

JUVENILE LAW 101:

COMMON LEGAL ISSUES AFFECTING FRANKLIN COUNTY TEENAGERS



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Prosecutor (state's attorney, district attorney) –

A government attorney who presents the state's case against the defendant in a criminal prosecution.



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JUVENILE COURT SYSTEM



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JUVENILE LAW JURISDICTION

- Juvenile Court has jurisdiction over anyone who commits an act while under 18 years old that would be a crime if committed by an adult.
 - “Delinquent child”
- Once adjudicated delinquent, the juvenile may be subject to juvenile court jurisdiction until age 21.
- Some cases may be transferred to adult court.
 - “Bindover”



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PURPOSES OF JUVENILE LAW

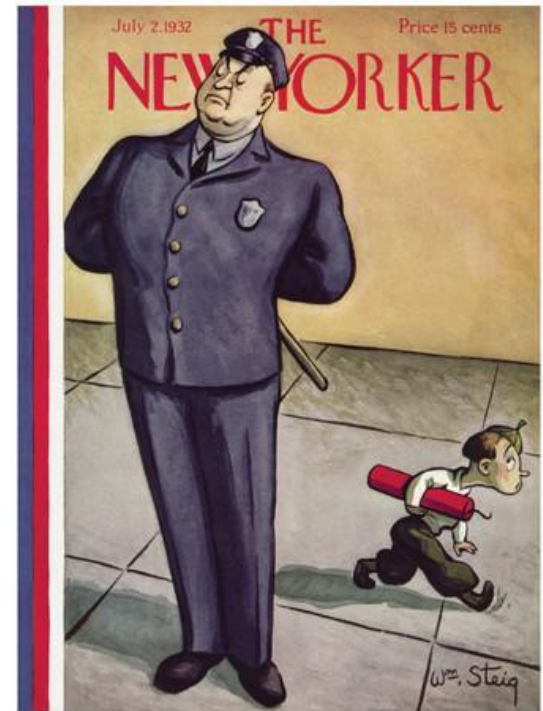
Ohio adopted statewide juvenile court system in 1906.

Focus on rehabilitation rather than punishment.

Ohio Revised Code § 2152:

- Protect public interest and safety;
- Hold offenders accountable;
- Restore victims;
- Rehabilitate offenders;
- Provide for the care, protection, and mental and physical development of children

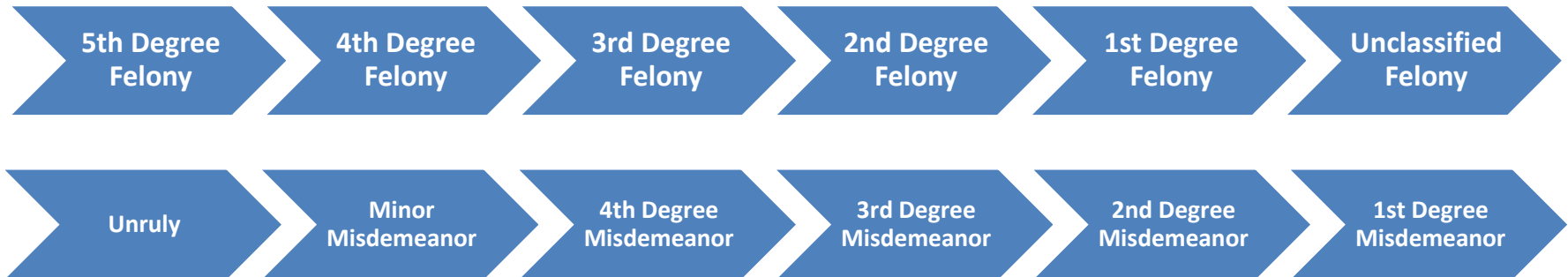
Purposes of adult felony sentencing, on the other hand, “are to protect the public from future crime by the offender and others and to punish the offender.” R.C. § 2929.11(A)



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FELONIES & MISDEMEANORS



2016 – More than 5,000 juvenile delinquency cases in Franklin County



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PENALTIES

JUVENILE DISPOSITIONS CAN INCLUDE:

- Commitment to the Ohio Department of Youth Services (DYS)
 - Felonies only
- Commitment to residential treatment facilities
- Juvenile Offender Registrant (juvenile version of Sex Offender Registration)
- Probation
- House arrest/electronic monitoring
- Community service
- Counseling services/drug/alcohol treatment
- Restitution/fines/court costs
- Child Protective Services



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BINDOVER TO ADULT CRIMINAL COURT

- A felony committed by someone 14 years or older may be tried in adult court.
- Court considers several factors including:
 - Likelihood child can be rehabilitated in the juvenile system;
 - Community safety;
 - Age;
 - Physical and mental maturity of child;
 - Past attempts at rehabilitation;
 - Harm suffered by victim;
 - Use of a firearm.



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BINDOVER TO ADULT CRIMINAL COURT

- Mandatory Bindover-
In some situations, the judge **MUST** bindover a juvenile to adult court.
- Common examples include (16 & 17 year olds charged with):
 - Murder
 - Attempted murder
 - Rape*
 - Aggravated Arson*
 - Aggravated Robbery*
 - Aggravated Burglary*

*When firearm is used or juvenile was permanently committed to DYS for one of these charges previously.



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SCHOOL SEARCHES

- School administration may search student property, including bookbags, purses, lockers, cars, cell phones, etc.
- Depends on reasonableness, under all the circumstances, of the search.



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Source: New Jersey v. T.L.O., 469 U.S. 325 (1985)

SCHOOL SEARCHES: LEGAL STANDARD

1. Reasonable grounds to suspect that the search will turn up evidence that the student has violated either the law or school rules, AND
2. The measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

****Lower standard than what is required by law enforcement!**



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Source: New Jersey v. T.L.O., 469 U.S. 325 (1985)

SOCIAL MEDIA AS EVIDENCE

- Everything on social media is possible evidence for trial.
- Law enforcement can subpoena social media companies and cell phone providers for data.



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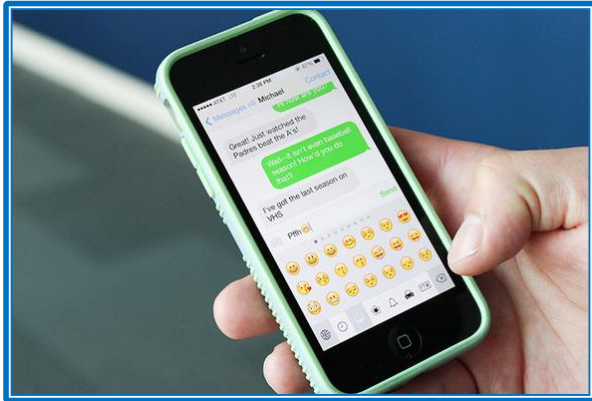
COMPLICITY



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COMMON OFFENSES COMMITTED BY JUVENILES



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THREATS & BULLYING

- **Aggravated Menacing/Menacing – ORC § 2903.21/2903.22 (M1)**
 - Knowingly cause another to believe the offender will cause (serious) physical harm to them, their property, or their family members.
- **Telecommunications Harassment – ORC § 2917.21 (F5 or M1)**
 - Knowingly make a telecommunication with purpose to harass, intimidate, or abuse any person.
 - Enhanceable.



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SOCIAL MEDIA IMPERSONATION

- **Identity Fraud – ORC § 2913.49 (F5)**
 - Use any personal identifying information of another to hold yourself out to be that person or to represent that person's personal identifying information to be your own.

