



## Educate Alabama

# NUDES NO MORE INITIATIVE

Nudes No More is a statewide initiative to bring awareness to middle and high school students who are unaware of the issues and law regarding sending, receiving, storing, and sharing photographs that are explicit in nature. These students are unknowingly putting their safety and their future in jeopardy. We must first recognize that this issue is a widespread problem which needs to be addressed.

Nude selfies/sexting has increased to the point that it is uncontrolled. It is not uncommon for young teens to take naked pictures of themselves and then send these to an existing or prospective boyfriend or girlfriend through their mobile device. Naked female selfies are more common than naked male photos; even so, both young teen boys and girls need to be educated as to why this practice is a bad idea and what the consequences may be. Sexting is one-way images come into the possession of one who would use them for sextortion (see below description).

The best intervention is to educate our youth. We propose that the Alabama State Board of Education provide counselors and school reporters with material for mandatory instruction in order to educate middle school/ high school students on the severity of this self-inflicted danger. The counselors would bring in local law enforcement who would educate students regarding this type of criminal activity and what the consequences are. Bullying is a hot topic amongst counselors, yet this destructive cyber bullying is not being addressed. Young teens who take naked pictures of themselves are making themselves vulnerable to abuse, harassment, and even jail time. The taking and sharing of naked photographs increases the risk of sexual aggression, sexual perversion, promiscuity, teen pregnancy, mental issues, and jeopardy to becoming trafficked.

The majority of students, parents, and educators are unaware that it is a felony to produce, possess and share photographs of a minor. Alabama has also had reported cases of teachers sending/requesting explicit photographs of a minor.

According to Alabama law, there are three types of felonies related to sexting:

**Class A felony:** production of child pornography -this would also include a child taking his/her own photos. For this offense, a child who is 16 or 17, who commits a Class A felony will be charged as an adult in district court.

**Class B felony:** possessing child pornography (nude selfies). A 16-year-old accused of possessing child pornography (old or recent photo of a minor), may be accused of delinquency in juvenile court. If the teen is determined to have committed the act, he/she may be sentenced to a youth detention center for a short period of time.

**Class C felony:** possessing child pornography without having an intent to distribute the material. A defendant convicted of a Class C felony faces a maximum fine of \$15,000 and up to 10 years in prison. Under Alabama law, possession of three or more copies of the same visual depiction of child pornography is considered proof of the intent to distribute.

Aside from the dangers outlined above, there are other dangers that are particular to young, vulnerable, teen, boys and girls, who take naked photos of themselves. The following are some more things that parents should explain to their youngsters when giving them a mobile phone, but most often fail to do so; therefore, it is critical that our educators take a stand and instruct faculty and students.

- Hacking is a very real danger for anyone who takes naked selfies. Mobile phones are not entirely secure. Cloud service providers are also far from secure and many hackers can and do access them on a regular basis.
- Taking suggestive photos and then posting them online puts a young person in danger of sexual harassment. There are, unfortunately, many predators who target young, underage teenagers who post suggestive photos, thinking that such young people will be an easy target.
- A minor who is caught in possession of naked selfies of another underage person can be legally charged with possession of pornography. Those who distribute these photos (even if the other person has given permission to do so) may face even more serious charges. Criminal charges stay on a person's record for life, affecting where the individual in question can live, what type of job he can work at, which school he can or cannot go to and more.
- Many young people have committed or attempted to commit suicide after suggestive photos of themselves have been leaked. This legal and emotional minefield can also result in self-harm or mental illness.
- A snapshot message or video can be captured in a screenshot and remain forever. Photos can circulate the web for life.
- *Sextortion* is a means of luring minors into sending nude photos and then threatening them if they did not send more. It turns out this kind of online extortion is becoming one of the biggest dangers to kids online.
- *Revenge porn* is the distribution of one or more sexually explicit photos of someone else, without the subject's permission. The explicit photos are used as a form of blackmail to intimidate or humiliate. It is a form of nonconsensual pornography (NCP) and is sometimes also called cyber exploitation, but strangers also engage in NCP by hacking into others' accounts or devices and posting private images of the victims. Examples regarding boyfriend/girlfriend include: use of coercion to continue a relationship, getting them to perform other sex acts, or to punish them for ending a relationship. There is also revenge porn that is used amongst friends. Guys can take photos of other guys in the locker room, girls can take photos of another friend at a sleepover and then turnaround and use that photo for revenge.
- Taking explicit photos or videos may be an outcry from having previously been a victim of sexual assault/harassment.

