



COLORADO
School Safety Resource Center
Department of Public Safety

Juvenile Sexting Prevention

Facilitators' Guide for Colorado Middle and High School Educators

COLORADO SCHOOL SAFETY RESOURCE CENTER

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Juvenile Sexting Prevention

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CHAPTER ONE—INTRODUCTION

• History

- In January 2018, Colorado HB17-1302, now known as C.R.S. §18-7-109, took effect. The law was designed to more closely align juvenile sexting conduct with available criminal penalties. Previously, prosecutors' only available charge for youth was under the felony child exploitation statute, yielding harsh and inequitable results. The new law creates a tiered charging approach, dependent on whether the behavior is consensual, among other things, and restricts prosecutors' ability to charge a youth with a felony when the conduct falls within the elements of the new law.



• Need

- An April 2018 article in the *Journal of the American Medical Association Pediatrics* on the increased prevalence of juvenile sexting (under age 18) found¹:
 - Studies show the prevalence of sexting is increasing;
 - The prevalence of youth receiving sexts (27.4%) is higher than youth sending sexts (14.8%);
 - Youth are more likely to send and receive sexts as they got older;
 - 12% and 8.4% of youth have forwarded a sext or have had their sext forwarded without consent, respectively.

• Mandate/Purpose

- Colorado's new sexting law requires the Colorado School Safety Resource Center (CSSRC or "Center") to develop a comprehensive educational program for use by juveniles who have been held responsible for a civil infraction. C.R.S. §18-7-109(5)(c). The law also requires the CSSRC to make available a model program that conforms with Colorado human sexuality education law regarding the risks and consequences of sexting, for use by school districts. C.R.S. §22-1-128. *Sexting: What You Need to Know* and its supplemental resources, including this guide, were designed for these purposes.
- The purpose and goal(s) of this Guide, and the curriculum as a whole, are to:
 - Promote healthy relationships;
 - Increase understanding of the risks and consequences of juvenile sexting behaviors;
 - Teach youth skills to decline invitations to engage in sexting conduct and discourage youth from inviting others to do so.

¹ Madigan, S., Ly, A., Rash, C.L., Van Ouytsel, J., & Temple, J.R. (2018). Prevalence of Multiple Forms of Sexting Behavior Among Youth: A Systematic Review and Meta-analysis. *Journal of American Medical Association Pediatrics*, 172(4), 327-335: 10.1001/jamapediatrics.2017.5314 [Included 39 studies, 110,380 participants, mean age 15.16 years with 47.2% male on average].

• Utilization of Resources

- The Center has compiled tools for classroom teachers and other educators to prevent harm to juveniles caused by sexting conduct. Those tools can be found at <https://www.colorado.gov/pacific/cssrc/sexting>. There you will find:
 - A link to “Sexting: What You Need to Know” in its entirety, where one can access the online course and receive a certificate of completion;
 - A link to the course on the Child Welfare Training System, which is easier to access for juveniles due to the absence of a registration requirement;
 - A copy of a PDF of the course with the entire transcript in order to reproduce individual slides or review the content; and
 - Screencasts of the individual chapters of the course for ease of navigation in the classroom. The chapters include:
 - Introduction
 - Healthy Relationships
 - What is Juvenile Sexting?
 - Legal Matters
 - Consequences
 - Conclusion
- These resources are designed to be used in concert or separately from this Guide. Suggestions are made herein to incorporate the various tools for classroom use, but educators should feel free to create extensions as time allows. The curriculum is not evidence-based and need not be presented with fidelity. The intent is to educate by instilling
- empowerment of youth through healthy choices and thoughtful consideration. There should not be fear or hopelessness in the messaging. Youth must understand that they can recover from poor decisions.
- Health educators will find that “Sexting: What You Need to Know” and this Guide comport with the Colorado Comprehensive Health Standards Two, Three and Four for grades six through 12 at a minimum, contributing to mastery of physical and personal wellness, emotional and social wellness, and skills in prevention and risk management. *See*, <http://cde.state.co.us/standardsandinstruction/gradelevelbooks.asp> to access all of the concepts and skills specific to grade level.
- The materials have been informed by input from experts throughout the State. **The Center is grateful** for the assistance of its partners in the Department of Public Safety (Colorado Bureau of Investigation, Division of Criminal Justice, Colorado State Patrol, and the Executive Director’s Office), the Department of Public Health and Environment, as well as friends and stakeholders in the Front Range District Attorneys’ Offices, and nonprofit agencies including Colorado Coalition Against Sexual Assault, Colorado Organization for Victim Assistance, Juveniles Who Sexually Offend Collaboration, Kindling Communication, Parent Engagement Network,, Safehouse Progressive Alliance for Nonviolence, and Zonta Foothills Club of Boulder County, among others.