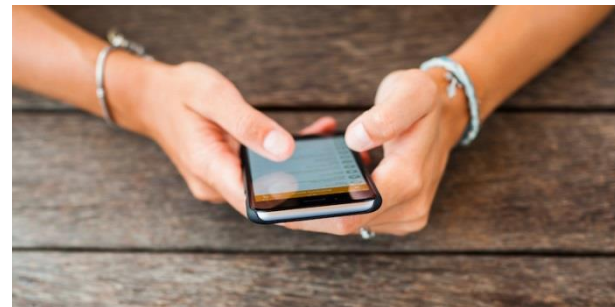


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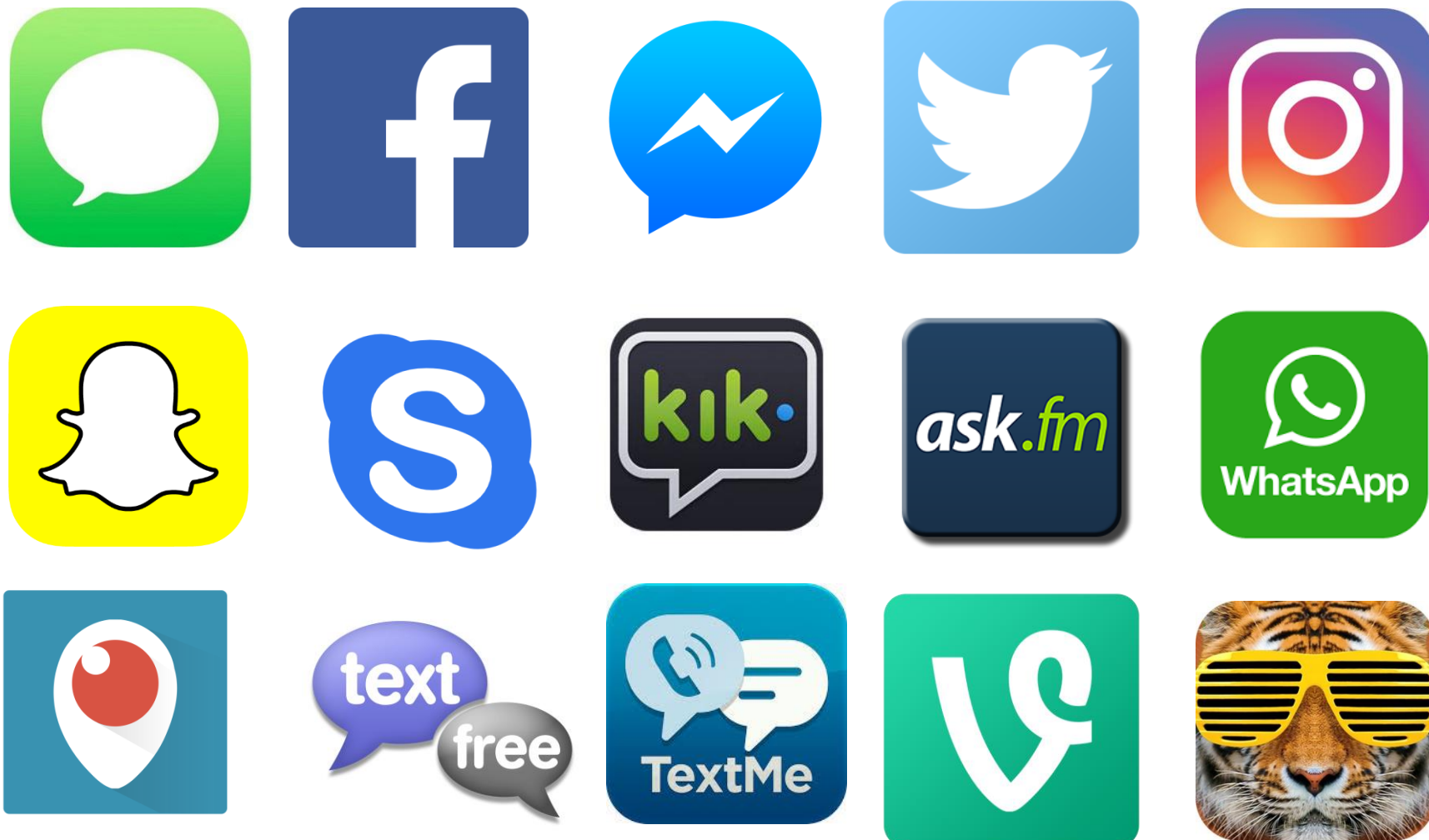
SEXTING

- Take/send/posses/request nude photos to and from minors.
- **DISSEMINATING MATTER HARMFUL TO JUVENILES – ORC § 2907.31 (F5)**
 - Distribute material that is obscene or harmful to juveniles
- **PANDERING OBSCENITY INVOLVING A MINOR – ORC § 2907.321 (F2)**
 - Create, reproduce, publish, possess obscene images of minors
- **PANDERING SEXUALLY ORIENTED MATTER INVOLVING A MINOR – ORC § 2907.322 (F2)**
 - Create, publish, solicit, receive minor engaging in sexual activity
- **ILLEGAL USE OF MINOR IN NUDITY-ORIENTED MATERIAL – ORC § 2907.323 (F2)**
 - Create, transfer, possess any material showing a minor in a state of nudity (including yourself!)



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Sexting includes sending or receiving nude photos through any text messaging service or social media app.



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SEXTING

SEX OFFENDER REGISTRATION (JUVENILE OFFENDER REGISTRANT)

- Registration could be required for a period of 10 years to life
- Court may require community notification
- Could result in residency restrictions

MANDATORY REGISTRATION: ages 16 and 17

DISCRETIONARY REGISTRATION: ages 14 and 15

NO REGISTRATION: age 13 and younger





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WHAT SHOULD I DO?

If you receive a nude photo, you have two options:

Report it	Delete it
<p>IMMEDIATELY notify a parent, teacher, administrator, police, or attorney</p> 	<p>IMMEDIATELY delete the photo (as soon as you get it!)</p> 

- **DO NOT** resend the photo
- **DO NOT** bring the photo/phone to school
- **DO NOT** show the photo to anyone other than the adult who will help you report it

These are general guidelines. All situations will be evaluated on a case-by-case basis.



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FIGHTING

- **Felonious Assault – ORC § 2903.11 (F2)**
 - Knowingly cause serious physical harm; or
 - Knowingly cause or attempt to cause physical harm with deadly weapon
- **Assault – ORC § 2903.13 (M1)**
 - Knowingly cause physical harm; or
 - Recklessly cause serious physical harm
- **Assault on Teacher or Police Officer (F4, F5)**
- **Domestic Violence – ORC § 2919.25 (F4, F5, M1)**
 - Assault on a family or household member
 - Enhanceable
- **Aggravated Riot – ORC § 2917.02 (F5)**
 - Commit a felony or an offense of violence with four or more others
 - “Jumping” someone



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FIGHTING — SELF DEFENSE

You can only use reasonable force to escape an ongoing attack.

NOT RETALIATION!

- You cannot use more force than is reasonable—cannot be disproportionate to level of danger.
- Not self defense if you provoked a fight or renewed a fight that had broken off.
- You must avoid the danger if you can.



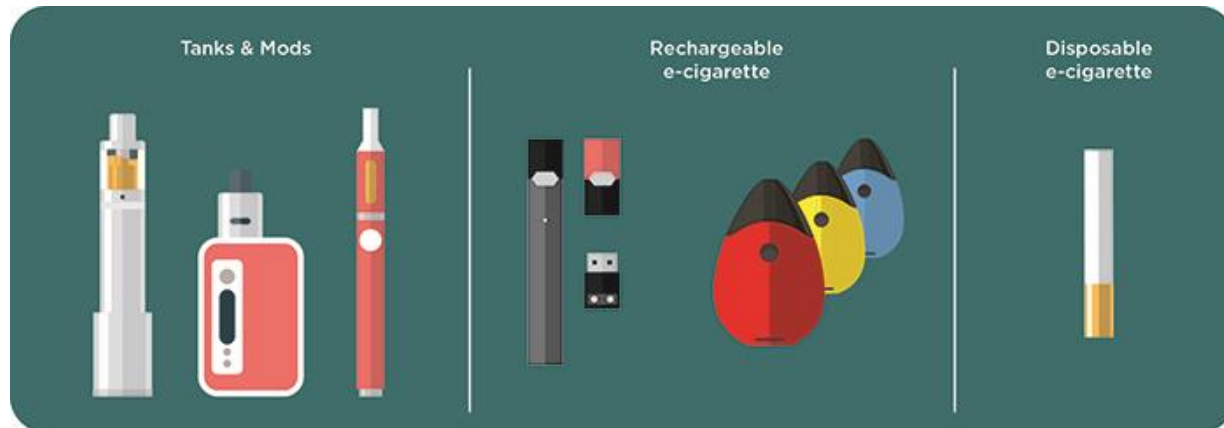
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VAPING

What Are E-Cigarettes?

- Electronic devices that heat a liquid and produce an aerosol (mix of particles in the air)
- Known by many different names: e-cigs, e-hookahs, mods, vape pens, vapes, tank systems, electronic nicotine delivery system (ENDS)



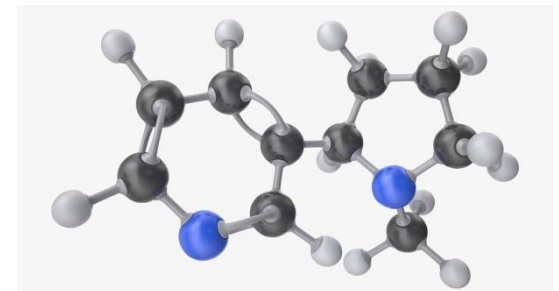
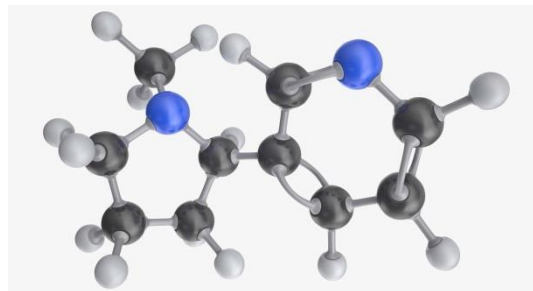
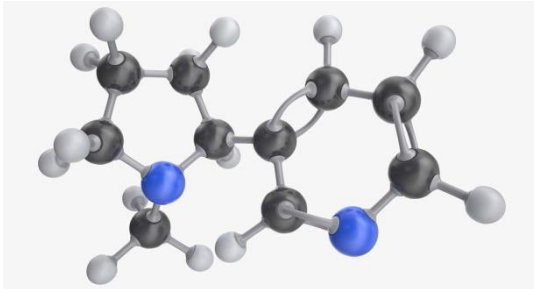
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VAPING

Nicotine

- Most e-cigarettes contain nicotine—the addictive drug in regular cigarettes, cigars, and other tobacco products.
- A single Juulpod contains 40mg of nicotine which is about the equivalent of a pack of cigarettes (20 cigarettes).
- Nicotine can harm the developing adolescent brain. The brain keeps developing until age 25.
- Affects parts of brain that control attention, learning, mood, impulse control.



