations, came together to begin discussing an issue affecting approximately 1 in 6 youths<sup>1</sup> : sexting. **Sexting is generally defined as the sending of sexually explicit texts or nude or partially nude images of minors by minors; these images in some instances have been classified as child pornography.** Concerns about sexting grew as the media began calling attention to its possible long-term consequences, including youths being charged with the production, and/or distribution of child pornography. The complexities of handling such cases affect all who play a role in the safety and well-being of children: law enforcement, prosecutors, judges, juvenile probation officers, school administrators, school personnel working directly with students, and of course, parents and guardians.

The overwhelming concern for youths involved in sexting incidents led to the formation of YOSWG, which focused on this issue throughout 2009. The focus of the working group was to provide recommendations for the handling and prevention of sexting incidents. During the series of working group meetings, the partners discussed alternatives to prosecution for minors involved in sexting incidents. In addition to the legal perspective, the working group examined sexting incidents from an educational standpoint. For both the education and legal communities, it was determined that a team approach was necessary in order to appropriately handle sexting.

In order to better inform the working group's recommendations, nine students from a Virginia high school were invited to share their thoughts about sexting in a roundtable discussion. Although these students were not representative of all teens, anecdotal evidence indicates that their views are shared by teens from across the country. These views included:

- A familiarity with the concept of sexting, if not the terminology
- An understanding of the possible social consequences of sexting
- An understanding of the permanency of online images
- A belief that sexting is not a crime between *consenting* minors

These teens expressed that they wanted to be taught about sexting and its consequences as early as middle school, whether through peer-to-peer programs, health classes, or discussions with their parents. Their interest in more education, and their willingness to learn from multiple sources, highlighted the importance of the working group's interdisciplinary structure.

Working together, the legal and education fields can decrease the number of sexting incidents through community-wide prevention efforts. Some organizations have already taken a bold step forward to combat this issue through state and locally-organized responses, such as reviewing state legislation and hosting community forums. As the sexting discourse continues, it is imperative that these efforts translate into a team endeavor that resonates within communities.

This set of recommendations is intended to provide education and legal professionals with ideas for the efficient and effective handling and prevention of sexting incidents. Community leaders and others invested in protecting children need to consider convening a multi-disciplinary task force, including important stakeholders such as law enforcement, school personnel, prosecuting attorneys, judges, court personnel, probation officers, school attorneys, social service workers, mental health professionals, parents and guardians, and youth to converse about the extent of the problem in order to devise a plan of action that is most appropriate for their communities.

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 1 - Amanda Lenhart, "Teens and Sexting," Pew Internet & American Life Project, 2009.

## RECOMMENDATION 1—RESPONSE PLAN:

Prepare the education and legal communities to execute a plan of action when sexting cases occur.

### Considerations for Education Professionals

- Recognize possible causes of sexting within schools by examining school climate and any underlying behavioral issues
- Develop model school district policies on appropriate use of mobile devices and address sexting within an acceptable-use policy
- Determine in advance the appropriate punishments for students in sexting incidents
- Determine when to involve school administrators/school personnel, law enforcement, and prosecutors in a sexting incident
- Establish investigation protocol for school administrators to abide by when handling sexting incidents, including a provision for the reasonable protection of school personnel who confiscate potential evidence
- Increase awareness of existing district policies and local laws during professional development days, staff meetings, by e-mail, or through internal memos
- Offer a combination of online and in-person training for school personnel focused on warning signs, mandated-reporter policies, and appropriate responses to student sexting incidents
- Determine a strategy for minimizing subsequent bullying and harassment that follows an incident of sexting

### Considerations for Legal Professionals

- Educate colleagues including law enforcement, prosecutors, judges, school attorneys, juvenile probation officers, child protection officers, and court personnel on the issue of sexting
- Evaluate individual incidents of sexting and determine if arrests are warranted
- Use discretion when determining legal actions, such as the filing of criminal charges, to be taken for sexting cases
- Review existing laws and criminal statutory framework as they pertain to sexting to see if changes can or should be made
- Consider alternative institutional responses to sexting within local jurisdictions, such as diversionary programs, a differential response, or a civil child protection petition
- Form a relationship with the local Internet Crimes Against Children (ICAC) Task Force to increase investigative expertise in online crimes

### Recommendation 1 Resources

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- **American Association of School Administrators**-Interview and Newsletter Article (<http://www.aasa.org/content.aspx?id=7672>)
  - **Internet Crimes Against Children**-Contact information for state ICACs ([www.icactraining.org/](http://www.icactraining.org/))
  - **National Association of School Nurses**-*Sexting: Just How Much of a Danger Is It and What Can School Nurses Do About It?* ([http://www.nasn.org/portals/0/2009\\_24\\_262.pdf](http://www.nasn.org/portals/0/2009_24_262.pdf))
  - **National Center for Missing & Exploited Children**-Policy Statement on Sexting ([http://www.missingkids.com/missingkids/servlet/NewsEventServlet?LanguageCountry=en\\_US&PagelId=4130](http://www.missingkids.com/missingkids/servlet/NewsEventServlet?LanguageCountry=en_US&PagelId=4130))
  - **National District Attorneys Association**-Article in *The Prosecutor Magazine* ([http://www.ndaa.org/publications/ndaa/toc\\_jan\\_feb\\_mar\\_2009.html](http://www.ndaa.org/publications/ndaa/toc_jan_feb_mar_2009.html)) and Daily News Clips (<http://www.ndaa.org/pastclips.html>)
  - **National School Boards Association**-*Sexting at School: Lessons Learned the Hard Way* (<http://www.nsba.org/MainMenu/SchoolLaw/Issues/Technology/Resources/IA-Feb-10.aspx>)

## RECOMMENDATION 2—PREVENTION EDUCATION:

Foster healthy decision-making and self-image in youths in order to prevent the occurrence or re-occurrence of sexting incidents.

