

Sext Education:

What Parents Need to Know About Teen Sexting and the Law

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Abstract

Sexting is the act of sharing explicit photos or videos via text message, email, or through apps. Teen sexting, in particular, is cause for concern because it can be classified as child pornography if it depicts a person under 18 years old. For years, teen sexting rates were relatively low, however, teen sexting is becoming a more commonplace behavior due to several factors, including increased access to smartphones and the rise of technology use during the Covid-19 pandemic lockdown.

Many teenagers do not understand that teen sexting, even when consensual, has potentially serious legal consequences such as criminal charges, jail time, and placement on the sex offender registry, a life-altering punishment. Unfortunately, research shows that even when parents know about these potential legal consequences, they often do not talk to their teenagers about them due to discomfort with the subject and/or with technology.

The purpose of this project was to explore the prevalence of teen sexting, identify the legal consequences of teen sexting, and discuss teen sexting prevention and interventions to create a centralized resource for parents and guardians about teen sexting. This type of resource is important, not only to help parents and guardians understand teen sexting, but to have better conversations with their children about it.

Qualitative, structured interviews with three legal professionals and three law enforcement officers were conducted to gather the information parents and guardians need to know about teen sexting. Throughout the interviews, two things became clear: (1) Parents must talk to their teenagers about the potential legal consequences of sexting; and (2) Parents must attempt to understand and use the technologies their children are using.

Introduction

Adolescence is an intense time of biological, psychosocial, and sexual change, during which teenagers explore their sense of self and gender/sexual identity issues. Developmentally, the prefrontal cortex - the part of the brain responsible for impulse control and advanced reasoning - continues to develop until around the age of 25. This can mean that reasoning and decision-making skills are not fully developed in teenagers, and as Muldavin (2019) said, “short-term rewards are more influential than long-term consequences” (p. 456).

Additionally, mobile technology has given teenagers access to information and other people in ways that were not possible before. According to Anderson and Jiang’s research, nearly ninety-five percent of teenagers in 2018 owned or had access to a smartphone and reported being on the internet “almost constantly” (p. 8). Over half of children now own a smartphone by age 11, with one in five children owning a smartphone by age 8 (Rideout & Robb, 2019).

For these digital natives, social media and texting are normalized ways to communicate, form social networks, and develop relationships with peers. On average, teenagers send more than 100 text messages each day, mainly communicating through Snapchat and TikTok (Rice, 2021). The internet provides an environment of anonymity, accessibility, and asynchronicity where adolescents feel safe to communicate, express themselves, and engage in sexual experimentation (Holoyda, et al., 2018). Additionally, smartphone applications such as Snapchat became popular specifically because they give users the ability to send photos or private messages to others for a specified amount of time before disappearing.

This perfect storm - an increase in smartphone ownership and accessibility, low impulse control due to a developing prefrontal cortex, and apps that allow content to disappear, has resulted in the rise of teen sexting (Harvard Law Review, 2020). According to Barry (2010), sexting is best summarized as "the practice of sending or posting sexually suggestive text messages and images, including nude or semi-nude photographs via cellular telephones or over the Internet" (p. 129). Sexting can also take place over smartphone applications, email, and social media. Teen sexting, in particular, is cause for concern because it can be classified as child pornography if it depicts a person under 18 years old involved in a sexually explicit act (Hasinoff, 2015).

Those who participate in sexting often see it as a way to have fun, address boredom, and engage in sexual experimentation (Anderson & Jiang, 2018). Hasinoff (2016) notes that "teenagers communicate via text and social media just as much as, or even more, than face-to-face communication. In the past, partners wrote love letters, sent suggestive Polaroids, and had phone sex." Today, some teenagers choose to sext. However, the same factors that make teenagers feel safe online also carry risks, such as cyberbullying, online harassment, and sexual exploitation (Anderson & Jiang, 2018). Additionally, sexting has potential legal consequences many teenagers and their parents/guardians may not fully understand.

Consider the following case. In 2015, Fayetteville, North Carolina high school quarterback Cormega Copening and his girlfriend, Brianna Benson, were charged as adults for sending sexually explicit photos of themselves to each other when they were 16 years old (Corbin, 2016). In addition to being suspended from the football team, Copening was charged with five felonies – two counts of second-degree sexual exploitation of a minor for taking nude

photos of himself, and three counts of third-degree sexual exploitation of a minor for sending nude photos of himself to Benson and for having a nude photo of Benson on his phone. Benson was charged with two felonies – one count of second-degree sexual exploitation of a minor for taking a nude photo of herself and one count of third-degree sexual exploitation of a minor for sending the photo to Copenig. The pair also faced the possibility of becoming registered sex offenders. Copenig and Benson both agreed to plea bargains reducing their charges to misdemeanors and served a probation period that resulted in their charges being dismissed a year later (WRAL, 2016).

In Charles County, Maryland, S.K., age 16, texted a video of herself performing fellatio on an unidentified male to two of her friends, ages 16 and 17. When S. K. and her friends had a falling out months later, in December 2016, the friends turned over the video to their school resource officer. During a meeting with the school resource officer, S.K. signed a statement admitting that she had sent the video, but only to her two friends, believing that the meeting's purpose was to stop the video from being disseminated further (Kaufman, 2020).

Instead, the school resource officer submitted a report to the State's Attorney, who filed criminal charges against S.K on three counts: filming a minor engaged in sexual conduct, distributing child pornography, and displaying obscene materials to a minor. The Court placed S.K. on electronic monitoring and supervised probation, during which she was required to report to a probation officer, complete weekly drug tests, complete a substance abuse assessment, obtain permission before moving or leaving the state, and allow the probation officer to enter her home without notice (Kaufman, 2020).