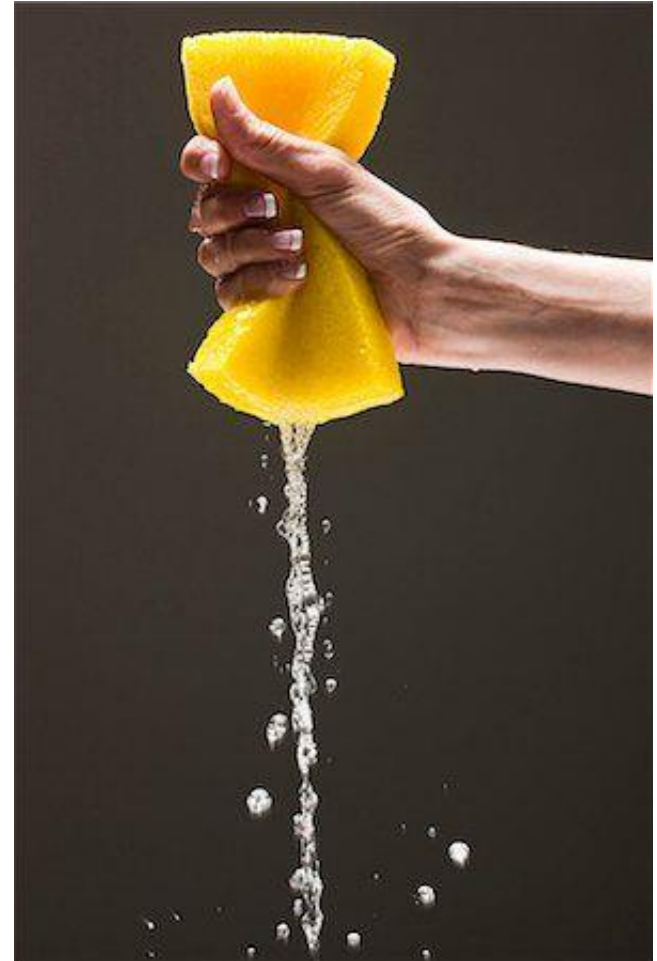
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Why is Nicotine Addictive?

- When inhaled, nicotine enters the brain.
- It binds to the pleasure receptors in the brain.
- This causes a release of pleasure chemicals, such as dopamine, providing a temporary feeling of pleasure.
- This interferes with body's natural ability to produce dopamine (because it's expecting the assistance of the nicotine).
- The user has a hard time creating natural feelings of pleasure without nicotine.
- Eventually, user needs nicotine just to feel normal.
- Pleasure receptors develop an appetite for nicotine AKA "addiction."



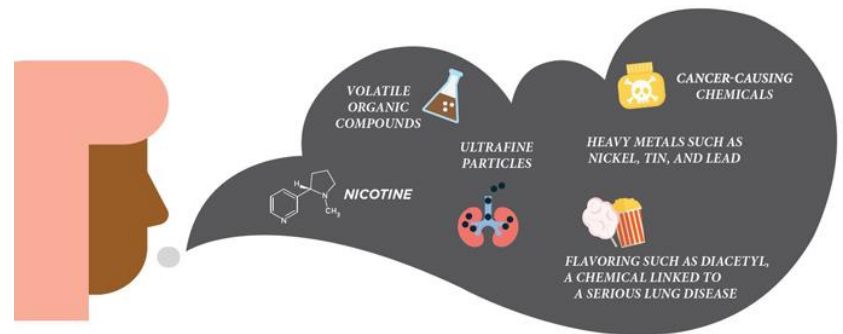
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What is in E-Cigarette Aerosol?

- E-cigarette aerosol is NOT harmless “water vapor”—it is aerosol.
- Aerosol is a mixture of liquid particles suspended in gas and can contain many chemicals:
 - Nicotine.
 - Ultrafine particles that can be inhaled deep into the lungs.
 - Flavoring, such as diacetyl, a chemical linked to a serious lung disease.
 - Volatile organic compounds.
 - Cancer-causing chemicals.
 - Heavy metals such as nickel, tin, and lead.



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VAPING

Aren't E-Cigarettes Safer Than Cigarettes?

- E-cigarettes expose users to fewer harmful chemicals than burned cigarettes. But burned cigarettes are extraordinarily dangerous, killing half of all people who smoke long-term.
- The use of any tobacco product, including e-cigarettes, is unsafe for young people.



**CENTERS FOR DISEASE
CONTROL AND PREVENTION**



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VAPING

Also, it's against the law...

- No person under 21 shall use, consume, possess:
- Purchase or attempt to purchase:
- Order, pay for, or share the cost of:
 - cigarettes,
 - other tobacco products,
 - alternative nicotine products, or
 - papers used to roll cigarettes

ORC § 2151.87



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ROBBERY & THEFT

- **Petty Theft – ORC § 2913.02 (M1)**
 - Knowingly obtain control over another's property without consent of owner, beyond scope of consent, by deception, by threat, or by intimidation
- **Felony/Grand Theft – ORC § 2913.02**
 - Greater than \$1,000
 - Victim is elderly or disabled (regardless of value)
 - Firearm, motor vehicle, drugs, credit card, checks, license plates
- **Aggravated Robbery/Robbery – ORC § 2911.01/2911.02 (F1, F2, F3)**
 - Attempting or committing a theft offense:
 - while possessing or using a deadly weapon;
 - while threatening or inflicting physical harm; or
 - using or threatening immediate use of force.



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RECEIVING STOLEN PROPERTY

- **Receiving Stolen Property – ORC § 2913.51 (M1)**
 - Receive, retain, or dispose of property of another knowing or having reasonable cause to believe that the property has been obtained through the commission of theft offense
- **Felony-level Receiving Stolen Property**
 - Greater than \$1,000
 - Firearm, motor vehicle*, drugs, credit card, checks, license plates
 - *Can be charged even as a passenger in a stolen vehicle



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INDUCING PANIC & MAKING FALSE ALARMS

- **Inducing Panic & Making False Alarms – ORC § 2917.31 and ORC § 2917.32 (felony and misdemeanor)**
 - Cause serious public inconvenience or alarm by circulating false reports or threatening to commit any offense of violence
 - Level depends on severity of panic (i.e. economic harm, physical harm, evacuation of school, etc.)



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GUNS

- **Illegal conveyance of a deadly weapon in school zone – ORC § 2923.122 (F5, M1)**
 - Knowingly convey or possess a deadly weapon in school safety zone
 - Knowingly possess an object indistinguishable from a firearm
- **Carrying a concealed weapon – ORC § 2923.12 (F4, M1)**
 - Knowingly carry or have concealed on the person's person a deadly weapon
- It is unlawful for a juvenile to knowingly possess a handgun – 18 U.S.C. § 922(x)(2)
 - Exceptions: Temporary possession okay with parental consent for target practice, hunting, firearm instructional courses, etc.



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DRUGS

- **Trafficking in Drugs – ORC § 2925.03 (felony)**
 - Knowingly sell or offer to sell a controlled substance
 - Prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance
- **Theft of Drugs – ORC § 2913.02 (felony)**
- **Possession of Drugs – ORC § 2925.11 (felony and misdemeanor)**
 - Knowingly obtain, possess, or use a controlled substance
- **Illegal Use or Possession of Drug Paraphernalia – ORC § 2925.14 (misdemeanor)**
 - Knowingly use, or possess with purpose to use, drug paraphernalia
 - “Drug paraphernalia”: Any equipment, product, or material used to consume, manufacture, prepare for sale a controlled substance.



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VANDALISM

- **Vandalism – ORC § 2909.05 (F5)**
 - Cause serious physical harm to an occupied structure, place of business, or government property.
- **Criminal Damaging – ORC § 2909.06 (M2)**
 - Cause or create a substantial risk of physical harm to any property of another.
- **Criminal Mischief – ORC § 2909.07 (F4, F5, M1, M3)**
 - Move, deface, damage, destroy, improperly tamper with property of another.



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TRAFFIC

- **Operating a Vehicle Under the Influence** – ORC § 4511.19 (M1)
 - Blood Alcohol Concentration (BAC) over .02 for anyone under 21
- **Street Racing** – ORC § 4511.251 (M1)
- **Failure to Comply with Signal of Police Officer** – ORC § 2921.331 (F3, F4, M1)
- **Hit Skip** – ORC § 4549.02 (M1)
- **Speeding** – ORC § 4511.21
 - 30 mph over limit = 4 points
- **Driving While Texting** – ORC § 4511.204
- **Use of Devices by Persons Under 18** – ORC § 4511.205
 - Using in any manner an electronic wireless communications device
- **Earphones or earplugs on operator prohibited** – ORC § 4511.84

PENALTIES:

- License suspended, fines, points, insurance rates increase, driving classes



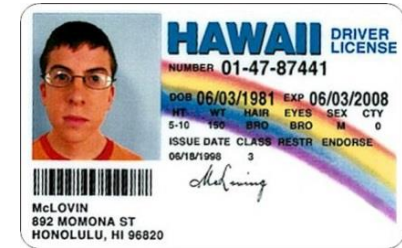
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MISCELLANEOUS

- **Truancy – ORC § 2151**
 - Absent without legitimate excuse for 30 or more consecutive hours, 42 or more hours in one month, or 72 or more hours in a school year
- **Curfew – Columbus City Code § 2319.30 (M3)**
 - Under 13 – one hour after sunset until 4:30am
 - Ages 14-17 – Midnight until 4:30am
- **Fake IDs – ORC § 4507.30 (M1); ORC § 2305.46 (M3)**
- **Underage Consumption – ORC § 4301.69(E)(1) (M1)**
 - No underage person shall knowingly purchase, possess, or consume alcohol
 - No underage person shall knowingly be under the influence of alcohol
- **Prohibitions regarding cigarettes, tobacco products – ORC § 2151.87**
- **Disorderly Conduct – ORC § 2917.11 (M4)**
 - Recklessly cause inconvenience, annoyance, or alarm to another:
 - Engaging in fighting (mutual combat)
 - Offensive language
 - Insulting, taunting, or challenging another under circumstances likely to provoke a violent response
- **Unruly – ORC § 2151.022**
 - Any child who does not submit to the reasonable control of the child's parents, teachers, guardian, or custodian, by reason of being wayward or habitually disobedient



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RESOURCES FOR TEENS IN THREATENING SITUATIONS



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HEROIN & OPIOIDS

- **Opiates**: “Natural” pain-relieving drugs derived from the poppy plant (including heroin)
- **Opioids**: Man-made drugs creating effects of opiates (ex. OxyContin)
- **2017 deaths: 4,854 statewide (Franklin County: 431 – more than 1 death per day)**
- Numbers would be higher without naloxone (drug that can revive someone from overdose)
 - Given 8-12 times/day in Franklin County



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Source: *The Columbus Dispatch*, September 23, 2018

The Columbus Dispatch

FENTANYL

Fentanyl:

A synthetic opioid that is 50 times more powerful than heroin and much cheaper.

