

Sexting

A Brief Guide for Educators and Parents



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Teens in today's society have extensive access to cell phones, with 3 out of every 4 owning one (Lenhart, 2009). Cell phones allow youth to keep in regular contact with parents and friends alike, and serve as a communication safety line in difficult situations. Sending and receiving text messages via one's cell phone has become extremely popular, especially among adolescents. One recent study estimated that teens send or receive an average of 3,000 text messages each month.¹ In addition to sending text-based messages, many cell phones also allow users to send pictures and video. While there are many positives associated with this instant ability to connect, communicate, and share, it also creates several potential problems. One such issue of concern that has emerged is referred to as "sexting."

What is Sexting?

We define sexting as "the sending or receiving of sexually-explicit or sexually-suggestive images or video via a cell phone." Most commonly, the term has been used to describe incidents where teenagers take nude or semi-nude (e.g., topless) pictures of themselves and distribute those pictures to others using their cell phones (although it is also possible to distribute such images via social networking sites, email, instant messaging programs, and video chat). The images are often initially sent to romantic partners or interests but can find their way into the hands of others, which ultimately is what creates the problems. While the public is most concerned about these behaviors as they occur among adolescents, there is evidence that many adults are participating in sexting as well.²

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High Profile Tragic Incidents

It may appear that sexting is exploding in frequency because several high-profile incidents have garnered a significant amount of attention in the media. In particular, the suicides of Jesse Logan and Hope Witsell catapulted

adolescent sexting behaviors to the forefront of national social conscience. Jesse Logan was an 18-year-old girl from Ohio whose ex-boyfriend circulated nude pictures of her to a large number of their high school peers, leading to extensive and unremitting verbal cruelty. Two months later, she committed suicide after suffering scholastically and relationally as a result of the humiliation and abuse she received from classmates. Hope Witsell was 13 years of age when she sent a topless picture of herself to a boy she liked. The image quickly found its way onto the phones of other students. Her journals indicated the vicious name-calling (e.g., "slut," "whore") she endured for weeks before it became too much for her to handle. She ended her life two weeks into her eighth grade year.

"It's really not something that should be happening in middle school, but unfortunately it does."

-13-year-old girl from Florida

Review of the Research

Four national studies have been completed which collected data on the frequency of sexting among teens (in addition to our own preliminary work). First, the National Campaign to Prevent Teen and Unplanned Pregnancy³ released data from late September and early October of 2008 which identified that 19% of teens (aged 13 to 19) had sent a sexually-suggestive picture or video of themselves to someone via email, cell phone, or through another form of online interaction, while 31% had received a nude or semi-nude picture from someone else. Cox Communications released findings from a study conducted in April of 2009 indicating that 9% of teens between the ages of 13-19 had sent sexually-suggestive pictures via text or email, 3% had forwarded one, and 17% had received one.⁴

MTV and the Associated Press explored the issue of sexting in September of 2009 and found that 10% of those between the ages of 14 and 24 had sent a naked picture of themselves to others, and 15% had received naked pictures or video from someone directly.⁵ Finally, a recent study by the Pew Internet & American Life Project based on data collected from June to September of 2009 found

that 4% of youth (ages 12-17) who owned cell phones had sent sexually-suggestive nude or nearly nude images of themselves to someone else, while 15% had received such images.⁶

Sexting by the Numbers

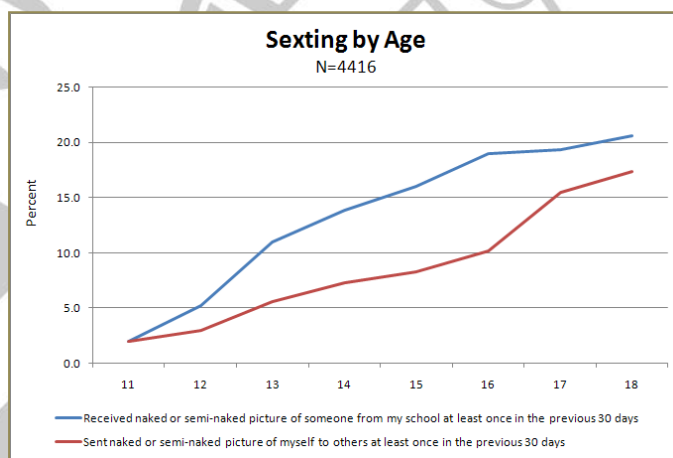
	% who sent	% who received
National Campaign to Prevent Teen and Unplanned Pregnancy (2008)	19%	31%
Cox Communications (2009)	9%	17%
MTV/AP (2009)	10%	15%
Pew (2009)	4%	15%
Hinduja & Patchin (2010)	8%	13%