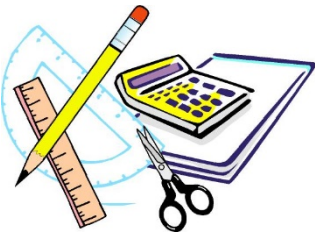


CHAPTER TWO – HEALTHY RELATIONSHIPS

OBJECTIVE → Identify the elements of a healthy relationship



SUGGESTED MATERIALS



- Large sheets of self-adhering chart or post-it paper or white board
- Markers
- Healthy Relationship Quiz from [loveisrespect.org](http://www.loveisrespect.org), <http://www.loveisrespect.org/wp-content/uploads/2017/07/HR-Quiz-final.pdf>
- Screencast of Chapters <https://www.colorado.gov/pacific/cssrc/sexting>
- PDF of Course <https://www.colorado.gov/pacific/cssrc/sexting> Interactive assessments are found in the course on slides 6, 21, 26, 29, 30, and 39, but these slides can be read or copied to check knowledge.

LESSON PLAN/TASKS (Up to 120 minutes)

- Discuss and provide examples of what a healthy relationship looks like, and what is not a healthy relationship. Through a gallery walk, the *Love is Respect* quiz, and discussion with peers, students will be able to:
 - Identify qualities that are important in any healthy relationship
 - Describe communication in healthy relationships
 - Understand their power to choose a dating partner
 - Describe how they want to be treated
 - Define consent
 - Outline healthy boundaries
 - Define empathy and explain why it is important

INTRODUCTION:

1. Explain the purpose of the course--

- a. To help students feel empowered, safe, and healthy in their relationships;
- b. To communicate and set boundaries for fun and happy friendships;
- c. To understand the relationship spectrum from healthy to abusive.

2. Set ground rules

**[ON A SHEET/BOARD, WRITE
“GROUND RULES”]**



- a. Invite the students to create rules that make them feel safe in the space.
- b. Those rules could be things like confidentiality, respect toward one another's ideas, taking turns, etc.

3. Acknowledge that:

- a. Everyone has different experiences with dating
- b. Dating means different things to different people



- i. Discuss “going steady”, “hookup”, “having a thing with” or other local slang--
how else do we describe relationships?
 - ii. Discuss why others may have different ideas about dating (parents, friends, grandparents, teachers, ministers)
- c. Everyone has different role models for dating, some healthy, some not so great, and some abusive.

PREVENT students from specifically identifying people or couples they know personally. Add this rule to the board as an example of respect.

- i. Discuss celebrities, sports figures, or politicians and ask students to discuss which relationships appear healthy and why. What values are demonstrated by couples in long marriages? (Suggest loyalty, equality, kindness, trust, love)
- ii. What couples demonstrate concerning or abusive traits and why? If they struggle, *suggest* trending names in popular media or sports. It is important to be sensitive that both men and women can be abusive/abused, and people of all races, religions and associations.



