

[include with parent letter]



## Tips to Prevent Sexting

*"Sexting" usually refers to teens sharing nude photos via cellphone, but it's happening on other devices and the Web too. The practice can have serious legal and psychological consequences, so - teens and adults - consider these tips!*

**It's illegal:** Don't take or send nude or sexually suggestive photos of yourself or anyone else. If you do, even if they're of you or you pass along someone else's - you could be charged with producing or distributing child pornography. If you keep them on your phone or computer you could be charged with possession. If they go to someone in another state (and that happens really easily), it's a federal felony.

**Non-legal consequences:** Then there's the emotional (and reputation) damage that can come from having intimate photos of yourself go to a friend who can become an ex-friend and send it to everyone you know. Not only can they be sent around; they can be distributed and archived online for people to search for pretty much forever.

**Not just on phones.** Sexting can be done on any media-sharing device or technology - including email and the Web. Teens have been convicted for child porn distribution for emailing sexually explicit photos to each other.

**Many causes.** In some cases, kids are responding to peer pressure in a form of cyberbullying or pressure from a boyfriend or girlfriend (they break up, and sometimes those photos get sent around out of revenge). Sometimes it's impulsive behavior, flirting, or even blackmail. It's always a bad idea.

**Parents: Talk with your kids** about sexting in a relaxed setting. Ask them what they know about it (they may not have heard the term, so "naked photo-sharing" works too). Express how you feel in a conversational, non-confrontational way. A two-way dialog

can go a long way toward helping your kids understand how to minimize legal, social and reputation risks.

**The bottom line:** Stay alert when using digital media. People aren't always who they seem to be, even in real life, and sometimes they change and do mean things. Critical thinking about what we upload as well as download is the best protection.

## **What to do**

*We're not in a position to provide legal advice, but we can tell you that laws vary from state to state, each jurisdiction enforces the law differently, and the applicable laws were written before sexting was "invented." With sexting, the same minor can be both perpetrator and victim when producing and sending photos of him or herself - a very tricky situation under current laws.*

## **Parents:**

\* If your children have sent any nude pictures of themselves, make sure they stop immediately. Explain that they're at risk of being charged with producing and distributing child pornography. If they've received a nude photo, make sure they haven't sent it to anyone else.

\* Either way, the next most important thing is to have a good talk. Stay calm, be supportive and learn as much as you can about the situation. For example, see if it was impulsive behavior, a teen "romance" thing, or a form of harassment.

\* Consider talking with other teens and parents involved, based on what you've learned.

\* Some experts advise that you report the photo to your local police, but consider that, while intending to protect your child, you could incriminate another - and possibly your own child. That's why it's usually good to talk to the kids and their parents first. If malice or criminal intent is involved, you may want to consult a lawyer, the police, or other experts on the law in your jurisdiction, but be aware of the possibility that child-pornography charges could be filed against anyone involved.

## Teens:

\* If a sexting photo arrives on your phone, first, do not send it to anyone else (that could be considered distribution of child pornography). Second: Talk to a parent or trusted adult. Tell them the full story so they know how to support you. And don't freak out if that adult decides to talk with the parents of others involved - that could be the best way to keep all of you from getting into serious trouble.

\* If the picture is from a friend or someone you know, then someone needs to talk to that friend so he or she knows sexting is against the law. You're actually doing the friend a big favor because of the serious trouble that can happen if the police get involved.

\* If the photos keep coming, you and a parent might have to speak with your friend's parents, school authorities or the police.

*These tips were written in April 2009, after several reported cases of teens being prosecuted for taking, distributing and possessing pictures of themselves or friends. While we are aware that such activity is inappropriate and risky, we do not feel that - in most cases - law enforcement should treat sexting as a criminal act. Except in the rare cases involving malice or criminal intent, law enforcement should play an educational role, along with parents, community leaders, school officials and other caring adults.*

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