- Originally invented as a painkiller for use in cardiac surgery.
- A dose the size of a grain of salt can be fatal. Even law-enforcement officers, lab technicians, and prosecutors are in danger when handling it.



Source: The Columbus Dispatch, April 23, 2017



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The Columbus Dispatch

RESOURCES FOR DRUG AND ALCOHOL DEPENDENCY

- Maryhaven serves boys and girls ages 12-18, treating for alcohol and other drug dependencies, and other mental health needs in both residential and outpatient settings.
- Maryhaven treated 11,000 people in central Ohio in 2016, and 80 percent were addicted to opioids.



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1791 Alum Creek Drive
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RESOURCES FOR DRUG AND ALCOHOL DEPENDENCY

- Abraxas Counseling Center serves male and female youth aged 12-18.
- They provide treatment and prevention services for mental health issues, substance abuse, and behavioral disorders.



Abraxas Counseling Center
899 East Broad Street
Columbus, Ohio 43205
(614) 220-8655



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HUMAN TRAFFICKING

- Human trafficking is modern day slavery. Victims of human trafficking are subjected to force, fraud, or coercion for the purpose of exploitation in commercial sex or forced labor.
- Human sex trafficking is the **second fastest growing criminal industry** in the United States, behind drug trafficking. Approximately half of these victims are children.
- Estimates show that **100,000 youth are exploited** into the commercial sex industry each year in the U.S., and the average age of entry is 13 years old.

Source: Gracehaven



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HUMAN TRAFFICKING IN OHIO

- In Ohio alone, **more than 3,000 minors** are at-risk for sex trafficking, and more than 1,000 are actually trafficked during the course of a year.
- Ohio is prime field for exploitation for several reasons:
 - An extensive highway system
 - A large number of truck stops and adult strip clubs
 - Close proximity to an international border
 - A high number of children living in poverty (24%)
- Victims come from all geographic areas and all socioeconomic levels.

Source: Gracehaven



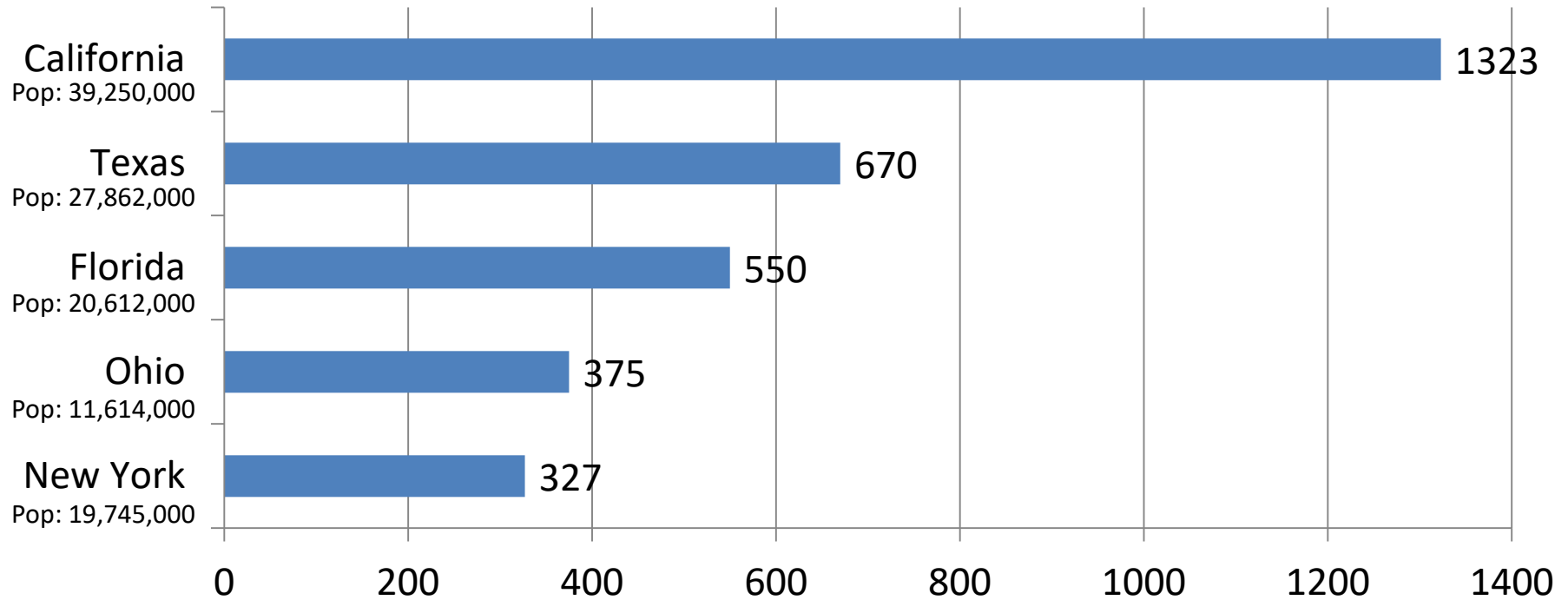
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HUMAN TRAFFICKING IN OHIO

Human Trafficking Cases Reported by State - 2016



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Source: humantraffickinghotline.org operated by Polaris



HUMAN TRAFFICKING RESOURCES



(614) 437-2149

swo.salvationarmy.org/rescueandrestore



(614) 302-9515

www.gracehaven.me

NATIONAL HUMAN TRAFFICKING HOTLINE:
(888) 373-7888



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SEXTORTION



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SEXTORTION

UNITED STATES DEPARTMENT OF JUSTICE:

- In April 2016, DOJ declared sextortion as the most significantly growing threat to children by far.
- Offenders are specifically seeking out those children they considered easy targets because of their demonstrated **willingness to post personal content online** and engage in live-streaming video activity, whether the content was sexually explicit or not.



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SEXTORTION

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN:

- Received more **than 800 sextortion-related tips** from October 2013-June 2015
- Who are the child victims?
 - 78% of incidents involved **female** children (age range 8-17 years old)
 - 12% of incidents involved **male** children (age range 11-17 years old)
 - 10% of incidents, child gender could not be determined
- What do they want?
 - 76% to acquire **additional sexual content**
 - 6% to obtain **money** from child
 - 6% to have **sex** with child
 - 12% objective could not be determined



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SEXTORTION RESOURCES

Report suspicion of child sexual exploitation to:

Local Police

- Columbus Police Exploited Children Unit
- (614) 645-4670



Ohio Internet Crimes Against Child Task Force

- (614) 525-3448 – Franklin County
- (440) 886-5284 – Statewide



National Center for Missing and Exploited Children

- www.cybertipline.com
- 1-800-843-5678



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DOMESTIC VIOLENCE RESOURCES

Domestic violence: includes physical assault as well as psychological, emotional, economic, and/or sexual abuse between intimate partners.

- CHOICES offers **temporary emergency shelter** for victims and their children who are in imminent danger and have no safe place to go.
- **Legal advocates** offer support, assist with filing criminal charges, and help obtain protection orders to help victims navigate the court system.
- **Individual counseling** to aid in recovery from trauma related to domestic violence.



CHOICES for Victims of Domestic Violence
(614) 224-4663



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TEEN RELATIONSHIP VIOLENCE

Teen Relationship Violence:

- A pattern of actual or threatened acts of physical, sexual, financial, or verbal/emotional abuse.
- Also sexual coercion, social sabotage, sexual harassment.
- Perpetrated by an adolescent against a current or former partner or a person with whom the teen has some kind of intimate relationship.

Statistics:

- 1 in 5

teens report being hit, slapped, or pushed by a partner.

- 1 in 3

teens report knowing a friend or peer who has been physically hurt by a partner.



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Source: loveisrespect.org



TEEN RELATIONSHIP VIOLENCE

Juvenile Civil Protection Orders:

- Ohio law allows juveniles to obtain a JPO in Juvenile Court when they experience violence in their relationships by other teens.
- The petition must include an allegation of certain behaviors such as assault, stalking, a sexually-oriented offense, threats of harm, or aggravated trespass.
- A violation of a protection order can result in a criminal charge.



FRANKLIN COUNTY
Court of Common Pleas
Division of Domestic Relations
and Juvenile Branch

Franklin County Juvenile/Domestic Relations Court
373 South High Street, 6th Floor
Columbus, Ohio 43215



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TEEN RELATIONSHIP VIOLENCE

National Teen Abuse Helpline:

(866) 331-9474

loveisrespect.org



Ohio Domestic Violence Network:

(800) 934-9840

odvn.org



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CHILD PROTECTIVE SERVICES

Franklin County Children Services is mandated by law to assess concerns related to child abuse, neglect, and dependency.

The intake assessment and investigations department consists of caseworkers, aides, and administrators whose primary focus is to ensure the safety of children of Franklin County.

They also offer services including counseling services, home-based services, medical services for children, and psychiatric and psychological services for children.



Protecting Children by Strengthening Families

Franklin County Children Services

(614) 229-7000



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BULLYING

School Anti-Bullying Policy

Ohio Revised Code § 3313.666 requires schools to establish a policy prohibiting harassment, intimidation, and bullying.

