



January 19, 2010

Many of us find that our children acquire and adapt to wonderful emerging technologies faster than we do. Some recent technology exposes us to a variety of threats to the health and security of our families. Since one of our jobs is to make our community as safe as possible for all residents, we're writing you today to discuss a recent trend among students and suggest some precautions we can all take to limit risk.

Many parents are giving their students cell phones. These new phones and "PDA"s are wonderful tools that include useful features like built-in cameras and internet access. Pictures snapped on such a phone can be instantly sent to others or posted on the internet.

Many students between the ages of 12 and 18 are engaging in the practice of "sexting", the transmission of nude or semi-nude photos between cell phones. Such photos are acquired in a variety of ways. Some students take pictures of their own privates to share with a boyfriend or girlfriend. Others take the photographs on a dare, like the freshman boy who is bullied into running into the girls locker-room with a camera, or a group of young girls who coax each other into skinny-dipping or other silliness during a summer slumber party.

In most cases these students do not envision their pictures drifting out of their control and into the public domain where they can be viewed by anybody, but a cell phone can take and transmit a picture to other phones or the internet in seconds. In one case, a younger brother picked up a cell phone, found naked images of a girl, and sent them to his friends before his brother, the intended recipient, even knew he had the phone. The older brother's seventeen year old girlfriend was devastated the following week when she discovered that her naked pictures had been distributed throughout the school. Once released and distributed, these pictures can not be reliably erased from the internet. It's a forever thing. Imagine the embarrassment we would have felt knowing that classmates and strangers were viewing our naked pictures.

In addition to the embarrassment and psychological trauma described above, Oregon and federal law both make it a crime to possess and distribute sexually explicit material depicting children. It is therefore criminal to retain or transmit images like those described above, and the consequences can be very severe, including the potential of protracted incarceration and a lifetime of having to register as a sexual offender.

We believe the best way to manage this risk is through education of students and parents, and that begins with understanding the risk that can flow from an impulsive act, even when no harm is intended. Please help us protect your student by talking to them about the risks associated with sexting. On the back of this letter you will find additional resource information on this topic.

If you have questions, please feel free to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Gardner".

Alex Gardner  
Lane County District Attorney

District Administrator

## **SEXTING: Just the facts...**

**DID YOU KNOW** that four Oregon statutes prohibit “sexting?” (Oregon Revised Statutes 163.670; 163.684; 163.686; 163.687)

**DID YOU KNOW** that “sexting” can be a felony? (ORS 163.670; 163.684; 163.686)

**DID YOU KNOW** that sexting can include taking, possessing or transmitting ANY photo that “**intends to stimulate lust or desire**”? In other words, ANY provocative picture of a minor, taken or transmitted, can potentially become a violation of Oregon criminal law. (“sexually explicit” conduct defined by Oregon courts as “lewd exhibiting of sexual or other intimate parts”; “lewd exhibition” defined as exhibition with intent of stimulating lust or sexual desires of person who views it”.)

**DID YOU KNOW** that all of the statutes that prohibit “sexting” are also *registerable* offenses, mandating registration as a sex offender if convicted? (ORS 181.594)

**REMEMBER:** once sexually-provocative pictures are taken and transmitted via cell phone, they are beyond the control of the subject and of the photographer.

They cannot be retrieved and erased.

It is, truly, a “forever” thing.