

Sexting Investigation and Intervention Protocol

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Multidisciplinary Team Investigation Protocol

- It is imperative that schools districts have a protocol to guide reporting and investigation that has been developed in collaboration with and approved by the local district attorney and district counsel.
 - Ensure the involvement of mental health professionals - hopefully through the Multidisciplinary Task Force.
 - Encourage prevention and a balanced, tiered approach to intervention.
 - Reduce the emotional trauma to the involved students. There is no need to haul students out of school in hand-cuffs.
- Establish a multidisciplinary investigation team within the school includes the principal, counselor/psychologist and school resource officer - with back-up from district legal and risk prevention services.
 - Make sure all district personnel know who they should report situations to and how cell phones should be handled.
 - Make sure all principals have a clear understanding of the search and seizure standards that have been approved by the local district attorney and school district legal counsel.
- Once reported, strive to stop further dissemination of the images.
 - Make sure students know that cell phone distribution paths can be traced and if they are found to have distributed an image, this will result in suspension and possible criminal prosecution. Promise confidentiality for student reports about such distribution. Confiscate the cell phones of the students who are suspected to be involved. But do not search beyond call records without first contacting law enforcement.
- Strive to keep these incidents out of the news, if possible. If news coverage does occur, ensure statements made will minimize the emotional harm to the teens depicted. Talk with media about concerns related to such harm.
- Establish parameters for how and when incidents should be reported to the MDT and investigated. Recommendations are as follows:
 - Immediately report situation to MDT and based on what is known at the time, make a decision about who will take the initial lead in conducting an investigation.
 - Recognize that the student(s) depicted could potentially be in a situation of severe emotional distress. Whoever interviews a depicted student must have professional training in working with sex abuse victims.
 - In consultation with the MDT, determine how and when to contact parents. Most district policies require contacting a parent prior to any investigation, unless there are family-related sexual abuse concerns.
 - As names of participants are identified, immediately transmit these to the MDT to determine whether there are any prior records.
 - Discuss findings and propose plan for further investigation or intervention.
- Routinely evaluate the report, investigate, and intervene protocol as applied to situations to determine effectiveness of the protocol and develop better prevention.

Common Kinds of Situations

Developmentally Normative

- Not intended to cause harm - mistake could lead to distribution.
- Romantic relationship.
- Desired relationship - flirting.
- "Show me yours, I'll show you mine."
- Entertainment.
- Attention-getting.

Harassment

- Intended to cause harm.
- Malicious distribution.
- Peer pressure or trickery.
- Taken where privacy expected.
- Image retained privately - but someone gains access to the device and shares.
- Fake image depicting real person.
- ~~Recipient does not want to receive image.~~

At-Risk

- Teen depicted is engaging in high risk behavior.
- Intentional distribution to advertise sexual availability.
- Soliciting sexual "hook-ups."
- Prostitution.

Exploitation

- Intended to cause harm that is egregious.
- Demand by abusive partner.
- Revenge distribution after a break-up.
- Blackmail threat to disclose to coerce other activity.
- Sexual solicitation of younger teen by older.
- Abusive or coercive acquisition with intent to widely distribute.

Investigation Questions

Initial Questions

- Who are participants? What is the difference in ages? Who is depicted? Who created or facilitated the creation of the image and how? Did person depicted know the image was created and approve? Who sent image? Where and how was it sent, to whom, to how many people? How did it spread after initial distribution? Was the image distributed at school? Is there evidence of a faked image or abuse?

Self-Initiation or Pressure

Creation Initiated by Person Depicted

(May have been facilitated by someone else.)

- Was the image also disseminated by the person depicted? If so, who was the image initially sent to and for what apparent purpose?
 - Romantic partner? Desired romantic partner? What are the actual circumstances? For attention-getting? Peer group "game"? To shock or "gross people out"? Solicitation? Sexual hook-up interest? Equivalent age peers? Solicitation of younger teens? Prostitution? Was recipient known in person or only online?

Creation Initiated in Response to "Pressure"

- What kind and degree of "pressure?" Request, sweet-talking, manipulation, false promise, coercion, threat, invasion of privacy? By someone known or only online?

- Non-malicious pressure from a romantic partner, with no intent to share? Non-malicious pressure in a group "game" that got out of control? Malicious pressure in a group with a malicious leader, "in-crowd" students seeking images of "wannabes," or an individual bully ~ all with plans to disseminate? Person used coercion, threats, false promises to trick or convince person into creating or allowing creation of image? Was this an abusive partner? Invasion of privacy (locker room) to create image?

Dissemination

- If image has been disseminated, how widely has it been distributed, who was most actively distributing, and what was the apparent intent of all participants in the dissemination?
 - Self-sharing or non-malicious sharing with small number of friends, not thinking that anyone would further disseminate? Maliciously shared after a break-up of a relationship? Image was not disseminated by person depicted or his/her friend who possessed the image, but was found by someone who gained access to the digital device and disseminated maliciously. Intentional and malicious wide distribution by someone who obtained either from person depicted or from someone else who had obtained it? Disseminated by person depicted for attention-getting or sexual solicitation purposes?
- If image has not been widely disseminated, is image being used for blackmail?

Incident Intervention

Developmentally Normative Activities

- Handle primarily through educational and counseling.
- Implement mild level restorative justice school discipline for any students who violated trust - if there has been a substantial disruption at school or creation of a hostile environment for any student(s) depicted.
- In some situations, consider juvenile court review leading to informal disposition, deferred prosecution, or diversion for anyone violated trust and distributed image outside of relationship or group.

Harassment

- Impose significant restorative justice school discipline for any students who engaged in malicious activities - substantial disruption at school or a hostile environment is probable.
- Implement juvenile court review of circumstances - which could lead to informal disposition, deferred prosecution, diversion, or jurisdiction - depending on egregiousness of situation.
 - Possible charges include: Harassment. Invasion of privacy. Disorderly conduct. Malicious acquisition or distribution. False light.
 - The reason for juvenile jurisdiction is to ensure a disciplinary consequence, as well as supervision and rehabilitation.

At-Risk

- School discipline only appropriate if at-risk behavior constituted sexual harassment of other students, creating a hostile environment for those students.
- Implement juvenile court review of circumstances - which could lead to informal disposition, diversion, status offense, or detention - depending on degree/manner of risky behavior.
 - Possible charges include: Harassment. Indecent exposure. Solicitation. Prostitution.

- The reason for juvenile jurisdiction is to ensure counseling, supervision, and rehabilitation.

Exploitation

- Implement juvenile court review of circumstances - which could lead to informal disposition, diversion, status offense, or detention, depending on degree/manner of harmful behavior.
 - Possible charges include: Harassment. Malicious acquisition or distribution. Stalking. Blackmail. Solicitation or exploitation. Child pornography.
 - The reason for juvenile jurisdiction is to ensure a disciplinary consequence, as well as counseling, supervision, and rehabilitation.

Young Adult Students

- How law enforcement will handle situations of over-18 students is out of the hands of the MDT.
 - Hopefully, the MDT will advise against an overreaction. Most often, these are teens in a peer environment who simply do not understand the implications.
 - Given the degree of normality of these incidents among youth, encourage use of lowest level of criminal charges and avoidance of any charges that could result in required registration as a sex offender.

Prevent Sexual Harassment

- Articulate a plan to stop anticipated sexual harassment of the student(s) depicted.
 - Schools have a legal obligation to prevent sexual harassment of students - regardless of whether the student has engaged in behavior that contributed to this.
- Implement a plan to provide emotional support.
 - The student depicted is likely at risk for severe emotional distress and may need to be on "suicide watch."