### Considerations for Education Professionals

- Identify and implement Internet safety resources to educate youths, their parents and guardians, and school personnel about the youths' responsible use of technology at school and home
- Host Internet safety workshops for youths, parents and guardians, and all school personnel to discuss school or district policies relating to sexting and possible social and legal implications
- Promote sexting awareness by involving youths in the creation of safety messaging and peer-to-peer education

### Considerations for Legal Professionals

- Encourage law enforcement, prosecutors, child protection workers, and other legal professionals to conduct presentations or host forums within the community to discuss the legal consequences of sexting
- Develop and implement educational programs as alternatives to juvenile prosecution for Internet and technology-related offenses

### Recommendation 2 Resources

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**National PTA**-Podcast on PTA Radio ([http://www.ptanewsroom.org/pta\\_radio.html](http://www.ptanewsroom.org/pta_radio.html)) May 26, 2009

**National Center for Missing & Exploited Children**-Tips to Prevent Sexting Flyer ([www.NetSmartz.org/sexting](http://www.NetSmartz.org/sexting))

### Additional sexting surveys and research include:

**The National Campaign to Prevent Teen and Unplanned Pregnancy and Cosmogirl.com**, "Sex and Tech: Results from a Survey of Teens and Young Adults," 2008.  
[http://www.thenationalcampaign.org/SEXTECH/PDF/SexTech\\_Summary.pdf](http://www.thenationalcampaign.org/SEXTECH/PDF/SexTech_Summary.pdf)

**Cox Communications**, "Teen Online & Wireless Safety Survey: Cyberbullying, Sexting, and Parental Controls," May 2009. [http://www.cox.com/takecharge/safe\\_teens\\_2009/facts.html](http://www.cox.com/takecharge/safe_teens_2009/facts.html)

**MTV and Associated Press Poll**, "Digital Abuse Survey," September 2009.  
[http://www.athinline.org/MTV-AP\\_Digital\\_Abuse\\_Study\\_Full.pdf](http://www.athinline.org/MTV-AP_Digital_Abuse_Study_Full.pdf)

**Amanda Lenhart**, "Teens and Sexting," Pew Internet & American Life Project, December 2009.  
<http://www.pewinternet.org/Reports/2009/Teens-and-Sexting.aspx>

## RECOMMENDATION 3—TEAM APPROACH:

Establish a connection within and between the education and legal fields in order to combat the problem of sexting.

### Considerations for Education Professionals

- Involve parents and guardians, and school personnel, including school administrators, school counselors, school nurses, school psychologists, school social workers, and school resource officers in the prevention of and initial response to sexting incidents
- Collaborate with local district attorney's offices and local law enforcement when developing school and district policies on sexting

### Considerations for Legal Professionals

- Advance fair and appropriate legal outcomes for children involved in sexting cases by working with law enforcement, prosecutors, judges, school attorneys, juvenile probation officers, child protection workers, and court personnel
- Consult with mental health professionals for guidance on handling sexting cases that involve juveniles who may have experienced trauma or are considering suicide
- Collaborate with educators and other school personnel when developing educational programs as alternatives to juvenile prosecution for sexting incidents
- Work with schools to ensure that school personnel are aware of current laws that pertain to sexting

### Participating Partner Organizations

Alexandria Juvenile & Domestic Relations Court  
 American Association of School Administrators **AASA**  
 American School Counselor Association **ASCA**  
 Arlington County Juvenile and Domestic Relations Court  
 Fairfax County Police Department  
 Fairfax County Public Schools  
 Falls Church City Public Schools  
 International Association of Chiefs of Police **IACP**  
 National Association of Attorneys General **NAAG**  
 National Association of School Nurses **NASN**  
 National Association of School Psychologists **NASP**  
 National Association of State Boards of Education **NASBE**  
 National Center for Missing & Exploited Children **NCMEC**  
 National Center for State Courts **NCSC**

National Child Protection Training Center **NCPTC**  
 National Council of Juvenile and Family Court Judges **NCJFCJ**  
 National Cyber Security Alliance **NCSA**  
 National District Attorneys Association **NDAA**  
 National Network for Youth **NN4Y**  
 National Organizations for Youth Safety **NOYS**  
 National Parent Teacher Association **PTA**  
 National School Boards Association **NSBA**  
 Oakland County Michigan District Attorney's Office  
 Office of Community Oriented Policing **COPS**  
 Office of the Commonwealth's Attorney for Fairfax County  
 Southwest Grid for Learning **UK**  
 University of Maryland, College of Education