“Harassment, intimidation, or bullying”:

- Includes many different behaviors that seek to ridicule, humiliate, or intimidate another student.
- Examples:
 - Physical violence
 - Threats, taunts, or intimidation with words or gestures
 - Extortion, damage, or stealing of money or property
 - Spreading rumors
 - Cyber bullying:
 - Posting insults or rumors on social media
 - Sending abusive or threatening texts/messages
 - Taking embarrassing photos of students and posting them online



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PROSECUTOR'S OFFICE INTAKE

The Franklin County Prosecutor's Office Intake personnel will assist anyone who desires to file a complaint charging a child with a criminal offense.



Prosecutor's Office Intake
399 S Front St
Columbus, Ohio 43215
(614) 525-7388



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QUESTIONS?

Zach Imwalle – Assistant Prosecuting Attorney
Franklin County Prosecutor's Office, Criminal Division
614-525-6383
zimwalle@franklincountyohio.gov



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THE SIDE EFFECTS OF SEXTING



Franklin County Prosecuting Attorney

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Prosecutor (state's attorney, district attorney) –
A government attorney who presents the state's case against
the defendant in a criminal prosecution.



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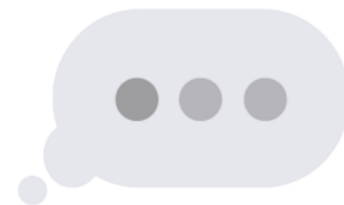
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WHAT IS SEXTING?

It is against the law for minors to use a cell phone to:

- **TAKE** nude photo of yourself or another minor.
- **SEND** nude photos of minors to anyone else.
- **SEND** nude photos to minors.
- **POSSESS** nude photos of minors.
- **VIEW** nude photos of minors.
- **REQUEST** nude photos from a minor.

Nude means any private areas (bathing suit areas), even if the subject's face is not in the picture.



sexting

noun | sex·ting | \ˈsek-stɪŋ\

Definition of SEXTING Popularity: Top 40% of words

: the sending of sexually explicit messages or images by cell phone

Origin of SEXTING

blend of *sex* and *texting*

First Known Use: 2007





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DEFINITION OF “NUDITY”

ORC § 2907.01(H)

“Nudity” means the showing, representation, or depiction of:

- male or female:
 - **genitals**
 - **pubic area**
 - **buttocks**with less than full, opaque covering
- female:
 - **breast (any portion below the top of the nipple)**with less than full, opaque covering
- male:
 - **covered male genitals in a discernibly turgid state**



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SEXTING STATUTES IN OHIO

DISSEMINATING MATTER HARMFUL TO JUVENILES – ORC § 2907.31

- Distributing material that is obscene or harmful to juveniles
- Fifth degree felony

PANDERING OBSCENITY INVOLVING A MINOR – ORC § 2907.321

- Create, reproduce, publish, possess obscene images of minors
- Second degree felony

PANDERING SEXUALLY ORIENTED MATTER INVOLVING A MINOR – ORC § 2907.322

- Create, publish, solicit, receive minor engaging in sexual activity
- Second degree felony

ILLEGAL USE OF MINOR IN NUDITY-ORIENTED MATERIAL – ORC § 2907.323

- Create, transfer, possess any material showing a minor in a state of nudity (including yourself!)
- Second degree felony

POSSESSING CRIMINAL TOOLS – ORC § 2923.24

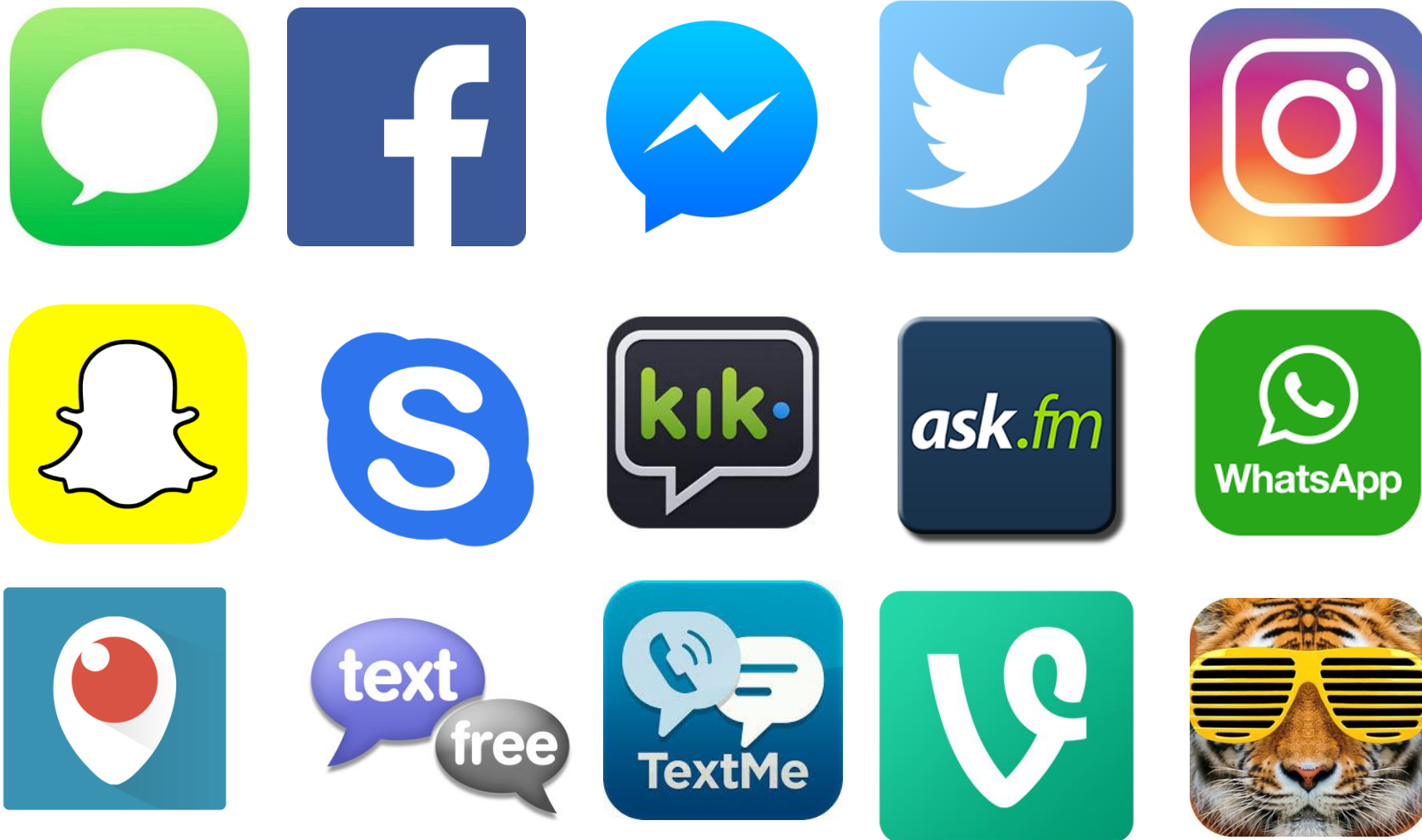
- Using a devise with purpose to use it criminally
- Fifth degree felony



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Sexting includes sending or receiving nude photos through any text messaging service or social media app.



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ARE KIDS REALLY SEXTING?

Teens reported having sent a naked picture of themselves:

All – 27.6%

Boys – 27.8%

Girls – 27.5%

Teens reported having been asked to send a sext:

Boys – 42.1%

Girls – 68.4%

Teens reported having asked someone to send a sext:

Boys – 46%

Girls – 21%



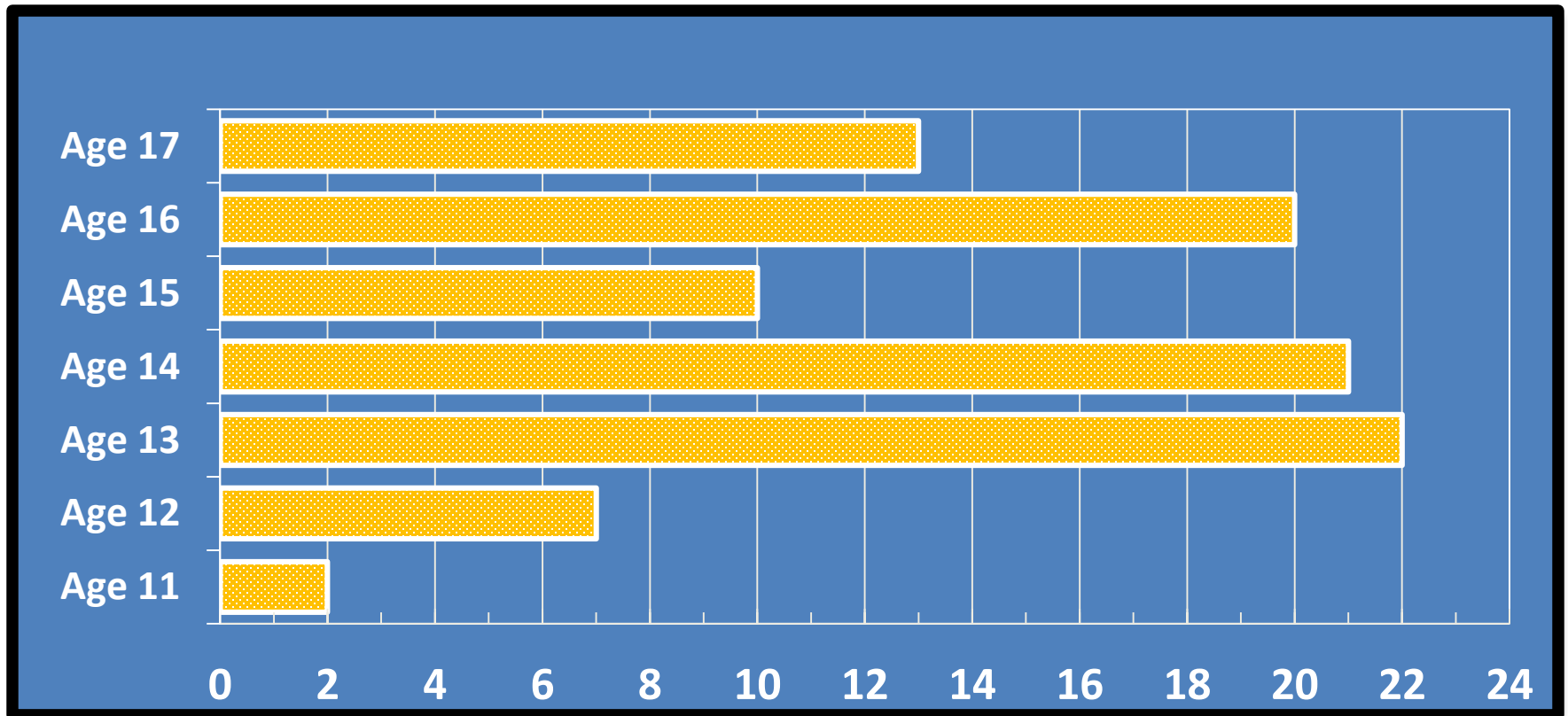
Source: *Journal of the American Medical Association (JAMA) Pediatrics* 2012



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95 JUVENILES CHARGED IN FRANKLIN COUNTY SINCE 2014



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WHAT HAPPENS IF I'M SUSPECTED OF SEXTING?

