



Sexting Behavior Flirting or Felony

zeroabuse a program of PROJECT

Alison Feigh, *Director of JWRC, a program of Zero Abuse Project*

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Access



92% of teens (13-17 yr olds) go online daily



24% of teens are online "almost constantly"



73% of teens have access to a smart phone



Only 12% of teens aged 13-17 do not own a cell phone



81% of teens have access to a game console
91% of boys, 70% of girls

Data periods 2014-2015, Pew Research Center Teen Relationship Study



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Limited Face to Face

- **Fifty percent of teens feel they are addicted to their mobile devices. The poll involved 1,240 interviews with parents and their children, ages 12 to 18.**
- **78% of teenagers check their phones once an hour.**
Survey Conducted Feb-March 2016
www.common sense media.org/technology-addiction-concern-controversy-and-finding-balance-infographic
- **On any given day, teens in the United States spend about nine hours using media for their enjoyment.**
CommonSense, Phone Survey of 2600 teens, Nov 2015



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In 2012, Dr Clifford Nass along with some colleagues at Stanford questioned 3,461 girls (Discovery Girls Magazine) ages 8 to 12. "The study found that the less time the girls spent on screens and the more time in face-to-face communication, the greater their social success, the higher their feelings of normalcy, the more sleep they got and the fewer friends they had who their parents believed were a bad influence. The more time the girls spent with screens, by contrast, the less sleep they got and the lower their self-esteem."

http://www.nytimes.com/2015/04/19/fashion/hey-kids-look-at-me-when-were-talking.html?_r=1
<http://news.stanford.edu/news/2012/january/tweenage-girls-multitasking-012512.html>



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Who is defining Healthy?

85% of teen daters expect to hear from their significant other at least once a day
11% expect to hear from their significant other hourly.

Many teens expressed a desire (and in many cases, an expectation) that they hear from their significant other on a regular basis.

Lenhart, A., Smith, A., and Anderson, M. "Teens, Technology and Romantic Relationships." Pew Research Center, October 2015.
<http://www.pewinternet.org/2015/10/01/teens-technology-and-romantic-relationships/>



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New Challenges

- **15% of girls and 7% of boys experienced pressure from dating partners to send sexual photos, threatening partners if they did not, sending partners unwanted sexual photos, or making other unwanted communications about sex.**

Survey of 3,745 dating high school and middle school students
Zweig JM, et al. The rate of cyber dating abuse among teens and how it relates to other forms of teen dating violence. J Youth Adolesc 2013; 42: 1063-77



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Sexting

“Teenagers” tendency toward exhibitionism and narcissism, their desire for intimacy in relationships, their desire and preoccupation with sexual exploration, and the hope of creating their identities as individuals who are attractive and desired may make them more vulnerable to the allure of sexting.”
 -Julie M. Sadhu, M.D.

Sexting: The Impact of a Cultural Phenomenon on Psychiatric Practice, *Academic Psychiatry*, 36:1, January-February 2012



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Teenage Brain

- Not fully developed until around age 25
- Adult and teen brains work differently. Adults think with the prefrontal cortex, the brain’s rational part, (good judgment/long-term consequences).
- Teens process information with the amygdala-emotional part.
- For a teen, the connections between the emotional part of the brain and the decision-making center are still developing. When teens experience overwhelming emotional input, they can’t always explain later what they were thinking. It’s a feeling response, not a thinking one.

Sather, Rita, RN and Shelat, Amit, MD
www.urmc.rochester.edu/encyclopedia/content.aspx?ContentTypeID=1&ContentID=3951



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Spectrum of Prevention

<http://preventioninstitute.org>

THE SPECTRUM OF PREVENTION



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“It’s not clear that the Internet has placed children at greater risk of sexual exploitation. More of crime, and of social life in general, is moving online. But that increase does not necessarily translate to increased risk. In fact, the Internet may increase the likelihood of some of these criminal acts being detected—their messages can be traced.”