Both of these cases illustrate the difficulty authorities face with teen sexting cases – the law views teenagers ages 13-17 in these situations as both victims and perpetrators. All 50 states have passed laws against the possession of child pornography, however, only 26 states have passed laws specific to teenage sexting (Hinduja & Patchin, 2019). When states do not have current legislation specific to teens sharing sexually explicit media, even consensually, state officials must utilize current child pornography laws. Violations could potentially lead to criminal charges, jail time, and placement on the sex offender registry, a life-altering punishment that does not fit the crime.

This thesis project aims to explore the prevalence of teen sexting, identify the legal consequences of teen sexting, and discuss teen sexting interventions in order to create a centralized resource for parents/guardians about teen sexting. This project is focused on consensual sexting between teenagers, defined as those aged 13-17. This is an important topic because teenagers can suffer potentially lifelong consequences as a result of sexting, even if it is consensual.

Literature Review

When considering the topic of teen sexting, it is important to understand its prevalence. Previous scholarly research indicated that teen sexting was an activity in which the vast majority did not engage; however, more recent research shows the behavior has increased, most likely due to higher rates of smartphone access (Rideout & Robb, 2019; Anderson & Jiang, 2018). Accordingly, parents, guardians, and teenagers must understand the potential legal consequences of teen sexting. Research has found that teenagers are open to frank communication with adults and that education can help them make better decisions.

The Prevalence of Teen Sexting

Teen sexting has been a concern for parents, educators, and law enforcement since news outlets first published reports in 2008 stating that teen sexting was becoming a nationwide problem (Hasinoff, 2015). Despite the alarm, early studies suggested a relatively low prevalence of teen sexting (Lenhart, 2009). However, the rise of smartphone access has meant that teen sexting has become more commonplace, as evidenced by Madigan, et al.'s (2018) meta-analysis in which 14.8% of teens reported sending sexts and 27.4% reported receiving them. Patchin and Hinduja (2017) described similar findings but distinguished their results between teens sexting with a romantic partner (17.6%) versus sexting someone who was not a romantic interest (18%). Widman, et al.'s (2021) findings were even higher - 72% of respondents reported receiving a sext and 48% reported sending a sext within the last year. This could be explained by the fact that Widman et al. (2021) surveyed older high school students ages 16 and 17, which is consistent with Patchin and Hinduja's (2017) findings that older students sext at a higher rate than younger students.

Because teens are removed from experiencing a recipient's live reaction to their sext, they feel safe, free from shame or humiliation, and may think it is not a big deal (Geltman, 2014, p. 151). Patchin and Hinduja (2017) found that 63.9% of teens in their study whose boyfriends/girlfriends asked them to send a sext, did so. Forty-three percent of respondents complied with requests for sexts from someone who was not a romantic partner (Patchin & Hinduja, 2017). Additionally, as did older students, non-heterosexual students reported a significantly higher rate of sexting than heterosexual students (Patchin & Hinduja, 2017).

Madigan, et al. (2018) found that “approximately 1 in 8 youth reports either forwarding or having a sext forwarded without their consent (p. 333).”

Muldavin (2019) wrote that sexting “affords young people a mechanism for developing romantic relationships, increasing their social mobility, and exploring their emerging sexuality (p. 440).” Patchin and Hinduja (2017) agreed, stating that “sexting might now be part and parcel of the script in twenty-first-century flirting and romantic relationships” (p. 2334). However, it should be noted that while sexting appears to be more commonplace than it was ten years ago, Patchin and Hinduja (2017) and Madigan, et al.’s (2018) findings show that the majority of teens do not participate in sexting. However, current laws present potential long-term consequences for teens who do sext.

The Legal Consequences of Teen Sexting

The Protection of Children Against Sexual Exploitation Act of 1977 was the first federal statute enacted to specifically address child pornography. The original Act was amended several times and the Child Protection Act of 1984 changed the federal age of minority from 16 to 18 years of age, which would later affect teen sexters (Barry, 2010). The Child Protection Restoration and Penalties Enhancement Act of 1990 made possession and viewing of child pornography punishable by five years of imprisonment. The PROTECT Act of 2003 added digital, computer, or computer-generated images to types of restricted child pornography material (Mills, 2019).

The problem raised by child pornography statutes is that they do not differentiate between adult and minor perpetrators, leaving prosecutors to determine what constitutes child pornography and what are appropriate punishments for juvenile sexting cases (Harvard Law

Review, 2020). Kaufman (2020) argued that while federal (and some states') legislation on child pornography has kept pace with changing technologies, neither federal nor state laws have been updated to reflect the intent of the original child pornography laws, which is to protect children, not criminalize them.

Muldavin (2019) agreed, saying that “such statutes were intended to protect children from dangerous adult predators and reduce the availability of child pornography, not to prevent young people from sending each other sexually explicit images” (p. 452). Current laws construct teenagers as both victim and perpetrator in teen sexting cases, with punishments ranging from community service to imprisonment and placement on the sex offender registry, a penalty with lifelong consequences (Kaufman, 2020).

Kaufman (2020) contended that “one of the most problematic aspects of the rise of sexting among Gen Z is the inconsistent manner in which different courts respond to the practice” (p. 123). O’Connor, et al. (2017) concurred. For example, at the federal level, the government can prosecute the production, distribution, and possession of child pornography, and there are no exemptions for minors or sexting. Only half of the states have laws that specifically address sexts to/from a minor and those states all vary on whether it is a strict liability crime, if it requires punitive action, and whether a conviction should be a violation, misdemeanor, or felony (Hinduja & Patchin, 2019).

Child pornography laws were originally enacted to protect minors from adults who produce, possess, or distribute images of child nudity or sexual abuse (Kaufman, 2020); accordingly, punishment for child pornography is necessarily harsh and appropriate to deter child predators from sexually exploiting children (O’Connor, et al., 2017). However, Mills (2019),

O'Connor, et al. (2017), Kaufman (2020), and Muldavin (2019) agree that laws meant to protect children should not be used to also prosecute them, especially for consensual teen sexting.