- **POLICE INVESTIGATE ALLEGATIONS, COLLECT EVIDENCE**
- **FILE CHARGES WITH PROSECUTOR'S OFFICE**
- **COURT – TRIAL OR PLEA**
- **DISPOSITION (SENTENCING)**



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INVESTIGATION PROCESS

Law enforcement can get a search warrant/subpoena for:

- Your phone and devices
- Your phone records
- Your social media accounts



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INVESTIGATION PROCESS

All evidence can be presented in open court!



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LEGAL PENALTIES

FELONY DISPOSITIONS CAN INCLUDE:

- Commitment to the Ohio Department of Youth Services (juvenile prison)
- Commitment to residential treatment facilities
- Probation
 - Social media monitoring
 - Curfew
 - Drug testing
- House arrest/electronic monitoring
- Community service
- Counseling services/drug/alcohol treatment
- Child Protective Services
- Surrender cell phone
- Juvenile Offender Registrant (juvenile version of Sex Offender Registration)



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LEGAL PENALTIES

SEX OFFENDER REGISTRATION (JUVENILE OFFENDER REGISTRANT)

- Registration could be required for a period of 10 years to life
- Court may require community notification
- Could result in residency restrictions

MANDATORY REGISTRATION: ages 16 and 17

DISCRETIONARY REGISTRATION: ages 14 and 15

NO REGISTRATION: age 13 and younger



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CRIMINAL RECORD

MYTHS:

- No records are kept for juveniles who violate the law.
- Juvenile records are automatically sealed and expunged once the individual turns 18.

FACT:

- You must file a motion with the Court requesting your record be sealed.
- You must wait 6 months after case is over or once you turn 18.
- It is ultimately the judge's decision to seal/expunge a juvenile's record.

Can affect:

- Future employment opportunities
- College admissions
- Student loans
- Housing applications



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PENALTIES FOR YOUR PARENTS?

If you have pictures of nude minors on your phone, chances are that the phone belongs to your parents:

- Plugging phone into computer may transfer data onto computer
- Many phones automatically save data to online backup (iCloud)
- Photos on your phone may be stored online under parents' name
- Companies like Apple can easily access this data
- Could result in serious child pornography charges

Also:

- These charges may result in destruction of phone
- Financial liabilities for your parents



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LONG TERM (NON-LEGAL) CONSEQUENCES

If you send a nude picture of yourself to someone else, remember:

- You no longer have any control over who sees that picture
- Person you sent it to could send it to anyone!
 - Are you sure you'll always be on good terms with this person?
- Even if they never send it to anyone else:
 - They could lose phone or phone could be stolen
 - Their parents or police may check their phone for other reasons and find it!
- Once on the internet, it can never be removed completely
 - Who might find it one day? Employer? College? Parents? Future spouse and children?



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HYPOTHETICAL SITUATIONS



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IS THIS ILLEGAL?

You take a naked picture of yourself and send it to your boyfriend/girlfriend. Have you broken the law?

YES

- **ILLEGAL USE OF MINOR IN NUDITY-ORIENTED MATERIAL – F2**
- **DISSEMINATING MATTER HARMFUL TO JUVENILES – F5**

Your boyfriend/girlfriend sends a naked picture back to you. Have you broken the law?

YES

- **PANDERING OBSCENITY INVOLVING A MINOR – F4**
- **PANDERING SEXUALLY ORIENTATED MATERIAL INVOLVING A MINOR - F4**
- **ILLEGAL USE OF MINOR IN NUDITY-ORIENTED MATERIAL – F5**



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IS THIS ILLEGAL?

A few teammates from the football team are showering after practice. While Mark is undressed, Joe takes a picture of him as a prank. He shows it to other teammates. Has Joe broken any laws?

YES

- **PANDERING OBSCENITY INVOLVING A MINOR – F2**
- **ILLEGAL USE OF MINOR IN NUDITY-ORIENTED MATERIAL – F2**
- **DISSEMINATING MATTER HARMFUL TO JUVENILES – F5**

What if he doesn't show it to anyone else? Still illegal?

YES

- **PANDERING OBSCENITY INVOLVING A MINOR – F4**
- **ILLEGAL USE OF MINOR IN NUDITY-ORIENTED MATERIAL – F5**



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IS THIS ILLEGAL?

Your boyfriend/girlfriend sends you a nude photo. After a big argument, you send the picture to one of your friends to embarrass him/her. Have you broken any laws?

YES

- **PANDERING OBSCENITY INVOLVING A MINOR – F2**
- **ILLEGAL USE OF MINOR IN NUDITY-ORIENTED MATERIAL – F2**
- **DISSEMINATING MATTER HARMFUL TO JUVENILES – F5**



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IS THIS ILLEGAL?

Your boyfriend/girlfriend sends you a nude photo. You don't send it to anyone else, but you show your friend the picture on your phone. Have you broken any laws?

YES

- **PANDERING OBSCENITY INVOLVING A MINOR – F2**
- **ILLEGAL USE OF MINOR IN NUDITY-ORIENTED MATERIAL – F2**
- **DISSEMINATING MATTER HARMFUL TO JUVENILES – F5**



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IS THIS ILLEGAL?

You and another student have been flirting back and forth for a while. One night while you guys are texting, you ask them to send you a nude photo. Have you broken any laws?

YES

- **PANDERING SEXUALLY ORIENTED MATTER INVOLVING A MINOR – F4**
- **ATTEMPTED ILLEGAL USE OF MINOR IN NUDITY-ORIENTED MATERIALS – M1**

Even if they don't send anything!



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IS THIS ILLEGAL?

You take a naked picture of yourself. You never send it or show it to anyone. You keep the picture on your phone. Have you broken any laws?

YES

- **ILLEGAL USE OF MINOR IN NUDITY-ORIENTED MATERIAL – F2**

Why?

One purpose of this statute is to prohibit the creation of child pornography.

Even if you're just taking a naked picture of yourself, you have created child pornography.



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WHAT SHOULD I DO?

One of your friends just broke up with his girlfriend because she cheated on him. He is very upset. He sends you a nude photo of her to get back at her.

WHAT SHOULD I DO?

Adam is a boy from one of your classes who you barely know. One day he randomly texts you a photo of him naked.

WHAT SHOULD I DO?





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WHAT SHOULD I DO?

If you receive a nude photo, you have two options:

Report it	Delete it
<p>IMMEDIATELY notify a parent, teacher, administrator, police, or attorney</p> 	<p>IMMEDIATELY delete the photo (as soon as you get it!)</p> 

- **DO NOT** resend the photo
- **DO NOT** bring the photo/phone to school
- **DO NOT** show the photo to anyone other than the adult who will help you report it

These are general guidelines. All situations will be evaluated on a case-by-case basis.



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WHAT SHOULD I DO?

Obviously you cannot control what other people send you. But you *can* control what you do if you receive a nude photo.



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IT'S NOT WORTH IT!

REMEMBER:

- *It's illegal!*
- *Could result in a juvenile record and sex offender registration*
- *Phone will be destroyed*
- *Parents could be charged*
- *Once you send it, you will never again have control over who sees it*
- *Embarrassing!*



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SEXTORTION

Sextortion is blackmail. Because of sexting, instances of sextortion have skyrocketed.

The perpetrator threatens to distribute your sexually explicit images if you don't provide them additional sexually explicit images, sexual favors, or money.

Perpetrators can include:

- Former boyfriends/girlfriends
- Sexual predators using fake accounts online to pose as juveniles



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SEXTORTION

UNITED STATES DEPARTMENT OF JUSTICE:

- In April 2016, DOJ declared sextortion as the most significantly growing threat to children by far.
- Offenders are specifically seeking out those children they considered easy targets because of their demonstrated willingness to post personal content online and engage in live-streaming video activity, whether the content was sexually explicit or not.



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SEXTORTION

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN:

- Received more **than 800 sextortion-related tips** from October 2013-June 2015
- Who are the child victims?
 - 78% of incidents involved **female** children (age range 8-17 years old)
 - 12% of incidents involved **male** children (age range 11-17 years old)
 - 10% of incidents, child gender could not be determined
- What do they want?
 - 76% to acquire **additional sexual content**
 - 6% to obtain **money** from child
 - 6% to have **sex** with child
 - 12% objective could not be determined



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SEXTORTION

WHAT METHODS DO THEY USE?