- David Finkelhor, Director of the Crimes against Children Research Center

<https://arstechnica.com/tech-policy/2014/11/12-year-olds-online-life-brings-an-abductor-to-her-doorstep/>



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Compliant Victimization

“The scenario that people tend to imagine, based on the newspaper stories and some of the police accounts, is that the danger to children is that they give information to someone acting as another kid and get abducted. Those are extremely rare—we estimate that forcible abduction took place in only five percent of these Internet-related sex crimes.”

- David Finkelhor, Director of the Crimes against Children Research Center

<https://arstechnica.com/tech-policy/2014/11/12-year-olds-online-life-brings-an-abductor-to-her-doorstep/>



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What is a compliant victim?

Children “who cooperate in or ‘consent’ to their sexual victimization. Because children cannot legally consent to having sex with adults, this compliance should not in any way alter the fact that they are victims of serious crimes.”

Ken Lanning, FBI (retired) *A Law Enforcement Perspective on Compliant Child Victim*, 14(2) APSAC Advisor (Spring 2002)



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Interviewing Compliant Victims

- Be aware of our biases—we prefer victims who are forced, tricked or exchanged favors for money, etc. We don't like victims who engaged in sexual activity out of enjoyment.
- Suggestibility is an issue if you suggest the answers (must have been forced, right?)
- What if compliant victim was engaged in drug usage or theft (consult team, perhaps file a child protection and not delinquency action)
- Trafficked child: must address concerns about delinquency charges, being returned to parents, fear of pimp, etc...

(Farrell, 2014)



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Society's lack of understanding

Causes compliant victims

- Fail to disclose and even deny victimization
- Incomplete, inaccurate disclosures
- Shame, embarrassment and guilt
- Offenders to exploit numerous victims
- Unrealistic prevention programs

(Lanning, 2010)



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[Jane Doe (12)] I'm leaving
 [Other user] wat do u mean
 [Jane Doe] I'm leaving this Friday and I'm going to live with some guy
 [Other user] Oh =(
 [Jane Doe] I'm running away with him
 [Other user] Your just going 2 leave me like that
 [Jane Doe] It's for the best babe
 [Other user] WAT BEST!!!, y said that u will never leave my side and I will never leave your, now look your leaving me
 [Jane Doe] I love you
 [Other user] I u do love me y are u leaveing
 [Jane Doe] Im not going but babe Im scared he said he was gonna kidnap me
 [Other user] ok and but he doesn't know where you live
 [Jane Doe] um yea I told him where I live
 [Other user] y ? * put arm around u*
 [Jane Doe] he know my address
 [Other user] did u tell your mom?
 [Jane Doe] no because I used kik and I'm not supposed to have it so Id get in big trouble.

<https://arstechnica.com/tech-policy/2014/11/12-year-olds-online-life-brings-an-abductor-to-her-doorstep/>

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Two Questions

- Does this person try to get me to break my safety rules?
- Does this person give me an uh-oh feeling?/Is my gut instinct trying to tell me something?



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Vulnerable Youth

“...the similarities between online and offline vulnerability factors is quite striking, suggesting that youths at risk for real-world sexual solicitations are the same youths who may be more at risk online as well.” (Sato, Michael. Internet Sex Offenders. American Psychological Association. 2013.)



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Teenagers, Sexting and the Law

- 27.4% of teens have received a sext
- 14.8% of teens report being the sender of a sext
- Numbers did not vary with gender
- Numbers did vary by age with an increase as teens progressed through adolescence
- 27 states have passed laws that essentially decriminalize sexting
- This study concludes that when sexting is consensual and doesn't involve involuntary forwarding, coercion, extortion or adults, sexting does not warrant law enforcement involvement
- Suggests that it is better addressed at home, schools and by health care professionals

Reviewing 39 different studies with 110,380 subjects
 “Teenagers, Sexting and the Law.” May 2019 *Pediatrics*. Vol 143, Issue 5.
 Strasburger, Zimmerman, Temple and Madigan



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Undergraduate students recruited from a large Northeastern university completed an anonymous online survey concerning their engagement in sexting as minors.

