

What is 'sexting' and why is it an issue?

The term 'sexting' refers to the sending of a photograph or other visual image, depicting a person in the partial or total state of nudity, via text message, from one cell phone to another. There presently exists a troubling trend in which school-aged children have begun disseminating nude photos of themselves, classmates, or others, via text messages.

Harmful Effects

A shared sexting message could have disastrous consequences. For starters, the impact of such content getting "leaked" could result in social isolation from friends, bullying, and unwelcome sexual solicitations. Further, in cases where such content might have been shared as the result of revenge, it could certainly lead to violence. Aside from reputation and social issues, sending, receiving, and/or sharing this type of content could lead to disciplinary action by schools, employers, and possibly even state and federal law enforcement. Most importantly, what might start out as a fleeting and thoughtless lapse of judgment could lead to serious emotional and self-esteem issues for any child or young adult.

Sexting Statistics

A report done by The National Campaign to Prevent Teen and Unplanned Pregnancy in 2008 surveyed 1,280 teens and young adults. It found that 39% of teens and 59% of young adults have sent or posted sexually suggestive emails or text messages, and 20% of teens and 33% of young adults have sent/posted nude or semi-nude images of themselves. Perhaps more disturbing was that 38% teens and 46% of young adults say it is common for nude or semi-nude photos to get shared with people other than the intended recipient.

What can parents do to protect their children?

1. Continue to talk with your children and establish open lines of communication, clearly explaining to your children the negative consequences of sending a nude photo of themselves or others. It is important to stress that once they send any photo, they lose control of it forever, and can never take it back.
2. If you believe your child needs a cell phone, consider buying them one without a camera or video/receipt capabilities, or blocking their present ability to send and receive visual images.
3. When you buy your child a cell phone, make sure they understand that you will impose rules limiting their use and that you will be periodically checking the photos on their phone. They may resist, but you can explain that this is not a form of punishment, but is a matter of caring for them and protecting them.
4. Take advantage and attend educational programs offered through your schools and local law enforcement in your community. This will better allow you to talk with your children about these issues.



What you can do as a family

1. Make internet use a family activity. Consider keeping the computer in the family room or open space rather than in your child's bedroom.
2. Let your child know that they can talk to you about anything online that makes them feel uncomfortable. Remember, how you respond will determine whether they confide in you the next time. Do not blame them if they receive an inappropriate transmission-usually it is out of their control.
3. Be an involved parent. Monitor your child's online activity just as you would the programs they watch on television, the books they read or the movies they see.
4. Remind your children that the people they chat with are strangers; because you cannot see or hear people online, it is easy for an adult to pretend they are a child.

Set the Rules

1. Set guidelines for your children before they use the Internet.
2. Work together with your child to decide what is and is not appropriate.
3. Establish Internet privacy rules for the family. Remember many services provide free e-mail so your family e-mail may not be your child's only address.
4. Tell your children never to respond to threatening or obscene messages, and never to click on links in an e-mail or download attachments from someone they do not know.

Is the act of ‘sexting’ a crime?

Currently, there are no laws in Massachusetts explicitly punishing sexting. If the sexually explicit material that is sent via text message is of a child under 18 years old, the behavior may be prosecuted under the state's child pornography laws. Below is a brief summary of these laws:

MGLA 272 §29A - Posing or exhibiting a child in a state of nudity or sexual conduct

- Cannot knowingly hire, coerce, solicit, entice, procure, use, cause, encourage or permit someone under 18 years old to be photographed naked, partially naked or in a sex act
- 10-20 years in prison
- \$10,000-50,000 fine

MGLA 272 §29B - Dissemination of visual material of child in a state of nudity or sexual conduct

- Cannot knowingly share, send, provide or otherwise disseminate photos, videos or other images that show a person under 18 years old naked, partially naked or engaged in other sexual conduct
- Cannot knowingly possess these materials with the intent to share them with others
- 10-20 years in prison
- \$10,000-50,000 fine

Consent by the minor is not a valid defense to these charges. This means that even though the juvenile knowingly took the picture of him or herself, Massachusetts law specifically states that minors are considered unable to consent to having sexually explicit photographs taken of themselves.

How We Can Help

The Juvenile Justice, Elder and Disabilities, Community Outreach, and Child Abuse units of the Northwestern District Attorney's Office are available to help.

With the State Police attached to the Northwestern District Attorney's Office, these units investigate and prosecute crimes against children, the elderly and disabled as well as cases that involve cyber crimes.

The Community Outreach and Education unit along with community partners is available to consult with schools and parents about keeping children safe.

To Find Out More

To find out more about the scope of services offered by the Northwestern District Attorney's Office, please contact Jana McClure, director of Community Outreach and Education, at 413-586-9225



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