The Copening Case in North Carolina

The Copening case shows the potential consequences of teen sexting in North Carolina. At age 16, teenagers in North Carolina can legally consent to engage in sexual intercourse (Powell, 2016). However, under North Carolina law, it is a felony to create, disseminate, or possess an image of a minor engaged in sexual activity, including images of oneself (N.C. Gen. Stat. § 14-190.13 to 14-190.17A; 15A-1340.17, 2020). It is also a crime to send any depiction of explicit nudity or sexual activity to a minor, even if it is another minor sending it (N.C. Gen. Stat. § 14-190.5, -190.7, -190.15; 15A-1340.23, 2020). In North Carolina, minors can be charged as adults starting at 16 years old (N.C. Gen. Stat. § 7B-1501, -2200, -2200.5, 2020), which is why Copening and Denson's warrants listed them as both the adult perpetrators and the minor victims. Additionally, any minor tried as an adult and convicted of sexual exploitation of a minor must register as a sex offender (N.C. Gen. Stat. § 14-208.6, -208.7, 2020). The minor's level of offense determines the length of time they are required to register as a sex offender.

Copening and/or Denson could have been sentenced to a 4- to 10-year prison term and lifelong sex offender registration. However, both were able to plea bargain their cases to the reduced misdemeanor charge of disseminating harmful material to minors, resulting in one year's probation. The probation included paying fines, community service, taking a "Good Decision-Making" class, and not possessing a cell phone for one year (Powell, 2016). Copening was suspended from the football team where he played quarterback and was denied college

scholarships due to his probation. Additionally, his family incurred significant legal expenses, both for the original case and to later have his record expunged (Powell, 2017).

Teen Sexting Prevention and Intervention

Strohmaier, Murphy, and DeMatteo's (2014) survey of 228 undergraduate college students aged 18-22 found that 54% of respondents reported sexting as minors. Additionally, respondents reported they weren't aware that sending a sexually explicit text as a minor could be considered child pornography under federal law. Fifty-nine percent said that had they known it was a prosecutable offense, it "would have or probably would have deterred them from sexting" (p. 251). Strohmaier, et al., (2014), Holoyda, et al., (2017), and Jorgensen, et al. (2019) agreed that teens must be educated on the risks and consequences of sexting. However, Jorgensen, et al. (2019) found that teens would like adults (parents, caregivers, teachers, and others) to have conversations about sexting with them in a sex education class or private conversation, rather than talking "at them" in school assemblies (p. 35).

Fix, et al. (2021) said that communication between caregivers and adolescents about sexual behavior is an important contributor to "healthy sexual decision-making and decreased sexual risk behavior" (p. 576). However, they found that most participants reported not communicating with their teens about sexting (Fix, et al., 2021). Additionally, Jorgensen, et al. (2019) found that most teenagers felt adults overreacted to sexting and a minority stated they would go to their parents for information about or help regarding sexting. Strohmaier, et al. (2014) reported that only 2% of teens reported telling an adult about receiving a sext.

On the flip side, most parent participants in Fix, et al.'s (2021) study admitted to a lack of communication with their teens about sexting, even though they acknowledged teens

needed to be better informed about and prepared to appropriately respond to sexting. For parents and guardians who did not grow up with the internet, smartphones, or social media, understanding and communicating about this topic with their teenagers might be challenging. Parents reported desiring support and education from their teens' schools, such as parent forums and educational materials about sexting. Parents also supported teen education about sexting behaviors and their legal consequences in schools as part of sex education (Fix, et al., 2021).

Research shows that children learn about sex from a variety of sources, including parents, family, peers, school, other adults, the internet, and pornography (Somers & Surmann, 2005; Wisnieski, Sieving & Garwick, 2015). However, the most influential source of sex education is parents/guardians (Somers & Surmann, 2005; Wisnieski, Sieving & Garwick, 2015). Barrense-Dias, et al. (2020), found that a partnership between home and school is the best strategy for educating teenagers on sexuality. Additionally, teenagers who reported school or parents as their main resources for sexual education felt better equipped versus those who learned from peers, media, or sexual partners. A 2014 Planned Parenthood poll showed that the majority of parents are discussing sex with their children, "however, when it comes to tougher, more complicated topics, many adolescents are not getting the support they need (para. 1)."

Holoyda, et al. (2017) described the best sext education as focused on preventing the non-consensual forwarding of sexts rather than focusing on abstinence from sexting, as it may "have the unintended consequence of victim blaming" (p. 174). Importantly, sext education *must* include discussions about privacy and consent (Holoyda, et al., 2017). Muldavin (2019)

added that “drawing the line between offline and online is becoming close to impossible” (p. 462), so teenagers should be educated on showing respect in person and online, about digital citizenship, and healthy sexual expression. O’Connor (2017) recommended using the state of Texas as an example, as Texas required the Texas School Safety Center to develop a sexting education course (Texas Education Code § 37.218) that has been implemented for those over the age of 12. The *Before You Text: Bullying and Sexting Course* includes a discussion of potential legal consequences in addition to the psychological and social impact of sexting (Texas School Safety Center, n.d.).

Project Justification

Research by Somers and Surmann (2005) shows that parents and guardians are the most important influence on sexual behaviors of teenagers. A Planned Parenthood Poll (2014) showed that while the majority of parents are discussing sex with their children, they are not tackling the more complicated topics related to sex. Interviews with parents of teenagers have shown that even though some are aware of teen sexting and its potential consequences, the majority do not discuss the subject with their children (Fix, et al., 2021).

In response, this literature review described the prevalence of teen sexting, identified the legal consequences of teen sexting, and discussed teen sexting prevention and interventions. The final product of this project was the creation of a website for parents and guardians with resources about teen sexting. The importance of this project cannot be overstated: parents and guardians of teenagers must have a centralized resource for information about teen sexting, its legal consequences, and how to discuss it with their teenagers.