More than half of respondents (54 percent) reported sexting as minors. However, only 28 percent sent photographic sexts.

The majority of respondents (61 percent) were not aware that sending texts could be considered child pornography. In the study, 59 percent of respondents reported that knowledge of legal consequences "would have" or "probably would have" deterred them from sexting.

Strohmaier, Murphy and DeMatteo (2014)

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- **Although participants generally reported experiencing few negative social or legal consequences as a result of sexting, 71 percent reported knowing other teens who experienced negative consequences.**
- **Only 2 percent of respondents reported that they notified a parent or teacher about a sext that they received.**

Strohmaier, Murphy, DeMatteo (2014)



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In a survey of 618 18 year olds, 30% of subjects told us that they had sent nude pictures at some point during the four years of high school, and 45% said that they had received such pictures on their cell phones.

(Englander, 2012)



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- **The most important motivation for sexting revealed in this study (and others) was pressure or coercion.**
- **96% of subjects who received a nude picture reported that they recognized the person in the picture.**
- **None of the youth in the study had told an adult about the photo that they had received.**

Englander, 2012



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“Overall, about two-thirds of the teens in my research studies report that they were pressured or coerced into sexting at least some of the time. Being pressured into sexting sometimes happened within a dating relationship, or it might come from a person (usually a boy) with whom a girl wants to have a relationship. Wanting to attract that boy, and wanting to be attractive to a boyfriend or girlfriend, were the most common reasons for actually sending the photo.

About 92% of the teens who were not pressured reported no problems following sexting; but that number dropped to only 68% of the teens who felt pressured into sexting.”

Dr. Elizabeth Englander

<http://www.bullyingbb.com/2014/11/06/everything-you-wanted-to-know-about-sexting-but-were-afraid-to-ask/>



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Sexting behavior among young men who have sex with men

- Most participants (87.5%) reported sexting
- 75.7% report having both sent and received a sext

Sexting Among Young Men Who Have Sex With Men: Results From a National Survey, (May 2014). Bauermeister, Yeagley, Meanley, & Pingel, Journal of Adolescent Health.

Sample size 1,502 young men who have sex with men aged 18-24



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Sexting and the Law

Sexting provides a legal challenge as courts and law makers struggle to determine what kind of punishment should fit the crime knowing that sending out sexual images of children is illegal. Federal Law (18 U.S.C. §2256) defines child pornography as “any visual depiction, including any photograph, film, video, picture, or computer or, or other means, of sexually explicit conduct, where

- the production of the visual depiction involves the use of a minor engaging in sexually explicit conduct; or
- the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
- the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.



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Sexting and the law



Using the above definition, if a minor engages in sexually explicit conduct on their own cellular device and forwards that image on to their peers, that image may be deemed child pornography. It is also very important to note that even though different states have different sexual consent ages, under 18 U.S.C. § 2256 the Federal Law considers individuals under the age of eighteen to be children. It is not relevant what the state’s age of consent law is. If the youth is under eighteen, the sexually explicit image is likely illegal .



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NCMEC response



The National Center for Missing and Exploited Children (NCMEC) responded to the confusion and frustration that parents, the public, and prosecutors were facing in making determinations about charging these kinds of cases and responded with an online “Policy Statement on Sexting” which appears on their website (2010).

NCMEC “does not believe that a blanket policy charging all youth with juvenile or criminal violations will remedy the problem of sexting.” NCMEC pushes both education about consequences and the use of prosecutorial discretion to help navigate these situations. “A permanent record, juvenile or criminal, for any sex-related charge can have serious lifetime consequences for both the child/youth and parent, so considerable thought should be given before any filing of juvenile or criminal charges” (NCMEC, 2010).



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Local Case

Crime and Justice Girl who sent image of herself faces child porn charges in Rice County

For some time now, prosecutors who are trying to stop the practice of "sexting" – sending explicit photographs to someone else – have warned teenagers that they could be prosecuted for distributing child pornography.