- **Threatening to post** previously-acquired **sexual content** of the child
- **Threatening to post** sexually-explicit online **conversations** with the child
- Developing a bond with child through **flattery**
- Pretending to be a **modeling agent** to obtain sexual content of the child
- **Secretly recording** sexually-explicit videos during video chats
- Using **multiple online identities** against a child, such as being the blackmailer as well as pretending to be a supporting friend or a sympathetic victim of the same offender



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SEXTORTION

Report suspicion of child sexual exploitation to:

Local Police

- Columbus Police Exploited Children Unit
- (614) 645-4670



Ohio Internet Crimes Against Child Task Force

- (614) 525-3448 – Franklin County
- (440) 886-5284 – Statewide



National Center for Missing and Exploited Children

- www.cybertipline.com
- 1-800-843-5678



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The following slides are only used during presentations for parents. Students do not see these slides when we present to them in schools.



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ARE KIDS REALLY SEXTING?

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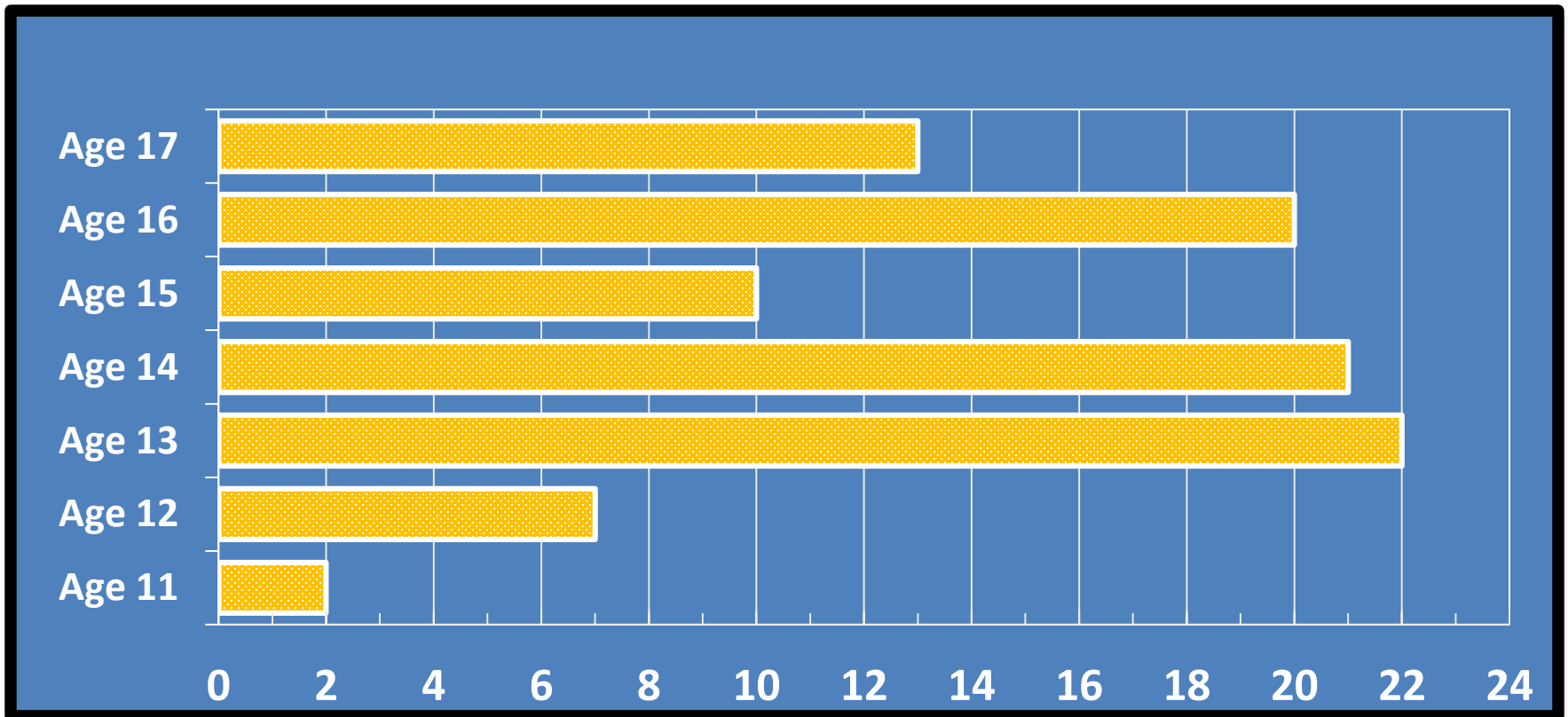
Source: *Journal of the American Medical Association (JAMA) Pediatrics* 2012



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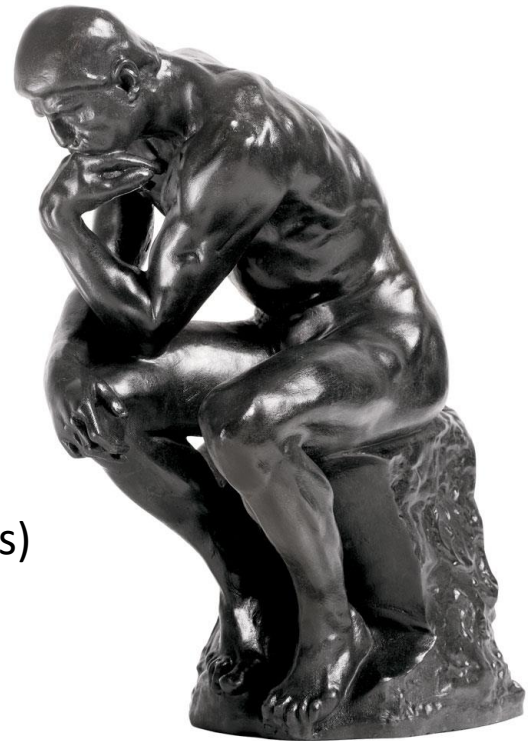


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WHY ARE KIDS SEXTING?

- A way to overcome shyness or a lack of confidence
- A means of “testing the waters”—see what others think
- Substitute for sex
- Form of “safe sex”
- Invitation to sexual activity
- Bridging physical and geographical distance
- Allure of the forbidden fruit
- Hormonal influences
- Sexual bragging
- Sexual identity and body image
- Intent to harm (embarrass or humiliate others)



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WHY ARE KIDS SEXTING?

DEVELOPMENTAL FACTORS

Developmental factors include:

- Need for experimentation
- Feelings of invulnerability
- Hypersexuality
- Impulsivity



Developmental factors' role in sexting:

- May reflect developmental immaturity in which immediate gratification is prioritized over concerns for long-term consequences.



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WHY ARE KIDS SEXTING?

SOCIAL FACTORS

Social factors include:

- Peer group dynamics
- Gender roles and expectations
- Courtship and dating rituals

Social factors' role in sexting:

- May reflect current youth norms and culture, including differing generational views of privacy and how teens view communications technology as an integral part of their social lives.
- **TLDR; It's what everyone does these days.**



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WHY ARE KIDS SEXTING?

ENVIRONMENTAL FACTORS

Environmental factors include influences from:

- Family and community
- The media
- Popular culture

Environmental factors' role in sexting:

- Prevalence among celebrities taking nude selfies or making sex tapes.
- Seems normal, acceptable, natural, casual.
- These behaviors usually increase their celebrity status without any consequences .



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WHY ARE KIDS SEXTING?

COGNITIVE AND EMOTIONAL FACTORS

Cognitive and emotional factors include:

- Self-image
- Need for attention
- Risk-seeking personality traits
- Mental health



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WHAT CAN PARENTS DO?

Sexting creates a perfect storm of parental avoidance: unfamiliar technology combined with the uncomfortable topic of their child's emerging sexuality. But it's important to stay proactive.

- **Learn about the technology** your kids are using.
- **Set limits** on technology use.
- Know how to respond to **outside influences**.
- **Create a dialogue** with your kids.



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APPS TO KNOW ABOUT



Tinder



Grindr

- Mainly used as a dating tool or an anonymous hook-up locator.
- Helps people find others in their geographic location.
- Review users' profiles. Swipe right to "like" a photo or left to "pass." Users may instant message once both people have "liked" one another.
- Geo-location features and anonymous nature of app puts kids at risk for catfishing, sexual harassment, stalking, and worse.



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APPS TO KNOW ABOUT



After School

- “Anonymous and private message board for your school.”
- “Post confessions, funny experiences, compliments, feelings, and more!”
- Messages can take the form of videos, pictures, or regular text. Anyone in a school can see all the messages posted, and users are not identifiable in any way unless they reveal personal details within a message.
- Vehicle for bullying, threats, etc.



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APPS TO KNOW ABOUT



- Users interact in a question-and-answer format with friends, peers, and anonymous users alike.
- Can be used for hurtful cyberbullying.



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APPS TO KNOW ABOUT



Meet Me



Kik Messenger



Omegle

- Users can text with others, including anonymous individuals.
- Often used to meet strangers.
- Geolocation services allows users to search locally.
- On many “Worst Apps” lists.



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APPS TO KNOW ABOUT



Snapchat

- Allows users to send photos and videos that **disappear from view** within 10 seconds after they are received.
- Used to send **suggestive pics** because it's believed the images can't be saved and circulated.
- Users can take a screenshot of an image (or take a picture of the image with another phone).



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APPS TO KNOW ABOUT



- Users can **chat** with each other, send and receive **friend requests**, and **share** their profile and gaming stats.
- Kids can play games with **strangers**. “Matchmaking” feature connects gamers with similar skill levels or by geographic location.
- Users can **privately chat** with each other.
- Parental controls are available.