There is currently not a single, centralized source of information about teen sexting for parents and guardians, so www.teensextingresources.com seeks to fill that gap. There are a variety of websites with *some* information about the topic, such as www.bark.us, www.cyberbullying.org, and www.childline.org.uk. There is currently one parenting book with a section dedicated to teen sexting (Geltman, 2014), and one book about sexting written for tweens (ages 10-12) (Monson & Boynton, 2020). Additionally, Amy Hasinoff (2015), an associate professor at the University of Colorado Denver, published a book birthed from her research on the intersection of sexting criminalization, privacy, and consent, with a focus on how these factors affect teen girls' sexuality.

Research Methods and Procedures

To gather information about what parents and guardians should know about teen sexting, this researcher interviewed two categories of North Carolina officials involved in teen sexting cases: law enforcement officers and attorneys. By interviewing these specific categories, the researcher attempted to ascertain:

- How often they deal with teen sexting cases in their line of work.
- What trends they are seeing with teen sexting.
- What types of consequences they have seen as a result of teen sexting.
- What parents need to know about teen sexting.
- What parents should do if they find out their teens are sending or receiving explicit photos.
- What teenagers should know about the consequences of teen sexting.
- What changes, if any, should be made to current legislation around teen sexting.

This researcher conducted qualitative, structured interviews to gather data for this project. Structured interviews are personal interviews where each participant is asked the same questions, allowing the researcher to identify patterns or trends while also giving participants the flexibility to go into greater detail in their responses, if they wished (Wimmer & Dominick, 2014).

Five interviews were conducted with six participants (two of the participants requested to be interviewed together), each specializing in a different area of legal focus. Four of the interviews were conducted in person at the participants' place of work and one interview was conducted via Zoom. The following participants were interviewed:

- Special Agent Deemus Pulliam, North Carolina State Bureau of Investigation
- Forensic Specialist Jaime Rizzuto, Moore County Sheriff's Office
- Assistant District Attorney Neil Oakley, Moore County District Attorney's Office
- Chief Rodney Hardy, Moore County Schools Police
- Attorney Richard Costanza, Defense Attorney
- Professor Amy Kimpel, University of Alabama

All participants, except Professor Amy Kimpel, were asked the same interview questions.

Kimpel's work in the arena of teen sexting has been from an analytical and theoretical perspective of current laws, whereas the other interview participants have practical experience.

Findings and Discussion

All interview participants deal with teen sexting regularly as part of their jobs, except for Kimpel, who researches the topic from a legal and cultural framework perspective. This section

provides a look into recent trends around teen sexting, what parents/guardians need to be aware of, what parents/guardians should do if their teenagers sext, the participants' opinions around current North Carolina law and law enforcement discretion, and the importance of parent/guardian communication with teenagers.

Trends in Teen Sexting

The Covid Effect

While three interviewees (the police chief, the defense attorney, and the Assistant District Attorney) stated that the amount of teen sexting cases they deal with has remained about the same, both the State Bureau of Investigation Agent and the Forensic Specialist noted that the number of Cyber Tips they have received through the National Center for Missing & Exploited Children has more than tripled since the onset of the Covid pandemic. While some of the Cyber Tips are due to true cases of child pornography, the vast number are due to self-produced child pornography (teen sexting). "Covid changed everything – kids' screen time became more prevalent and as a result, so did self-produced child pornography. Some people thought that number was inflated and that it would decrease once the lockdowns ended, but that number has increased every year," stated Special Agent Deemus Pulliam, "...the sheer volume of self-produced child pornography is becoming overwhelming."

Self-Exploitation

Three participants mentioned a new trend adjacent to teen sexting that they call "self-exploitation" - teenagers using social media to sell explicit photos and videos of themselves. The combination of social media and digital currency apps, such as Cash App, enables teenagers to conduct transactions without their parents being aware.

Assistant District Attorney Neal Oakley noted, “The scarier thing is not cases where they're [teens] sharing within a romantic relationship, but using apps to sell pictures and videos of themselves. It's not just sharing with a boyfriend or girlfriend, but posting images or videos on websites and making money off it. The person selling their images is under 18, and now you've got people buying child pornography.”

The teenagers who have been charged in these cases have a high number of social media followers, without content that justifies that number of followers. Special Agent Dee Pulliam said, “I tell parents, if your kids are not exceptionally talented in some way, they are probably sexualizing themselves to get that many social media followers. Also, if your kids have money or gifts you didn't provide, that's a red flag.”

Technology Tips for Parents

What to Look For

The law enforcement participants have observed that teenagers can hide their internet activity in three ways:

- **Secondary devices.** Some teenagers use old smartphones or other devices that are no longer connected to cell service but can still connect to Wi-Fi.
- **Additional social media accounts.** Some teenagers create additional secret social media accounts as a way to engage in behavior beyond an adult or guardian's view.
- **Deleted or hidden apps.** Some teenagers install apps their parents/guardians do not want them to use, proceed to use the apps, and then delete the apps so their parents will not know they have them. They can do this repeatedly if there are no parental controls on the phone.

What to Download

There are tools to help parents take control of how and with whom their children are spending time online. Some examples are:

- **Apple Screen Time.** Apple users can enable Screen Time on all Apple devices. Parents/guardians can use Screen Time to determine how much time their teenagers are spending (1) online overall and (2) on certain apps.
- **Android Family Settings.** On Android devices, parents/guardians can restrict what content can be downloaded or purchased from Google Play based on maturity level.
- **Parental Control Apps.** There are many parental control apps parents/guardians can download, such as Bark, that will enable parents/guardians to see what their children are doing on their phones, to whom they are talking, and to what they are listening.

Apps to Know About

Adults who are less familiar with digital technology used by young people must try to understand and use the technology their children are using. According to Chief Rodney Hardy, “Technology is developing rapidly, and kids have grown up with it – they’ve never known a world without it. But parents need to try - they really have to try to understand the latest apps and technology.” The sad truth is that many common apps have hidden dangers. Forensic Specialist Jaime Rizzuto noted, “A lot of this falls on parents to make sure kids are using apps for the right reasons.”