December 2017.
<https://blogs.mprnews.org/newscut/2017/12/girl-who-sent-image-of-herself-faces-child-porn-charges-in-rice-county/>



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Sexting and the Law



- **Consequences for the little things to help prevent bigger things**
 - School discussions
 - Diversion
 - Public vs Private
 - Examine Online footprint



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Sexting and the Law

- **By 2012, few teenage sexting cases were actually being prosecuted in a criminal court.**
 - K. J. Mitchell et al., "Prevalence and Characteristics of Youth Sexting: A National Study," PEDIATRICS 129, no. 1 (December 5, 2011): 13–20. 12
- **A 2011 survey of law enforcement found that 18% of cases involving youth-created pornographic images (with no aggravating circumstances) progressed to the point of an arrest.**
 - J. Wolak, D. Finkelhor, and K. J. Mitchell, "How Often Are Teens Arrested for Sexting? Data From a National Sample of Police Cases," PEDIATRICS 129, no. 1 (December 5, 2011): 4–12



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In a survey of 236 prosecutors handling sexting cases, 59% said that all (37%) or nearly all (22%) of their cases ended with NO charges.

21% said that most (7%) or all (14%) of their cases ended with charges filed.

Sexting: When are State Prosecutors Deciding to Prosecute? The Third National Juvenile Online Victimization Study (NJOV-3), January 2013

http://www.unh.edu/ccrc/pdf/CV294_Walsh_Sexting%20%20prosecution_2-6-13.pdf

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UNH study continued

Four main themes when prosecutors would file charges:

1. Malicious intent/bullying/coercion or harassment (36%)
2. Distribution (25%)
3. Large age difference involved (22%)
4. Graphic nature of the images (9%)

Sexting: When are State Prosecutors Deciding to Prosecute? The Third National Juvenile Online Victimization Study (NJOV-3), January 2013

http://www.unh.edu/ccrc/pdf/CV294_Walsh_Sexting%20%20prosecution_2-6-13.pdf



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Reasons for Sexting

Risk Taking, Fun, boredom, sexual experimentation, or as a sexual component in long-distance relationships.

“Young women discussed the expectation for girls to produce and distribute sexually explicit images, simply as a result of having viewed sexted images of girls they know.”

The boy asks the girl to send him some images or videos or something and then-so she does that and he keeps them forever, you know, in case of blackmail or whatever he wants to do with the images. Then they do have a fight and then-or they break up or something and then he thinks, “well, she’s no good anymore and let’s embarrass her in the best way I can,” and sends it out.. (B6, male, 17)

“Sexting: Young Women’s and Men’s Views on Its Nature and Origins.” Shelley Walker, M.P.H.C., Lena Sanci, Ph.D., and Meredith Temple-Smith, D.H.Sc. *Journal of Adolescent Health*, 2013.



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Coercion: The most frequent experiences (N = 120) young women described were far more coercive. They described young men pressuring, threatening, getting angry, and/or cutting off contact with them in order to obtain photographs.

“my bf preased me for hours to send him pictures of me naked. now he threarens to send them out if I dont send hin more really nasty pics. the stuff i have to do is un-believable. im 14.”

81 Girls reported they didn't know what to do.

What Should I Do? Young Women's Reported Dilemmas with Nude Photographs, Sara E. Thomas, Northwestern University, *Sexuality Research and Social Policy*, Dec 6, 2017
Analyzed 462 stories of girls navigating sexting requests

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Seventy-six young women (31%) refused requests for photographs to varying degrees of success; 78.9% of the young women who attempted to refuse requests for photographs (N = 60) faced consequences for saying no: young men would reportedly persist in asking for pictures, get angry, or end the relationship. Due to these consequences 6 of these young women did end up sending pictures:

“In seventh grade, one of my guy friends that id liked since elementary school had been asking me to send him topless pictures. I'd refused for a few weeks and then he'd said to me 'that's a shame. was just starting to like you' So stupidly i sent them.”