While figures from these studies vary, it is clear that a meaningful number of youth have been involved in sexting. The actual extent of sexting among youth, however, is somewhat unclear when looking across existing studies, and varies depending on how the behavior is defined, whether it includes only cell phone use or other forms of online communication, the specific age group studied, and the study’s methodology and sampling.

In the spring of 2010, we surveyed approximately 4,400 randomly-selected students between the ages of 11 and 18 from a large public school district. We found that 12.9% of youth had received a naked or semi-naked image of someone from their school. Moreover, 7.7% admitted that they sent a naked or semi-naked image of themselves to someone else. We also noted that boys and girls were equally as likely to send naked images, while boys were significantly more likely to report receiving them.

Formal and Informal Responses

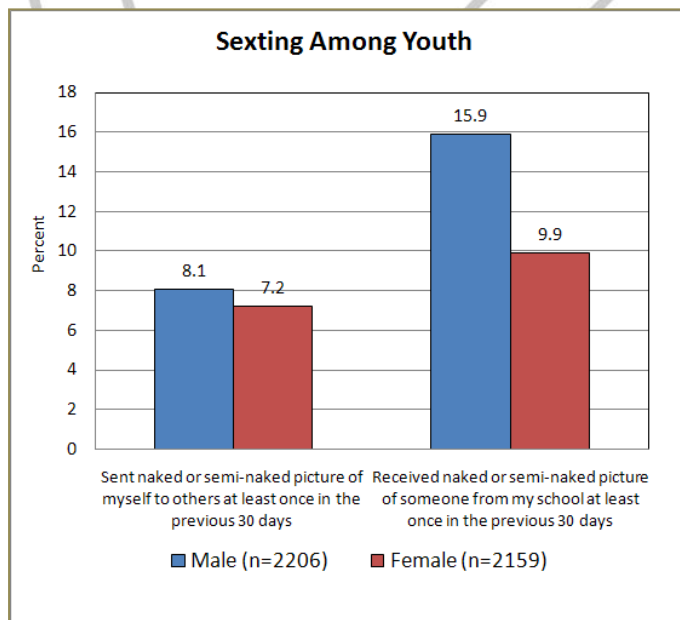
Recently, attention has been given to cases of criminal prosecution against teens who engage in sexting, with charges including: “disorderly conduct,” “illegal use of a minor in nudity-oriented material,” and felony “sexual abuse of children..., criminal [use] of a communications facility, or open lewdness.”⁷ Some have argued that these convictions overstep appropriate bounds, and are outside of the original intentions of legislators who formulated the laws to prosecute adults who prey on youth.⁸ Others believe that such strict interpretation of the law (where it is a felony to take, send, or keep any sexually-explicit image of a minor) is necessary to prevent tragedies like the suicides of Jesse Logan and Hope Witsell.^{9,10}



To be sure, some legal and political authorities have recently retreated from a hard-nosed stance and are factoring in the age of participants and the relational context in which the sexting incident occurred.^{7, 11} The vast majority of instances seem to occur as part of adolescent courtship rituals during an era where cell phones, texting, sending digital pictures are mainstays in youth culture. As such, the growing sentiment is that youth should not be prosecuted using laws that were intended to protect them from adults. We agree with this perspective, as teenagers who unwittingly engage in this behavior should not be placed on sexual offender registries as that will largely ruin their life potential. With all of this said, twenty-one states have either introduced or enacted legislation to address sexting as of September 2010, with penalties ranging from educational programming for first-time offenders, to fines, felony charges, or short-term incarceration.¹⁰

What Schools Should Do

Many adults and authority figures find themselves ill-equipped to deal with sexting and its consequences. It is important that any adult who is made aware of naked or



semi-naked images of minors act quickly to limit the extent of harm that may result. Educators should work with their school resource officer or other police officer contact to collect any evidence and investigate the incident to determine its nature. It should be made very clear that administrators and educators should never forward, copy, transmit, download, place on a USB thumb drive, or show any non-law enforcement personnel any evidence collected from a personal digital device, cell phone and/or computer after the initial discovery of sexual content, or at any other time during the investigation. This may lead to felony criminal child pornography charges, even if actions were made in the best interests of the student(s) involved.¹² To avoid legal liability in instances of sexting, it is highly recommended that school administrators only confiscate the devices, and let law enforcement search its contents and call logs.