Special Agent Deemus Pulliam and Forensic Specialist Jaime Rizzuto provided the list of apps below, noting that they have been flagged by law enforcement for dangerous activity. See

Appendix A for a table with this information that is available on the website for download and printing.

- **Mega.** Mega, owned by MEGA Limited in New Zealand, is a file-sharing app that offers end-to-end encrypted storage for photos, videos, and data. Mega is often a preferred choice among some criminal groups or communities for sharing files, such as image-based sexual abuse, child pornography, and hacked files. This is one of the first apps law enforcement looks for when investigating child pornography cases.
- **Kik.** Kik, owned by Tengelmann Group, is a messaging app that enables users to create anonymous accounts without having to verify their age. Kik has a built-in web browser, games, and video access, which makes it a self-contained social network where users can communicate with each other privately. Seventy percent of Kik's users are between the ages of 13-24, which has attracted adult predators to the app. While Kik does have policies in place that ban pornography and other inappropriate content, "public and private chat groups are rife with sexually explicit material that are accessible in only a few clicks" (National Center on Sexual Exploitation, 2022). Additionally, "despite numerous media and law enforcement callouts, Kik has made barely any progress in shutting down predators and other behavior that goes directly against their guidelines" (National Center on Sexual Exploitation, 2022). As a result, the National Center on Sexual Exploitation has placed Kik on their Dirty Dozen List for 2022 (<https://endsexualexploitation.org/dirtydozenlist-2022/>).
- **Telegram.** Telegram, owned by founding brothers Pavel and Nikolai Durov, is an encrypted and largely unmonitored messaging app created to provide uncensored

communication between citizens of autocratic countries. It has hundreds of millions of users and has become infamous as a safe haven for terrorists, Nazi channels, and child pornography.

- **Vibo.** Vibo is a new live-streaming app often used for targeting and grooming minors, and for child pornography. Live-streaming apps are inherently dangerous for children, according to the National Center for Missing & Exploited Children (2019), "Your child's presence on a live-streaming platform means they are now exposed to millions of people at the touch of a button, including individuals who wish to harm children. These ill-intentioned individuals are aware of the unique vulnerability of children online and often entice children to undress, expose themselves on camera, engage in sexual activity independently and with others (i.e. siblings, friends, pets), and engage in self-harming behaviors."
- **Secret Calculator Apps.** Secret Calculator Vaults look like a calculator and can even function like one. There are many versions of this type of app. Some of the common features of these secret calculator vaults:
 - Password protected: A user must know the password to access the hidden apps
 - Hidden apps can be used from within the Calculator Vault, but also on the main interface of the phone. This means that a child could have separate social media accounts unknown to the parent or guardian.
 - Hides apps from the phone's home screen and from its list of recently used apps.
 - Gallery Module hides pictures and videos sent and received.

- Has a hidden camera: Uses the phone/tablet's camera to take photos, but saves them to a secret gallery instead of to the main gallery.
- **Snapchat.** Snapchat, owned by Snap, Inc., is an app for messaging and sharing photos and videos. The temporary nature of Snapchat messages could lead some teens to sext or "send nudes." Even though images disappear from Snapchat, screen grabs can be taken and potentially be shared in the future. Snapchat has additional functionalities that are concerning:
 - **Snap Map** is a location-sharing feature that can be used by anyone to track kids' movements, including predators.
 - **My Eyes Only** is an encrypted photo vault within Snapchat that requires a passcode to access and can be used to hide explicit photos or videos. Without the user's passcode, Snapchat cannot report the content and law enforcement cannot access it.
- **TikTok.** TikTok is used for creating and sharing videos. With limited privacy controls, users are vulnerable to explicit content and cyberbullying. However, TikTok provides special features and protections for younger users, so young people need to enter their correct birth year when signing up. To encourage healthy sleep, TikTok restricts teens ages 13 to 15 from receiving push notifications after 9:00 p.m. Also, accounts for 13- to 15-year-olds are set to "private" by default, and they cannot send or receive direct messages. Additionally, features like suggesting your account to others or video downloads are by default turned off for 16- and 17-year-olds. Again, these safeguards only work if the account holder's birth year is correct.

- **Digital Currency Apps.** One of the newest trends law enforcement officers have seen is teens using digital currency apps like Cash App, Zelle, Paypal, Venmo, and Apple Pay to transfer money in exchange for explicit photos/videos. As a result, law enforcement recommends that teenagers don't have digital currency apps. However, if teenagers do have one or more of these apps, parents/guardians must monitor the transactions.

What to Do if Teenagers Sext

Due to the potential legal consequences for advising the destruction of evidence in a criminal case, it was difficult to get participants to answer this question directly. However, defense attorney Richard Constanza said, "Simply having possession of a device that has these images on them can be prosecuted as a crime. If you know there's a device in your household with these types of images on them, if you don't want your child criminally prosecuted, that [device] needs to go away."

Consequences of Teen Sexting

All participants mentioned the consequences of teen sexting, including extra-legal consequences such as law enforcement meetings with parents/guardians and losing the right to participate in school extra-curricular activities. Legal consequences are dependent on the offense and the age of the juvenile but they can range from juvenile court proceedings and diversion programs to adult court and jail time. In North Carolina, it would be possible for a juvenile to be placed on the sex offender registry, but not if the case stays in juvenile court, unless the crime included a penetration-based offense. However, if the case is transferred to adult criminal court, a juvenile could be subject to registration. It is difficult to know if that has

happened because although the registry is a public record, the laws in North Carolina protect the identity of juvenile sex offenders (NCGS § 14-208.26 and 208.29).