What Should I Do? Young Women's Reported Dilemmas with Nude Photographs, Sara E. Thomas, Northwestern University, *Sexuality Research and Social Policy*, Dec 6, 2017
Analyzed 462 stories of girls navigating sexting requests

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Adolescent Coercive Sexting

- Of youth who reported at least one dating or sexual partner in the past 12 months, 12% reported coercive sexting victimization and 8% acknowledged pressuring a partner to sext.
- Other forms of sexual coercion were significantly associated with perpetration of coercive sexting.
- Boys were significantly more likely to pressure a partner than girls.
- Notably more prevalent in the high school cohort.

Online, Offline, and over the Line: Coercive Sexting among Adolescent Dating Partners, Kernsmith, Victor, & Smith-Darden, *Youth & Society*, v50 n7 p891-904 Oct 2018
Sample of 1,235 middle and high school students



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Online and Offline

"Offline sexual coercion was significantly associated with sending and being asked for a naked image, as well as receiving a naked image without giving permission. The results suggest that sexting could function as an online extension of offline forms of sexual coercion."

Association between Sexting and Sexual Coercion among Female Adolescents, Choi, Ouytsel and Temple
J Adolesc. 2016 Dec; 53: 164-168.
Study of 450 females in SE Texas asked about behaviors after age 14



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Consent

Consent isn't just about listening for a no.

Consent is confirming the YES.

No is a complete sentence.

What conversations have you had about consent?



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Enthusiastic Consent

How do you know that you have consent?



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NSPCC study

- Sexting was an extension of offline forms of physical harassment often experienced by teenage girls.
- Talk around sexting reflects an experience that is pressurized yet voluntary – “they choose to participate, but they cannot choose to say no.”

Ringrose, Gill, Livingstone, & Harvey. (2012).



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NSPCC study continued

- Threat from peers – focus on known peers
- Sexting is often coercive – adults must be willing to discuss sexual matters, sexual bullying and cyberbullying
- Girls most adversely affected
- Technology amplifies the problem
- Sexting reveals wider sexual pressures
- Even younger children are affected – 10th graders more mature in ability to cope. 8th graders more worried and upset.
- Sexting practices are culturally specific
- More support and resources vital

Ringrose, Gill, Livingstone, & Harvey. (2012).



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Who forms your net?



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“...it is likely that students who are at-risk for giving in to other types of peer pressure are also at-risk for sexting.”

* Aldridge, Morgan J., Arndt, Kelli Jo, and Davies, Susan C., "Sexting: You Found the Sext, What to Do Next? How School Psychologists Can Assist with Policy, Prevention, and Intervention" (2013). Counselor Education and Human Services Faculty Publications. Paper 13. http://ecommons.udayton.edu/edc_fac_pub/13

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Digital Dating Abuse

- Digital dating abuse (DDA) is a pattern of behaviors that control, pressure, or threaten a dating partner using a cell phone or the Internet.
- 21% of females in their collegiate sample had been pressured by their partner “to take a sexually suggestive/nude photo or video.”
- DDA seems to have the strongest association with psychological abuse, indicating that these may be similar behaviors in different contexts.

Reed, Tolman, & Ward (2016). Snooping and Sexting: Digital Media as a Context for Dating Aggression and Abuse Among College Students. *Violence Against Women*, 22(13), 1556-1576.
Sample size of 365 college students



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- **Avoid descriptions of the problem that characterize victims as young children or emphasize violence and deception.**
- **Be clear about why sex with underage adolescents is wrong.**
- **Focus prevention efforts more on adolescents, less on parents, and frankly on concerns relevant to adolescents, including autonomy, romance and sex.**
- **Focus prevention more on interactive aspects of Internet use and less on posting personal information.**
- **Educate youth about criminal behavior and child pornography.**
- **Develop targeted prevention approaches for the most at risk youth populations.**
- **Assess for patterns of risky online behavior.**

Source: Wolak, J., Finkelhor, D., Mitchell, K., Ybarra, M. (2008). Online “Predators” and their Victims: Myths, Realities, and Implications for Child Protection. *American Psychologist*, 63(2), 111-128 (CV163) <http://www.unh.edu/ccrc/internet-crimes/>



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Another layer

93% of boys and 62% of girls were exposed to online pornography during their adolescence.