Next, we suggest contacting the primary students involved, as well as their families. With regard to the child who is featured in the pictures, the situation must be addressed in a delicate manner since emotional and psychological harm most likely has occurred (especially if the incident has come to the school's attention). The student (and perhaps even the parents) should be encouraged to meet (separately or together) with a counselor or another mental health professional to deal with the trauma and stress of the incident.

“The laws need to catch up to this technology so a girl sending a pic of herself to her boyfriend isn't prosecuted and charged as a sex offender.”

-School Resource Officer from Arizona

When dealing with student(s) who disseminated the image(s), contacting parents is mandated in some school districts prior to the onset of an investigation. Then, it is critical to identify the motivations behind the behavior. For some, the picture or video was sent without forethought and betrays their developmental level of immaturity and the belief that such a practice is harmless, funny, normative adolescent behavior, or somehow necessary to gain attention and validation from another student (or their peer group). For others, the images were distributed in order to intentionally humiliate or otherwise inflict harm on another person – and can be considered cyberbullying, sexual harassment, blackmail, extortion, stalking, or the dissemination of child pornography.¹³

Informing parents may also stimulate them to speak with and discipline their child in the way they see fit. It should also induce them to pay stricter attention to what their

child is doing with their cell phone, and may lead to restrictions placed on texting, picture messaging, Web access, etc. Parents who are informed can then continue to educate their children about the consequences of such behavior.

In addition to these steps, it is crucial to control the distribution of the problematic images as soon as possible. After checking the call and text logs, law enforcement can inform school administrators as to who else may have sent and received the images. This should prompt one-on-one meetings with those students to determine the extent of image dissemination. Confidentiality should be promised, and warnings (or discipline) should be given when necessary to deter further broadcast of these pictures (and use of cell phones on campus, if prohibited by school policy).

As it relates to prevention, districts must adopt a comprehensive anti-sexting policy comprised of certain key elements. First, the policy should clearly state that the mere possession of sexually-explicit images of minors on any device is prohibited regardless of whether any state laws are violated. Second, it should indicate that all involved in sexting, unless they immediately deleted the images, could be subject to discipline. Third, the policy should inform students that their parents and the police may be contacted to investigate. Fourth, it should put students on notice that cell phones will be searched if there is probable cause that a criminal violation has occurred, and may be searched if reasonable suspicion exists that the phone contains evidence of a violation of school policy. Fifth, consequences must be clearly stated but should include wording that allows administrators to use their discretion to determine an appropriate punishment on a case-by-case basis. Finally, the policy should explicitly prohibit harassment and bullying related to sexting incidents, and include provisions for increased punishment where threats are made regarding the distribution of sexting images.¹⁴

A Call for Education and Outreach

Based on our experience working with youth, and having been teenagers ourselves, we don't believe that formal law and policy is the “magic bullet” – because adolescents tend not to be deterred by rules and laws. Of course, this does not mean that schools should not develop well-informed policies which include the elements described above. Policies are a necessary, but not sufficient, component of a comprehensive prevention and response plan. We don't want the presence of law and policy to take the place of purposed educational efforts to teach teens about the responsible use of technology. This sometimes happens when laws or policies are passed as a way of quickly “dealing” with an issue, without understanding its

fundamental causes. Rather, schools must implement creative educational strategies to raise awareness among students on the shortsightedness and foolishness of sending or receiving sexually-explicit images of themselves or someone else.

“Look, kids do stupid things, impulsive things, all the time. We need to approach this problem logically.”