Teen Sexting Laws & Law Enforcement Discretion

Five participants stated they did not anticipate a change to North Carolina laws pertaining to child pornography and child exploitation, even in the case of consensual teen sexting, mostly due to political pressure surrounding sex offense crimes. According to defense attorney Richard Costanza, “I think the only thing that can be done, at least with the way the law is written right now, is prosecutors have to use some discretion in whom they prosecute. Do they allow someone to enter into a diversion program...I've seen this in a case I handled. In my view, it would take a lot of political courage for the General Assembly to carve out exceptions for young people.”

While the potential consequences for teenagers taking and sharing nude photos are grave, all participants mentioned that law enforcement and the district attorney use discretion in cases involving teenagers. From the law enforcement perspective, their first step is almost always educating the parents/guardians and the teenagers. Special Agent Deemus Pulliam noted, “Law enforcement has discretion in cases involving minors. When we go out and talk to these families, we attempt to calm the parents, encourage educating the teenager, and explain to the kids why they shouldn't do it anymore.”

Attorney Costanza said, “Prosecutors should exercise discretion. In an ideal world, they would have the courage to say, ‘We've got a couple of teenagers sending naked pictures of themselves back and forth. I'm not going to prosecute this case in such a way that we're going to increase the number of people on the sex offender registry.’ Some do, some don't.”

However, Professor Amy Kimpel noted that law enforcement and district attorney discretion can be a two-edged sword, due to selective enforcement, bias, and prejudice.

The Importance of Parent/Guardian Conversations with Teenagers

All participants noted the importance of parental/guardian involvement in teenagers' technology use and having conversations with their teenagers about sexting. Attorney Richard Costanza noted, "parents need to be aware of what their kids are doing, the best they can." "It really comes down to parent involvement. I think that's the biggest thing," said Forensic Specialist Jaime Rizzuto. Chief Rodney Hardy said, "If you don't talk to your kids about sex and sexting, someone else will and it won't be the same conversation you would have had with them. Kids are going to get their answers from somewhere and I would rather it come from mom or dad, or a supervising adult, than from friends or perpetrators on the internet."

It was also noted that this should not be a one-time conversation. According to Chief Hardy, "You've got to keep having those conversations. Even if kids roll their eyes, you know it's sinking in enough to make them roll their eyes."

Limitations

The Psychological and Sociological Perspective

As the interviews progressed, it became clear the project lacked the expertise of professionals in the area of sociology, psychology, and/or family therapy to discuss (1) the culture's discomfort with adolescent sexuality, (2) why many parents/guardians are not having conversations with their teenagers about the potential consequences of sex and sexting, and (3) how to help parents/guardians have those important conversations. The website does provide a number of resources to help parents/guardians have those conversations with their

teenagers, but this researcher feels the input of sociologists, psychologists, and/or family therapists would be valuable. Additionally, a psychologist would be able to expound on the topic of teenagers and sexual behavior. Unfortunately, there was simply not enough time in this project timeline to recruit and interview an additional set of professionals.

Parent/Guardian and Educator Perspective

Because this project deliverable focused on helping parents/guardians have productive discussions about sexting with their teenagers, it would have been helpful to have the parent/guardian perspective to prepare the resources section of the website. Also, the perspective of educators would be helpful since they spend so much time with teenagers and understand what can be accomplished in an educational setting.

Limited Geographical Focus Area

This researcher resides in Moore County, NC and five of the interview participants also live and work in Moore County, NC, so responses to interview questions were specific to cases in Moore County and North Carolina law. It would be helpful to expand the interviews to participants outside of Moore County, North Carolina to obtain perspectives from stakeholders across the country, as teen sexting is a nationwide, even worldwide, occurrence.

Conclusion

The implications of this project are clear: there can be serious and long-term consequences as a result of teen sexting and parents/guardians should discuss those consequences with their children in a way that does not shame adolescents for expressing healthy sexual curiosity. According to both the academic research and this project's interview

participants, parental involvement, technology monitoring, and discussions with teenagers are important contributors to “healthy sexual decision-making and decreased sexual risk behavior,” (Fix, et al., 2021, p.576), including sexting. Interviews with parents of teenagers have shown that even though many are aware of teen sexting and its potential legal consequences, the majority do not discuss the subject with their children (Fix, et al., 2021). This must change.

Additionally, parents/guardians must use and understand the technologies their children are using. For caregivers who are less technologically savvy than their children, understanding and communicating about this topic with their teenagers may be challenging. Because children and teenagers are digital natives, parents and law enforcement may feel as though they are a step behind when it comes to technology. But that is not a reason to give up. As one participant mentioned, parents/guardians can even ask their kids to show them how to use certain apps. Researchers and interview participants urged caregivers to make a habit of checking teenagers' phones, to see to whom they are talking, and what they are doing online. The law enforcement officer participants also recommended parental controls for smartphones and monitoring software, such as Bark.

A recurring theme in discussions with interview participants was the everlasting nature of digital items. Once a photo has been taken or a video has been created, and the content is shared with others, it is very difficult, if not impossible, to get the proverbial genie back in the bottle. Beyond the potential legal consequences of creating those images in the first place, the law enforcement participants mentioned cases they have handled with young adults who are still dealing with the consequences of photos or videos they created while they were in high school.

Several interview participants made it clear that teen sexting and its consequences are not something that happens to only certain types of teenagers or certain types of families. Adolescence is a time of great biological, psychosocial, and sexual changes. The prefrontal cortex has not fully developed, which in turn means that teenagers do not have fully developed reasoning and decision-making skills. With current technology, the right set of circumstances, and opportunity, the potential is there for any teen, and any family, to land in this situation. However, as Chief Rodney Hardy said, “You haven’t failed as a parent and you are not a failure if your children do something like this. Just keep going – keep talking to your kids, even if it’s uncomfortable.” It matters.

Deliverable

The deliverable for this project is a website with resources for parents/guardians about teen sexting. The website was created using a Wix website template, is hosted by Wix, and can be accessed at www.teensextingresources.com. PDFs of the website pages are also attached as Appendix G. The goals of the website are:

- To educate parents/guardians about the legal consequences of teen sexting.
- To equip parents/guardians with tools to have better conversations about sexting with their tweens and teens.