GALLERY WALK

DISPLAY SHEETS PRE-LABELED “*THINGS THAT MAKE A GOOD PARTNER*”, “*THINGS THAT ARE ANNOYING IN A PARTNER*”, and “*DEAL BREAKERS*” ON DIFFERENT WALLS IN THE ROOM. (25 minutes)

1. Explain the exercise:

- a. Students are given markers and instructed to write down characteristics that match the descriptors. They move through the gallery until they have contributed to each sheet.
- b. Discuss the sheets one by one.
 - i. If they don't mention good partner character traits such as honesty, trustworthiness, and kindness, those should be referenced by the instructor.
 - ii. *Any* kind of violence or abuse is always a deal breaker.



This is a good place to view Chapter 2 of *Sexting: What You Need to Know* (Healthy Relationships) in screencasts—up to 2:50, or review the PDF slides 5-12 and discuss its contents (skip the sections on consent and boundaries if you plan to follow this guide exactly. They will be covered later).

COMMUNICATION

TAKE THE HEALTHY RELATIONSHIP QUIZ!

(Linked here: <http://www.loveisrespect.org/wp-content/uploads/2017/07/HR-Quiz-final.pdf> about 10 minutes—discussion up to 45 minutes)



REMIND students that you are a mandated reporter and must disclose if they are in danger.

2. Discussion: How do healthy people communicate?



This discussion should focus on positives—unhealthy or abusive behaviors will be addressed in “Boundaries” below.

- a. Verbally--
 - i. *Discuss* the content of a message
 - 1. Positivity
 - 2. Support
 - 3. *Constructive* criticism
 - 4. Word choice: assertive vs. aggressive/hostile
 - 5. Freedom to express opinions, even ones that disagree
- b. Physically--
 - i. Freedom to move
 - ii. Welcome affection
- c. On social media—
 - i. Discuss control of accounts, content
 - ii. *Ask*—is there pressure to respond quickly? Is that controlling? Are there consequences if you don't?

CONSENT

MIDDLE SCHOOL? TRY [Consent for Kids](#)

HIGH SCHOOL? TRY [Consent is Everything](#), [Cycling Through Consent](#),

[Tea Consent](#) OR [A Needed Response](#)



Watch these videos before you show them to your students. Their age, culture and sensitivities will all play into which one you feel is appropriate for your audience.

1. Discussion: What is Consent?



Screencast Chapter 2, 2:50-5:00 or PDF slides 7, 8, and 9 provide a framework for discussion of consent.

- a. Define Consent: Sober, Enthusiastic, Yes!
 - i. It is the right to control your own body
 - ii. It is freely given
 - iii. It is repeated

2. Myths about Consent

- a. It isn't unique to any gender
- b. It isn't silence
- c. It isn't clothing
- d. It isn't acceptance of gifts or a date
- e. It is never forced
- f. It is never assumed—it must be specifically stated



BOUNDARIES



Go to Screencast Chapter 2, 5:00 to 7:10, or PDF slides 10-12 for help on boundary setting.

Discussion: What are Boundaries?

1. Physical

- a. Ask the students what physical boundaries are.
 - i. Mention who we allow to touch us
 - ii. Where? How often? How long?

- iii. Talk about how a person can intimidate physically without contact—what could that look like? *Suggest:*
 1. Preventing entry or exit
 2. Denying access to a phone (why is this a problem?)
 3. Destruction of property
 4. Threatening of pets

2. Emotional

- a. Watch “That’s Not Cool TV” (Chapter 2 7:16 to 8:25) or linked here: <https://www.youtube.com/watch?v=hLvcSVgNqpk> and discuss
 - i. Were there any behaviors that you think crossed boundaries?
 - ii. *Suggest* annoying frequency of calls/texts; controlling nature of communication (demand that she drop everything and call); “I hate you”; refusal to allow her personal time (practice, time with friends)
 - iii. *Ask* what language could be used to set boundaries



ACTIVITY:

HAND OUT COPIES OF SLIDE 11 (QUESTIONS ABOUT BOUNDARY SETTING). WORKING IN GROUPS OF 2 OR 3, ROLEPLAY DISCUSSIONS OF EACH OF THE HIGHLIGHTED QUESTIONS TO PRACTICE SETTING BOUNDARIES. AS A GROUP, ADD AND ANSWER QUESTIONS THAT ARE RELEVANT TO THE STUDENTS’ EXPERIENCES.