- Lawmaker from New Jersey

This can take the form of in-school assemblies for youth, professional development for staff, and evening workshops for parents and other community members. Additionally, information and resources can be shared through take-home memorandums, student handbooks, newsletters/correspondence to the community, letters to the editor in local newspapers, town hall meetings, and automated phone calls to the families of students. Finally, the Web can be exploited through the construction and maintenance of a Facebook Fan Page, a Twitter feed, or a page on the school website that covers sexting identification, prevention, and response while detailing legal and policy issues relevant to students and parents – and which reminds them of the appropriate, ethical, and lawful use of technology. Overall, the goal is to constantly raise the issue so that it is in the forefront of everyone’s mind, and to change perceptions across the student body that this is not normative, trivial behavior. This should send the message that sexting is strongly on the school’s radar and will be immediately addressed, and also hopefully lead to wiser choices by youth who slowly but surely learn from the messaging strategies.

Such efforts are critical in order to change prevailing mentalities regarding what is acceptable and unacceptable in the minds of youth. Our prevention and response efforts are going to be less than ideal if we cannot effectively counter what society is hammering into the minds of adolescents. If the dominant message our kids are hearing is that teen sexuality leads to romantic love, personal fulfillment, popularity, and celebrity status with very little (if any) public or personal fallout, they will continue to push the proverbial envelope and the line between right and wrong in this area will be increasingly obscured. Cultivating in youth a deeper measure of self-respect, for example, is one such way to insulate them against participation in sexting and help them to stand firm when faced with very strong peer and cultural pressures.

Suggested citation:

Hinduja, S. & Patchin, J. W. (2010). *Sexting: A brief guide for educators and parents*. Cyberbullying Research Center (www.cyberbullying.us).

NOTES:

1. Lenhart A, Ling R, Campbell S, Purcell K. *Teens and Mobile Phones*. Washington DC: Pew Internet & American Life Project; 2010.
2. Leshnoff J. *Sexting Not Just for Kids*. Adults from many different backgrounds are now sending and receiving explicit text messages. AARP Global Network; 2009.
3. National Campaign. *Sex and Tech: Results from a Survey of Teens and Young Adults*. Washington DC. The National Campaign to Prevent Teen and Unplanned Pregnancy; 2008.
4. Cox Communications. *Teen Online & Wireless Safety Survey*; 2009.
5. MTV-AP. *Digital Abuse Study*: MTV Networks; 2009.
6. Lenhart A. *Teens and Sexting: How and why minor teens are sending sexually suggestive nude or nearly nude images via text messaging*. Washington, DC: Pew Internet & American Life Project; 2009.
7. Lenhart A. *Teens and Sexting*. Washington, D.C: Pew Internet & American Life Project; 2010.
8. Wastler S. *The Harm in “Sexting”?: Analyzing the Constitutionality of Child Pornography Statutes that Prohibit the Voluntary Production, Possession, and Dissemination of Sexually Explicit Images By Teenagers*. *Harvard Journal of Law and Gender*. 2010;33(2):687-702.
9. Zetter K. *ACLU Sues Prosecutor Over ‘Sexting’ Child Porn Charges*. Threat Level, *Wired.com*, Condé Nast Digital; 2009.
10. Koppel N, Jones A. *Are ‘Sext’ Messages a Teenage Felony or Folly?* *Life & Style*. New York, NY: New York Times; 2010.
11. Falcone A. *Rookie Legislator In National Eye With Bill To Lessen ‘Sexting’ Penalty For Consenting Minors*. *Hartford Courant*. Hartford, CT; 2010.
12. Oei T-Y. *My Students. My Cellphone. My Ordeal*. *Washington Post*. Washington DC; 2009.
13. Willard NE. *Sexting Investigation and Intervention Protocol. Sexting and Youth: Achieving a Rational Response*. Eugene, OR: Center for Safe and Responsible Internet Use; 2010.
14. Soronen LE, Vitale N, Haase KA. *Sexting at School: Lessons Learned the Hard Way*. *Inquiry & Analysis*. Alexandria, VA: National School Boards Association’s Council of School Attorneys; 2010.

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The Cyberbullying Research Center is dedicated to providing up-to-date information about the nature, extent, causes, and consequences of cyberbullying among adolescents. For more information, visit <http://www.cyberbullying.us>. © 2010 Cyberbullying Research Center - Sameer Hinduja and Justin W. Patchin