To achieve these goals, the website is an educational content hub with close to 30 pages of information relating to teen sexting statistics, potential legal outcomes, case studies, resources for parents/guardians, and expert advice consisting of this researcher’s interviews with attorneys and law enforcement officials. Due to the information learned through those

interviews, the resources section of the website includes important information for parents/guardians, such as:

- Technology tips, including a list of apps parents should be aware of
- How to report exploitative images
- What to do once a teen has sexted
- Resources for communicating with teenagers
- Videos to help teens understand the potential consequences of teen sexting

The intended audience for this project is parents/guardians of teenagers, but the website will benefit parents/guardians with children of any age. As of April 1, 2020, there were approximately 34 million children in the United States between the ages of 10-17 (United States Census Bureau, 2020). Census data also shows that there are currently approximately 63.1 million parents in the United States with children under the age of 18 (United States Census Bureau, 2020). That is a lot of parents who need to know about the potential legal consequences of teen sexting. See Appendix B for a profile of the intended parent/guardian audience.

Once this thesis project has been approved, this researcher will share www.teensextingresources.com with the *Parents for Moore* Facebook group, a Moore County, NC parent group with approximately 3,000 members, and the *Rants from Mommyland* Facebook group, a nationwide parenting support group with approximately 6,000 members.

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Appendix A

Sext Education: Apps to Know About

App

Description



Mega is a file-sharing app that offers end-to-end encrypted storage for photos, videos, and data. Mega is often a preferred choice among some criminal groups or communities for sharing files, such as revenge porn, child pornography, and hacked files. This is one of the first apps law enforcement looks for when investigating child pornography cases.



Kik is a messaging app that enables users to create anonymous accounts without verifying their age. Kik's built-in web browser, games, and video access make it a self-contained social network where users can communicate with each other privately. 70% of Kik's users are between the ages of 13-24, which has attracted adult predators to the app. The National Center on Sexual Exploitation stated that "despite numerous media and law enforcement callouts, Kik has made barely any progress in shutting down predators and other behavior that goes directly against their guidelines." As a result, Kik was placed on their [Dirty Dozen List](#) for 2022.



Telegram is an encrypted and largely unmonitored messaging app created to provide uncensored communication between citizens of autocratic countries. It has hundreds of millions of users, and has become infamous as a safe-haven for terrorists, Nazi channels, and child pornography.



Vibo is a new live-streaming app often used for targeting and grooming minors, and for child pornography. According to the National Center for Missing & Exploited Children, "Your child's presence on a livestreaming platform means they are now exposed to millions of people at the touch of a button, including individuals who wish to harm children. These ill-intentioned individuals are aware of the unique vulnerability of children online and often entice children to undress, expose themselves on camera, engage in sexual activity independently and with others (i.e. siblings, friends, pets) and engage in self-harming behaviors."



One of the newest trends law enforcement officers have seen is teens using **digital currency apps** like Cash App, Zelle, Paypal, Venmo, and Apple Pay to transfer money in exchange for explicit photos/videos. As a result, law enforcement recommends that teenagers don't have digital currency apps. However, if your teen does have one of these apps, be sure to monitor the transactions.

Sext Education: Apps to Know About

App

Description



Secret Calculator Vaults look like a calculator and can even function like one. There are many versions of this type of app. Some of the common features of these secret calculator vaults:

- Password protected – a user must know the password to access the hidden apps
- Hidden apps can be used from within the Calculator Vault, but also on the main interface of the phone. This means your child could have separate social media accounts you don't know about.
- Hides apps from the phone's home screen and list of recently used apps
- Gallery Module hides pictures and videos
- Has a hidden camera – uses the phone/tablet's camera to take photos, but saves them to a secret gallery instead of the main gallery



Snapchat is an app for messaging and sharing photos and videos. The temporary nature of Snapchat messages could lead some teens to sext or "send nudes." Even though images disappear from Snapchat, screen grabs can be taken and potentially be shared in the future.

- **Snap Map** is a location-sharing feature that can be used by anyone to track kids' movements, including predators.
- **My Eyes Only** is an encrypted photo vault within Snapchat that requires a passcode to access and can be used to store explicit photos or videos. Because it is encrypted, without the passcode, Snapchat can't report the content and law enforcement can't access it.



TikTok is used for creating and sharing videos. With limited privacy controls, users are vulnerable to explicit content and cyberbullying. However, TikTok provides special features and protections for younger users, so young people need to enter their correct birth year when signing up. To encourage healthy sleep, TikTok restricts teens ages 13 to 15 from receiving push notifications after 9:00pm. Also, accounts for 13- to 15-year-olds are set to "private" by default, and they cannot send or receive direct messages. Additionally, features like suggesting your account to others or video downloads are by default turned off for 16- and 17-year-olds. Again, these safeguards only work if the account holder's birth year is correct.

Appendix B**Parent/Guardian Audience Profile**

Characteristics	Summary
Age	30-55
Sex	Males and females
Race/Nationality	All races. This project is focused on laws in the United States, so is most appropriate for U.S. citizens.
Language	English
Digital Familiarity	Varied. Some parents/guardians may be as familiar with technology as their children, while others may be less familiar.
Attitude	Curious, interested, concerned.
Motivation	Parents/guardians will be motivated to learn about keeping their children safe.

Appendix C

Recruitment Email

Hello! My name is Melissa Holt and I'm a graduate student at UNC Chapel Hill in the Master of Arts in Digital Communication program through the Hussman School of Journalism and Media.

I am currently working on my non-traditional thesis, "Sext Education: What Parents Need to Know About Teen Sexting and the Law." Part of my thesis project consists of creating a website to (1) educate parents on the potential legal consequences of teen sexting and (2) equip parents with tools to have better conversations with their children about sexting.