Boys were more likely than girls to see the images at an earlier age, see more of the extreme images (rape) and view pornography more often.

“If participants in this study are typical of young people, exposure to pornography on the Internet can be described as a normative experience.”

Chiara Sabina, Janis Wolak, and David Finkelhor. CyberPsychology & Behavior. December 2008, 11(6): 691-693. doi:10.1089/cpb.2007.0179.
Graphic of Statistics: <http://www.onlinemba.com/blog/stats-on-internet-pornography/>



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In a survey of almost 1,000 adolescents, (average age = 13.6 years). Two-thirds (66%) of males and more than one-third (39%) of females had seen at least one form of sexually explicit media in the past year.

X-Rated Sexual Attitudes and Behaviors Associated With U.S. Early Adolescents' Exposure to Sexually Explicit Media

Jane D. Brown and Kelly L. L'Engle, Communication Research, 2009 36: 129 <http://crx.sagepub.com/content/36/1/129>

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Sexual Attitudes Continued

“Adolescents who used sexually explicit media also had more permissive sexual norms, had less progressive gender role attitudes, and perpetrated more sexual harassment activities compared to their peers at baseline. Furthermore, both male and female adolescents who had engaged in oral sex and sexual intercourse were much more likely to be using sexually explicit media than teens who had never engaged in these sexual behaviors.”



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"If indeed young people are feeling pressure to be involved in sexting, the answer is not in education about the seriousness of legal implications. Rather opportunities should be created for young people to engage in discussions that challenge power dynamics in intimate partner relationships, by learning about sex and relationships from within a sexual ethics framework..."

"Sexting: Young Women's and Men's Views on Its Nature and Origins." Shelley Walker, M.P.H.C., Lena Sancl, Ph.D., and Meredith Temple-Smith, D.H.Sc. *Journal of Adolescent Health*, 2013.



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"The usual alarms — Regulate those apps! Monitor your kids! Don't talk to strangers online! — fail to incorporate what we've learned works best to protect children: teaching them early on about healthy, age-appropriate relationships; helping them practice refusal skills; impulse management and emotion control; and bystander mobilization, making sure their friends help put the brakes on potentially dangerous choices. These skills will ideally come from parents, but schools and other youth-serving organizations should get into the act, because too many vulnerable youths are alienated from the family members who would otherwise help impart these lessons."

- David Finkelhor, 2016 Washington Post Op Ed



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Consent in Education

Pilot study and found that only two of eighteen states explicitly mentioned sexual consent in their health education standards.

Our analysis suggests that sexual consent is likely not discussed in sex education at K–12 schools.

We recommend the more explicit inclusion of sexual consent in health education curricula.

Malachi Willis, Kristen N. Jozkowski & Julia Read (2019) Sexual consent in K–12 sex education: an analysis of current health education standards in the United States, *Sex Education*.



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Checking In

94% of parents say they have ever talked with their teen about what is appropriate for them to share online, with 40% doing so frequently.

95% have ever talked with their teen about appropriate content for them to view online, with 39% doing so frequently.

92% of parents have ever spoken with their teen about their online behavior towards others, with 36% doing so frequently.

Pew Research Center, January, 2016, "Parents, Teens and Digital Monitoring."

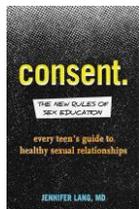


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Capacity

A yes isn't a yes if a person truly isn't capable of giving it.

- Age
- Ability
- Power
- Alcohol/Drugs



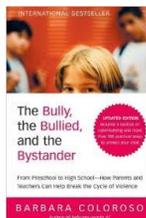
"If someone doesn't consent to a sexual activity, they do not owe their partner apologies, explanations or excuses."



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Books

Barbara Coloroso

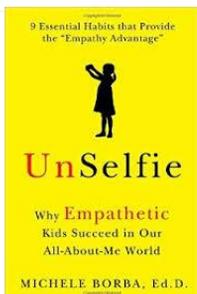


Patchin and Hinduja
wordswound.org



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Books



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