



## EDITORIAL

# Sexting: A new form of Victimless Crime?

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“Six Pennsylvania high school students are facing child pornography charges after three teenage girls allegedly took nude or semi-nude photos of themselves and shared them with male classmates via their cell phones.” “The female students at Greensburg Salem High School in Greensburg, Pa., all 14- or 15-years-old, face charges of manufacturing, disseminating or possessing child pornography while the boys, who are 16 and 17, face charges of possession. The convictions would have “serious, serious implications,” including forcing them having to register as sexual offenders for at least 10 years” (Brunker, 2009). These news clippings may shock many and make one wonder why at all a person should be convicted for sending his/her own photographs. Welcome to the techno era to invite one of the ugly sides of the use of modern telecommunication networks, called *sexting*. Sexting, the portmanteau of Sex and Texting has become a hot topic of debate between the legislators, educators, parents and teens.

What exactly is sexting? In simple terms, it is self photographing nude body or body parts and sending to others, as well texting obscene words to known persons (in most cases) using mobile phone. Mostly sexting is done by teenagers, though there are some cases of adults involving in it. Unfortunately, sexting is considered by many countries as Child pornography and laws related to child pornography have been applied in cases of sexting. But sexting is relatively different from conventional child pornography. Halder and Jaishankar analyzed this issue and found that sexting has certain unique characteristics which differentiate it from traditional forms of child pornography. They are:

1. Sexting is done by teenagers of adolescent age (13-18);
2. In cases of “Sexting among teens”, both the original creators as well as the original recipients are teens. In other words, in such cases, adults are not participants.
3. Mobile phone with camera is the main device for creating sexting.
4. Adolescent teens take pictures of their nude bodies or bare private parts or genitals only and send it to their friends either with some written text messages or without any message as such.
5. This may even include taking pictures in compromising situations and sending it to others.
6. Majority of sexting cases first start among boyfriends or girl friends either on demand or to impress the other person.
7. It can also be done by a teenager taking picture of other friends including himself or herself and sending it to bulk of friends.
8. In some cases the self captured or even received pictures are distributed to known or even unknown individuals either by cell phone or even by email and social networking sites. It is only in this stage that any adult

receiver, who receives the message in bulk, accidentally becomes a participator. But the adult is never the first recipient.

9. Such distribution can happen even to take revenge due to breaking of emotional relationship.
10. Sexting is mainly done by and among children of the same school; however, some times there can be involvement of children of different schools also when they know the sender personally or through social networking sites or even when the angry teen wants to spread the picture to a wider audience randomly.
11. Sexting is done by teenagers who don't know that it can create legal trouble.
12. Sexting can have terrible mental trauma on the creator as well as the recipient also. It can even lead the creator to commit suicide. It can also lead some recipients to turn in to instant bullies towards the creator.

How serious is sexting? The Pew Research Center's Internet & American Life Project survey among teens between the ages of 12-17 found (Lenhart, 2009):

- 4% of cell-owning teens (ages 12-17) have sent sexually suggestive nude or nearly nude images of themselves to someone else via text messaging
- 15% of cell-owning teens (ages 12-17) have received sexually suggestive nude or nearly nude images of someone they know via text messaging on their cell phone.
- Older teens are much more likely to send and receive these images; 8% of 17-year-olds with cell phones have sent a sexually provocative image by text and 30% have received a nude or nearly nude image on their phone.
- The teens who pay their own phone bills are more likely to send "sexts": 17% of teens who pay for all of the costs associated with their cell phones send sexually suggestive images via text; just 3% of teens who do not pay for, or only pay for a portion of the cost of the cell phone send these images.
- This project's focus groups revealed that there are three main scenarios for sexting: 1) exchange of images solely between two romantic partners; 2) exchanges between partners that are shared with others outside the relationship and 3) exchanges between people who are not yet in a relationship, but where at least one person hopes to be.

Another study by The National Campaign to Prevent Teen and Unplanned Pregnancy and CosmoGirl.com (2009) which is done among the teens between ages 13-26, showed that 21% of teen girls and 18% of teen boys have involved in sexting. This research suggests that nearly 20% of their 1,280 teen samples have involved in sexting. On the other hand, sociologist Pascoe (Top News, 2009) has shunned away such research reports and of the opinion that sexting is overblown. She was involved in a three year digital youth report study (Ito, Horst, Bittanti, Boyd, Herr-Stephenson, Lange, Pascoe, & Robinson, 2008) where her respondents never reported such involvement of cases of sexting. However, ignoring sexting researches in *Toto* is also not correct. Sexting is a new form of cyber nuisance and it is bound to increase as the usage of mobile phones by teenagers is increasing day by day. Hence, care should be taken by parents, educators and counselors to prevent sexting and I am not of the opinion to involve law enforcement agencies or legal machineries in these cases.