The website will focus on the following areas:

- About Teen Sexting: Definition of sexting, teen sexting statistics, and prevalence of teen sexting
- Legal Consequences of Teen Sexting: Teen sexting laws by state, potential legal consequences of teen sexting, case studies
- Prevention & Intervention: How to talk to teens about sexting, safer sexting, ways to prevent or lessen the consequences of teen sexting
- Resources: A compilation of media resources regarding teen technology use, communicating with teenagers, smartphone parental controls, and information about teen sexting
- Expert Advice: Interviews with attorneys and law enforcement officers about the dangers and potential consequences of teen sexting

Would you be open to an interview either in person or via Zoom about your experiences with teen sexting cases and/or your research into this topic? I estimate our discussion would take between 30-45 minutes and the interview would be transcribed for inclusion on my website. Specifically, I'm interested in:

- How often do you deal with or have dealt with teen sexting in your line of work?
- Have you noticed any trends in teen sexting that parents should know about?
- What types of legal consequences have you seen as a result of teen sexting?
- What should parents know about teen sexting?
- What should parents do if they find out their teens are sending or receiving explicit photos?
- What should teenagers know about the consequences of teen sexting?
- Do you have any tips for parents to help them start a discussion about teen sexting with their teens and tweens?
- What, if any, changes should be made to current legislation around teen sexting?

Thank you for your time. I look forward to hearing from you.

Melissa Holt
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UNC Hussman School of Journalism and Media
281-796-7131

Appendix D

Interview Questions for Law Enforcement and Attorneys

1. Do you deal with teen sexting cases in your line of work? If so, how often?
2. In your work, what trends are you seeing with teen sexting?
3. In your work, describe what types of legal consequences you have seen as a result of teen sexting.
4. What should parents know about teen sexting?
5. What should parents do if they find out their teens are sending or receiving explicit photos?
6. What should teenagers know about the consequences of teen sexting?
7. Do you have any tips for parents to help them start a discussion about teen sexting with their teens and tweens?
8. What, if any, changes should be made to current legislation around teen sexting?

Appendix E

Interview Questions for Professor Amy Kimpel

1. Your article, *Using Laws Designed to Protect as a Weapon: Prosecuting Minors Under Child Pornography Laws*, was originally written about 10 years ago. What led you to write the piece?
2. In your article, you mentioned several times the discomfort adults have with adolescent sexuality and how that has guided legal decisions. According to the research I've done, parents or caregivers having conversations about sex (and sexting) with their teens greatly reduces teen sexual risk behaviors. And yet, many parents and caregivers still aren't talking about it with their teens. Why are many adults so uncomfortable acknowledging adolescent sexuality and discussing it with teens?
3. In your article, you mentioned that the age of consent in most states is 16, so it isn't illegal for teens to have sex with each other. For teens over the age of 16, but under the age of 18, the act of having consensual sex isn't illegal, however, taking a photo or video of the act is illegal. That struck me – doing the act itself isn't illegal, but memorializing it is. It seems like yet another conflicting message teens are receiving about adolescent sexuality from the adult world.
4. You mentioned there can be many reasons for teens to take nude photos of themselves: economic reasons, self-expressive reasons, and emotional reasons. Should motive/intent matter? Should there be distinctions in the law that correspond with motive?
5. Should there be consequences for consensual teen sexting? Are teen courts or diversion programs appropriate in these circumstances?
6. In North Carolina, there isn't legislation specific to teen sexting – it falls under the umbrella of obscenity and/or child pornography laws. Additionally, beginning at age 16, teens are charged as adults in these cases. Should the law be changed and updated to specifically deal with teen sexting?
7. In my discussions with law enforcement officers and attorneys, it has been mentioned that law enforcement and the District Attorney have discretion in teen sexting cases. The term "discretion" feels like a gray area and is concerning because there is no one way of handling teen sexting cases in our state. Your paper discusses the problems of selective enforcement, specifically, bias and discrimination. Would you expound on that?

Appendix F

Glossary of Terms

Child Pornography: Federal law defines child pornography as any visual depiction of sexually explicit conduct involving a minor (persons less than 18 years old). Images of child pornography are also referred to as child sexual abuse images. Source: The United States Department of Justice. <https://www.justice.gov/criminal-ceos/child-pornography>

Commercial Sexual Exploitation of Children: This term refers to a range of crimes and activities involving the sexual abuse or exploitation of a child for the financial benefit of any person or in exchange for anything of value (including monetary and non-monetary benefits) given or received by any person. Source: Office of Juvenile Justice and Delinquency Prevention. <https://ojjdp.ojp.gov/programs/sexual-exploitation-children>

Consensual Sexting: Consensual sexting is the act of sharing explicit photos or videos via text message, email, or through apps with the consent and knowledge of the other person involved. This project is focused on consensual sexting between teenagers aged 13 to 17.

Intervention: Intervention is the action of becoming intentionally involved in a difficult situation, in order to improve it or prevent it from getting worse. Source: Cambridge Dictionary

Prevention: Prevention is the act of stopping something from happening or of stopping someone from doing something. Source: Cambridge Dictionary

Self-Exploitation: This term was used by the law enforcement officers interviewed for this project and is generally defined as youth creating, sending, or sharing images and/or videos

online or through electronic devices for financial gain. This term is related to and derived from the term Commercial Sexual Exploitation of Children.

Self-Produced Child Pornography: The creation of sexual images that minors create of themselves (see Child Pornography definition). These images are also referred to as self-generated child sexual abuse material.

Sexting: Sexting is the act of sharing explicit photos or videos via text message, email, or through apps. Teenagers refer to this as “sending nudes.”

Teenagers: For the purposes of this project, teenagers are defined as those between 13 and 17 years of age. This is because once a child turns 18, they are legally considered an adult and will be tried in an adult criminal court.

Appendix G

Website Screenshots