Nudes No More Initiative would like to share an abridged curriculum with Alabama's Department of Education to be used in the Alabama school system. Our approach is *S.P.F.- Sexting, Photos, Felony: for protection cover yourself and cover your phone*. Not only do schools need to educate students, they need to have a written policy in their handbook that state that they have permission at any time to search phones if there is probable cause. This is no different than searching a locker if they have reasons to believe there are weapons or drugs being stored. It is also vital for administrators/counselors to be aware of the difference between being a victim of sexting (sextortion, revenge porn) versus intentional sexting. According to Alabama's Fusion Center, this is a growing issue, that if addressed, can prevent abuse and continued self-harm. When educators/authority figures within the school system know there is a sexting/sextortion problem of a minor and do not report it, then they too are susceptible for facing criminal charges. We feel like it is in the best interest of the schools to "cover" themselves by making sure they are educating students and faculty on issues that could prevent all of them from ever being involved in legal matters. This is a protection policy for all involved.

*A direct copy from “The School Superintendents Association” website:*

## Sexting

### **What is “sexting”?**

Sexting is the act of sending pictures of a sexual nature between cell phones, or other electronic media such as the Internet. It is often done between minors.

### **How common is sexting?**

Some 20 percent of teens admit to participating in sexting, according to a nationwide survey by the National Campaign to Support Teen and Unplanned Pregnancy. (“Sex and Tech: Results from a Survey of Teens and Young Adults,” The National Campaign to Prevent Teen and Unplanned Pregnancy;

### **How does sexting affect youth?**

There can be a bullying aspect to sexting. In one case in Cincinnati, a girl committed suicide after photos she sent to a boyfriend were sent to hundreds of people. The girl received harassing messages through her MySpace and Facebook accounts, and in person. **Are**

### **there any legal precedents regarding sexting?**

- A Pennsylvania district attorney attempted to prosecute three girls for sexting. In this case, the prosecutor threatened to charge the girls with felony child pornography for sending partially-nude pictures of themselves to boys in their classes.
- The Vermont legislature is currently considering a bill to legalize the consensual exchange of graphic images between two people ages 13 to 18 years old.

### **What are the ramifications for schools?**

- In Seattle, parents are suing the school district for suspending two girls after finding semi-nude photos of the girls on other students’ cell phones. The parents claim the school did not handle the case properly.
- Teachers, principals and administrators must safeguard themselves, too. In one case in Virginia, an assistant principal was charged with possession of child pornography after investigating a sexting case at his school.

### **What should school districts do?**

- School districts should consider a variety of actions around raising awareness of and increasing education about sexting. Districts may partner with other community organizations or public offices to provide staff trainings on bullying, cyberbullying and computer/internet safety, including sexting and safety on social networking sites. This can include — but is not limited to — in-school assemblies for students, professional development for staff, training for school board members, distribution of school rules and policies through student handbooks, newsletters/correspondence to the community, resources on the school webpage and public forums.
- It is important to remember that any education around sexting can and should be aimed at the whole community when possible. This means including students, board members and staff as well as parents and community members. While the majority of recent press has involved middle and high school students, education around computer/internet/technology safety should include younger children as appropriate. There are a variety of informational websites and documents for students, parents and educators.