EMPATHY

1. Discussion:

- a. What is empathy? *Suggest*, if needed, “the ability to understand and respond to others’ feelings”. Different from sympathy.



Appropriate for middle/high school: view “Offer Empathy” linked here: <https://www.youtube.com/watch?v=fFq1ZP4Yb64&list=PLjd8Sthozx8VhVOtD4U6eajcNjpVt92Dj&index=3> (about 2 minutes)

And/Or “The Blind Side” (Warner Bros. Pictures 2009) <https://www.youtube.com/watch?v=D2sgbzSm5Cs&index=6&list=PLjd8Sthozx8VhVOtD4U6eajcNjpVt92Dj> (about 2 minutes)

Discuss what students viewed. When was empathy displayed? *Suggest:* when others showed kindness, belonging, an understanding of what the others were experiencing (cold, fear, sadness, lack of connection).

- b. When do we need it?
- i. *Suggest:* ALL relationships. Have students give examples of when empathy is required in each of these. Suggestions are provided if they get stuck.
 1. **Friendships?** =*Suggest:* When friends fail a test, get cut from a team, break up with a partner, have parents break up
 2. **Work relationships?** =*Suggest:*
 - a. Listen and learn what our bosses want from us so we can perform well
 - b. What makes a good salesperson? Someone who can identify needs, wants, see through their lens
 3. **Families?** =*Suggest:* Feel how our behavior scares, frustrates or uplifts our parents, siblings
 4. **Romance?** Of course!

ACTIVITY: DISPLAY TWO POSTER SHEETS, ONE WITH THE FOLLOWING TRAITS PRE-LABELED IN A COLUMN: “RESPECT, FUN, SAFETY, EQUALITY, TRUTHFULNESS, UNDERSTANDING, FUNNY, ATTRACTIVE” AND THE OTHER BLANK.

Explain the exercise:

- Students are given markers and instructed to number the most important attributes to them in a healthy relationship, with 1 being the most important attribute and 8 the least. If they don't value the attribute, they can leave a check mark by it.
- If they don't see attributes that they value on the 1st sheet, they should write those words down on the blank sheet.

Discuss the sheets one by one.

- *As this exercise is so subjective, all responses should be honored. For example, it is fair to seek attractiveness in a partner. Take time to discuss what all of the attributes mean to the group and why they are important.*

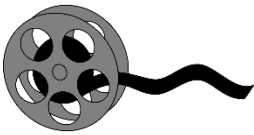
CHAPTER 3—WHAT IS JUVENILE SEXTING?

OBJECTIVE → Identify the elements of a juvenile sexting

LESSON PLAN/TASKS (60 minutes)

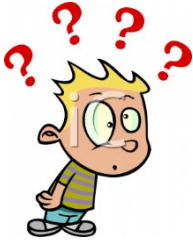
- Discuss the technical foundational elements of the juvenile sexting statute.
 - Define a “juvenile” and clarify the age distinctions in the statute
 - Understand what electronic sharing includes
 - Teach what “sexually explicit” means

Watch Screencast Chapter 3, and see PDF slides 17-21 (and the quiz on 21) for help on explaining the foundational elements of juvenile sexting.