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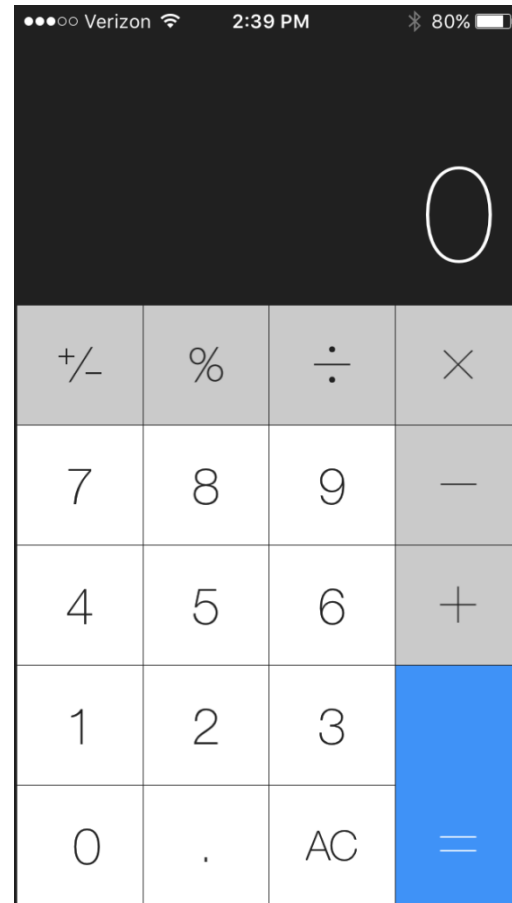
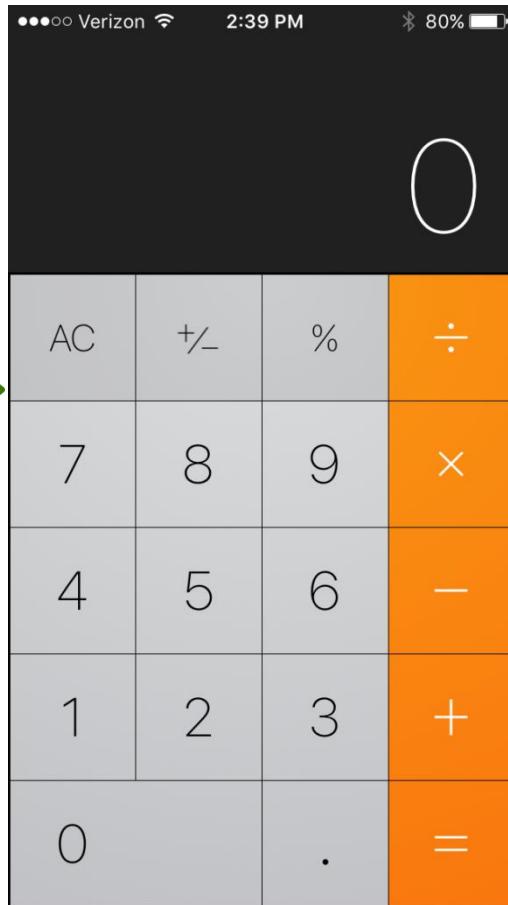
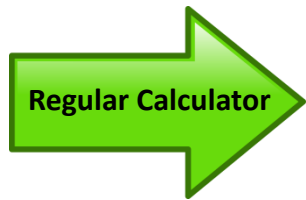
VAULT APPS



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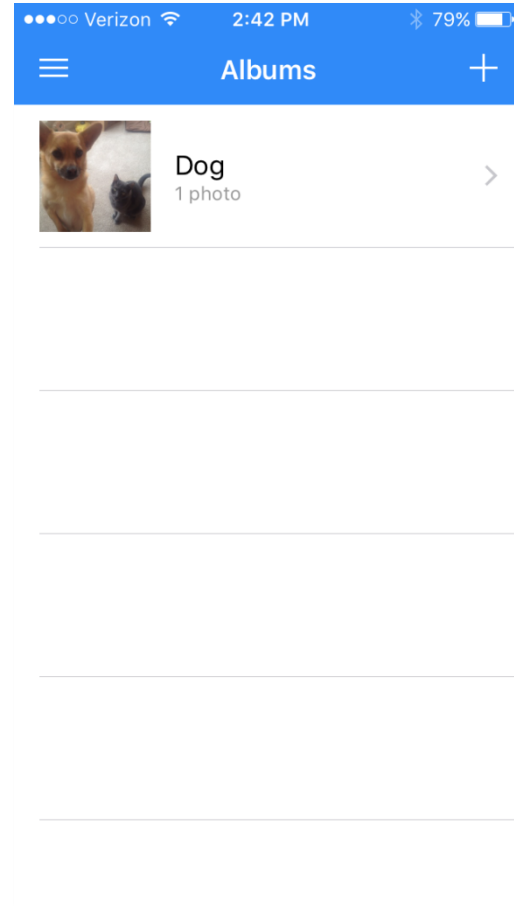
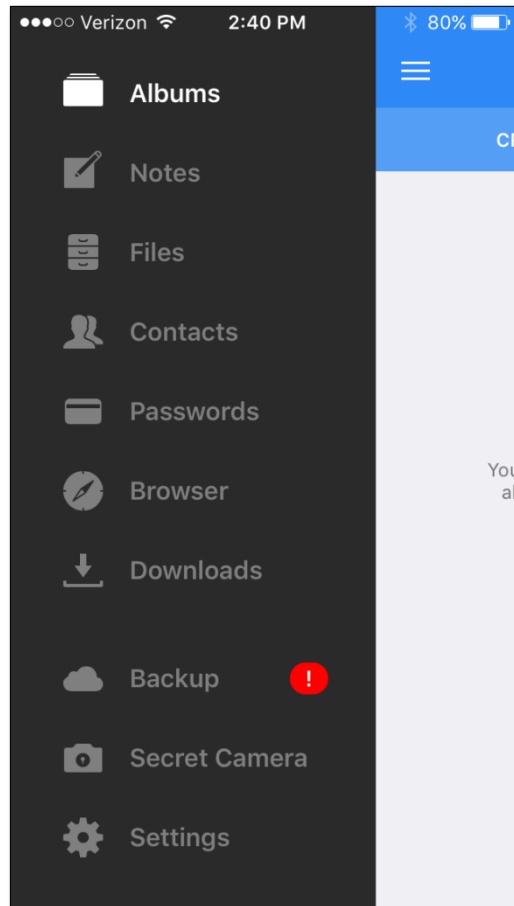
VAULT APPS



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VAULT APPS



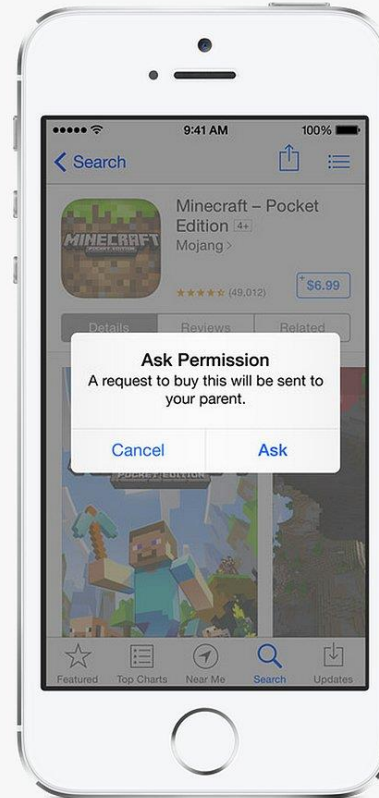
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PARENTAL CONTROLS FOR APPS

Enable parental controls:

- Ask to Buy (iPhone)
 - Whenever a child wants to download an app (free or paid), it sends a request to the parent's iPhone.
 - Parent can approve or deny the download.
- For Android devices
 - Google Play app store parental controls
 - AppLock – parents can lock down any app on child's phone.



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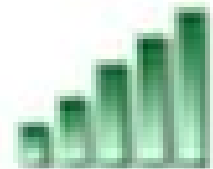
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SET LIMITS ON TECHNOLOGY

- **Know your kid's passwords**
Monitor what they're doing
- **Approve the apps they use**
Research unfamiliar apps
- **Set rules of use and consequences for violations**
(and follow through!)
- **No devices after bedtime**
Nothing good happens after midnight



Limited access



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HOW TO RESPOND TO DIGITAL COMMUNICATION TECHNOLOGY

- Monitoring and control are important, but only go so far.
 - Communication technology more accessible +
Youth become older and more autonomous =
Monitoring-based approaches are less practical and effective.
- Best strategies recognize positive features of social media, while also **providing youth with tools to navigate and respond to challenging or problematic situations** as they transition into adulthood.
- Empower kids to make the right decisions on their own.



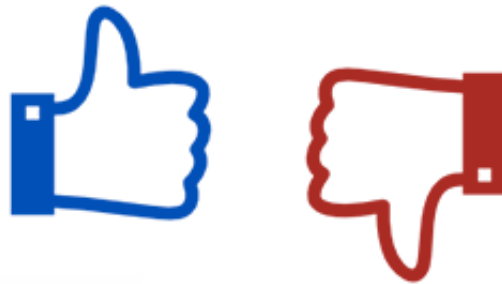
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HOW TO RESPOND TO MEDIA AND POP CULTURE

- Monitoring and control are important, but only go so far.
- Encourage a **dialogue about expressions of sexuality** (among peers, internet community, media).
- This allows kids to engage and question these portrayals, and to have the **tools to distinguish** behaviors that are **normative and healthy** from those more **aberrant and harmful**.



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WHAT IF I CATCH MY KID SEXTING?

No need to panic!

- It signals a need for closer monitoring, but it is also an **opportunity to talk** about healthy relationships, internet safety, and how to resist peer pressure.
- Remember to decide whether you will **delete** the photos or **report** them.



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QUESTIONS?

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