In the International Conference on “Protecting Children from Sexual Offenders in the Information Technology Era” organized by the International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme (ISPAC), in cooperation with United Nations Office on Drugs and Crime (UNODC) during December 11 - 13, 2009 at Courmayeur, Mont Blanc, Italy, I raised the issue of “Sexting” in the Workshop on Victim Protection. In spite of multifaceted opinions on Sexting, there was a unanimous voice that sexting should be considered as a victimless crime<sup>1</sup> and the children should not be prosecuted for this new type of cyber nuisance.

Criminalizing sexting will not help in preventing it. Responsible parenting and proper usage of mobile phones by teenagers are only right options. Teenagers should understand that once an image is sent out it will be no more under the control and there are dangers of spreading of their nude images in the internet. Also receiving such images will put a teen in trouble, so care should be exercised in storing such images in their mobile phones. It is heartening to note that Vermont legislature recently have passed a bill to legalize (decriminalize??) sexting (Huffington Post, 2009) and I hope that most of the American legal systems will follow this model and if any other country have plans to criminalize sexting, they should halt that.

#### **About this issue:**

This issue has five articles and one book review. *Adam M. Bossler* and *Thomas J. Holt* in their article on Malware Victimization have tried to analyze it with the Cohen and Felson’s (1979) Routine Activities Theory (RAT). RAT is often considered a victimological theory and many have analyzed using this theory in victimological studies. Though the authors’ application of RAT is not novel in cyber crime studies, it does bring in a new empirical approach to this theory. The authors with the college student samples have tried to bring in both victimization and perpetration patterns. Cyber Crime studies from victimological perspectives are now developing and Bossler and Holt’s study have significantly added to this growing literature.

Rob D’Ovidio, Tyson Mitman, Imaani Jamillah El-Burki, & Wesley Shumar study on Adult-Child sex advocacy websites is one of the article of IJCC which got high rating by the reviewers, recently. Their study in the form of content analysis, tried to find out how far the sites which encourage sexual relationships between adults and children are criminogenic in nature. The study also utilized various criminological theories such as Differential Association theory, Social Learning theory and Neutralization theory. The authors found that these sites are of pedophilic in nature and they should be banned. The authors also are of the opinion that courts should prohibit child offenders not to visit these sites.

Robert Moore and Elizabeth C. McMullan in their study tried to analyze digital piracy with neutralization theory. There are some earlier studies of this nature by Higgins et al and Moore's and Elizabeth study adds to that literature. The authors found some neutralization techniques been adopted by their respondent during the usage of pirated

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<sup>1</sup> Edwin M. Schur defines victimless crimes as voluntary exchanges of a commodity or personal service that is socially disapproved of and legally proscribed (1965). These exchanges rarely, if ever, cause harm to the parties and no one is victimized. Schur considers the laws that create these “victimless crimes” dysfunctional, as they punish people who have victimized no one, as each party involved in the crime is a willing participant (1965: 171).

softwares or music. As I pointed in my previous editorial, still digital piracy is an issue of debate and not many may accept it as crime.

Johnny Nhan, Patrick Kinkade, and Ronald Burns tried to build further on Thomas Holt and Danielle Graves (2007; IJCC Vol 1, Issue 1) study on fraudulent email messages. 419 Scam is a common cyber crime and many are victimized by this crime. Though most of these email messages go in spam, some do come to inbox and unfortunate victims are victimized by opening and responding to it. This is another study which is done from a victimological perspective.

In the final article, Laura Woods Fidelie discusses about Internet Gambling and finds that Internet Gambling is not legally proscribed and it needs to be legally acknowledged. The current prescription of Internet Gambling provides a wide range of criminal activity and many go unnoticed. So regulation of such activity is the need of the hour. It should also be noted that many innocent users are lured to the sites of Internet Gambling by various popup created in some sites of their interest. Mostly it happens when a user tries to freely download movies or music. The author concludes that, if this activity is not regulated it would detrimental to the common masses.

### **Acknowledgments:**

I would like to thank all the reviewers of this issue who have helped me in reviewing articles. I would like to thank Mr. Robert M. Slade for permitted to reprint his book review of Understanding and Managing Cybercrime (by Samuel McQuade) earlier published in The Risks Digest: Forum on Risks to the Public in Computers and Related Systems, in this issue of IJCC. I sincerely thank Editorial Assistant Ms. Megha Asher for significantly assisting me in the editorial process. My earnest thanks are due to Mr. Steve Chon the new Moderator of Virtual Forum against Cybercrime (VFAC) [www.cybercrimeforum.org](http://www.cybercrimeforum.org) and the former moderator Mr. Laurent Testard for effectively incorporating the pdfs of articles of IJCC in their research network section of their site. I also thank VFAC and Korean Institute of Criminology for hosting the pdfs in the VFAC site.

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