**Resources:**

- ["Dealing with the Nightmare of Sexting,"](#) *School Administrator*, August 2009
- Net Smartz Tips to Prevent Sexting
- [Center for Safe and Responsible Internet Use](#)

**For Further Reading:**

- "A kinder, gentler response to adolescent 'sexting'" ([Article](#))
- "OMG, teens R "sexting" ([Article](#))
- "States consider new 'sexting' laws" ([Article](#))

*Focus: School Law*

## Dealing With the Nightmare of 'Sexting'

by SARA G. BOUCEK

Imagine this day. Your administrative assistant is ill; the phone will not stop ringing; your computer printer will not work; the e-mail is never-ending; and a collective bargaining session is scheduled after tonight's emergency school board meeting.

Then, your middle school principal knocks, with a male student in tow, and exclaims, "We have a problem."



Sara G. Boucek

The male student, a young teen, hands you a cell phone, and you are shocked when you look down to see a photo of a nude female student. The principal informs you that the photo was forwarded to an undetermined number of students' cell phones in the last hour. To make matters worse, you discover the same photo has been sent by a student over the school's server to everyone. Preparing for the bargaining session and board meeting will have to wait. Investigating "sexting," and what could be considered child pornography, becomes your first priority.

### **Haunting Scenario**

This type of scenario — unimaginable just a few years ago — now haunts school administrators. The phenomenon of sexting, or forwarding nude or seminude photographs of other students in schools via cell phone or other electronic media, is occurring with regularity.

Administrators and boards of education struggle with disciplining students for such actions when policies and procedures have not kept pace with the rapid changes in technology. Administrators face additional challenges in investigating these incidents in compliance with state laws while avoiding personal criminal liability for actions such as failing to report the incident under a state mandatory reporting law or receiving and possessing the photograph, potentially in violation of child pornography laws.

To ensure compliance and avoid legal pitfalls, school district administrators ought to be pro-active by reviewing and revising current policies and procedures before these incidents occur, developing and creating new policies in concert with technology specialists and law enforcement agencies, and communicating such policies to administrators, staff, students and the community.

In reviewing and revising current policy, administrators first must identify applicable policies, such as technology, possession and use of cell phones, search and seizure, or student discipline policies, and determine whether the policies even contemplate sexting. Most likely, given the strides in technology in the last decade, policies are silent on this behavior.

Once the applicable policies are located, do a thorough review to determine whether the policies cover sexting. Policies must be legally reviewed to ensure they protect students' due process rights and shield the administrators from liability in investigating incidents and possessing the evidence collected.

### **New Policies**

If you are developing or implementing new policies on sexting, be sure to involve your technology department and proper legal authorities, such as the school board's legal counsel, police or school resource officer, and the district attorney. The technology department will be essential to the development of procedures for investigations as its staff understand your district's computer network and the best ways to isolate evidence of deviant behavior on your system. The proper legal authorities will assist you in developing a protocol for investigating sexting to avoid potential criminal or civil liability.

The discipline policies or handbook must be written to balance the student's rights with the school district's ability and right to discipline. Policies or handbook provisions prohibiting sexting must clearly define the behavior and the consequences for students engaging in the act.

The policies also must address the investigation procedures administrators will follow when collecting evidence to avoid criminal liability for possessing pornographic photographs, especially those of minors. The policies should include local law enforcement and the technology department in the collection and/or removal of evidence. The policies also may need to address the administrators' responsibilities under current federal or state law, such as mandatory reporting requirements.

Such an extensive review may be costly and time-consuming, but is well worth it in order to be pro-active rather than reactive.

The final step is to educate the school board, administration, staff, students and community on the policies related to sexting. An in-service workshop involving school board counsel, local police and the district attorney could address the policies and different scenarios that might arise.

Students and parents also need to be educated. At the very least, students should be made aware of current or revised policies. They also should be warned as to the potential consequences and criminal liability of engaging in the act of taking nude photographs or

disseminating such images. Some school districts in Illinois have used law enforcement personnel to educate students. Educators should use all channels, including blogs, Twitter and other social media, to communicate the serious consequences of aberrant behavior.

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