1. Define Juvenile Sexting

- a. Colorado Juvenile Code defines a juvenile as a person at least ten years old and under 18 years old. At that point adult statutes apply. *Ask:* are you juveniles under the law? [Anyone 10-17 is a juvenile in Colorado.]
- b. The sexting statute applies to persons **at least 14 OR less than 4 years younger** than the person with whom they are communicating. **What does that mean??**
Discuss:



- i. Are you 14 or over? → **YES**, the law applies to you.
- ii. Are you under 14? → **MAYBE**. Are you communicating with someone less than 4 years older than you? Than probably **YES**.

Talk about these examples—

1. **You are 13 and sharing images with someone 16.** *That’s less than four years, so **YES** the law applies to both of you.*
2. **You are 12 sharing images with a 17-year-old.** *That’s more than four years, so **NO** the statute doesn’t apply. This is potentially a felony for the 17-year-old, not juvenile sexting. The 12-year-old will likely be considered a victim under these facts.*

3. **You are 13 and sharing with a 13-year-old. YES, the juvenile sexting law applies. You are less than four years apart in age.**

iii. **Talk about WHY**

Why would a youth more than four years younger than an older person need protection?

1. –Might they have different experiences?
2. –Might they be more vulnerable?
3. –Might they be more likely to be influenced by pressure?

c. Another element of the juvenile sexting statute is that there is **electronic sharing**.

What does that mean?? Discuss: phone, computer, tablet, any device (are we missing anything?)

- i. The possession of physical images is not covered by this statute.
- ii. That includes regular film photos and Polaroids, which may still be charged as a felony. This hasn't been defined yet by the courts.

d. . . . of “any **photograph, video**, or video depiction”

e. . . . of **sexually explicit images**

- i. This is the swimsuit zone, and could include a partially clad sexualized image. This will likely have to be defined over time by courts. It does not appear to include drawings or sexualized language, but those messages could be covered under the harassment statute if they are *unwelcome*.



- ii. **READ ONLY IF YOU DEEM NECESSARY AND APPROPRIATE WITH YOUR STUDENTS:** The law says “of the external genitalia or perineum or anus or buttocks or pubes of any person nor the breast of a female person”.



MAKE GOOD CHOICES! NOBODY WANTS TO BE THAT FIRST TEST CASE!

CHAPTER FOUR—LEGAL MATTERS

OBJECTIVE → Distinguish among the charges available under the juvenile sexting statute, and articulate the affirmative defenses

LESSON PLAN/TASKS (60 minutes)

- Teach the multi-tiered charging possibilities of the juvenile sexting statute.
 - Define civil infraction (consensual exchange)
 - Define petty offense (nonconsensual possession)
 - Present affirmative defenses to charge of possession
 - Define misdemeanor (nonconsensual posting)



Screencast Chapter 4 up to minute 13:00 explains the tiered structure of the law. Watch, then discuss. Slides 23-35 of the PDF are helpful to outline the tiers. If you want to discuss consequences of a felony, add 13:00 to 16.11 of that chapter.

1. Explain tiers

- a. See Slides 36-37 to explain **FELONY** (exploitation of a child). A felony is the highest level crime that can be charged. It includes murder, rape and kidnapping. Keep in mind that felonious conduct falls outside the juvenile sexting statute, so this portion is optional, but helps frame the issue. It is a felony to possess, create, or distribute child pornography. *The juvenile sexting statute provides an alternative to charging a felony in cases involving youth from 10 to 17 years old in limited circumstances.*



YOUTH MAY STILL BE CHARGED WITH A FELONY IF THE CONDUCT MEETS THE ELEMENTS.

- i. Consequences of felony conduct are captured on slide 37.
- ii. Prosecutors may not charge a felony AND a misdemeanor/posting (*see below*) under the same facts, or where conduct is limited to the elements of possession or exchange (*See below*).

- b. See Slides 24-25 to explain **CIVIL INFRACTION**. Emphasize that the juveniles engaged in the exchange of sexually explicit images must be doing so consensually for a civil infraction to be charged. If there is no consent, the conduct falls into a criminal category. A civil infraction is not a criminal charge. