

Sexting: Loss of Control = Embarrassment, Bullying & Potential Prosecution

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In the first column < http://www.mekabay.com/nwss/913_sexting--autoporn.pdf > of this pair of postings, I introduced a discussion of the widespread and increasing practice by young people of sending lewd text and pornographic photos or videos of themselves to friends – only to find the material being distributed publicly and completely out of their control. Today I continue with thoughts on causes and consequences of sexting.

The authors of the section “Sexting 101 – Guide for Parents,” < <http://www.safetyweb.com/prevent-teens-sexting> > on the SafetyWeb site note, “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 issues 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 judgement could lead to serious emotional and self-esteem issues for any child or young adult.”

Some personal thoughts:

- The primary seat of self-control, planning, and rationality is the prefrontal cortex of the brain. The poorly myelinated neurons of the frontal lobes in children and teenagers accounts for much of the impulsive, stupid behavior associated with young people – driving drunk, speeding, taking recreational drugs, blurting out insults, getting into fights, and sending pictures of themselves without any clothes on through the Internet. Increasing myelination of neurons in the prefrontal cortex by the late teens or early twenties is one of the factors that can lead to increasing degrees of adult (measured, reasoned, thoughtful, less impulsive) behavior.< <http://www.aea267.k12.ia.us/r4/index.php?page=r4-adolescent-brain> >
- Blurting out a thoughtless comment on the phone, sending a paper note with unwise content, and having spontaneous, unplanned sexual encounters may have negative consequences, but they are as nothing compared with having such comments, content and private images sent out through media that remove all control over their distribution from the originator. Once the comment/photo/video is into the ‘Net, it can never be called back.
- Cyberbullying has also been growing in recent years.< <http://www.bullyingstatistics.org/content/cyber-bullying.html> > Pack behavior coupled with poor impulse control may lead to cruelty that can sear the soul of the victim, their friends, and their relatives. Circulating a photo that was supposed to be private so that mean kids can use it to humiliate the originator is a form of cyberbullying. Some victims have been driven to attempted or actual suicide.< www.cyberbullying.us/cyberbullying_and_suicide_research_fact_sheet.pdf >
- Although some states have passed laws explicitly exculpating under-age self-photographers from prosecution for child pornography,< http://www.pennlive.com/midstate/index.ssf/2011/05/bill_would_change_law_to_make.h

[tml](#) > the federal government has no such legal protection for these self-exposing children. There was an interesting judgement in 2010 in which the Third Circuit Federal Appeals Court ruled that a teen whose seminude photo was distributed to other high school students could not be coerced into attending a remedial class;<
http://www.abajournal.com/mobile/article/3rd_circuit_bars_child_porn_prosecution_of_teen_in_sexting_photo > however, it is not clear that this precedent could be used successfully in defending a child against prosecution if a federal prosecutor wanted to pursue the case. Remember: making, distributing and possessing child pornography are all violations of 18 United States Code (USC) §2251, §2252, §2252(A) and §2256(1, 2 & 8). See the Child Exploitation and Obscenity Section (CEOS) of the US Department of Justice's Web site< http://www.justice.gov/criminal/ceos/citizensguide_porn.html > for details. Federal authorities are diligent in tracking down and prosecuting all forms of child exploitation.< <http://www.fbi.gov/about-us/investigate/cyber/innocent/innocent> >

Can you imagine your child being prosecuted for creating, sending or possessing child pornography – especially if it involves themselves? What an awful experience for everyone. I hope that this pair of columns will be a good basis for discussion between parents and their children and for educators working to protect their charges from harm.

Parents, talk to your kids! Teachers, get involved!

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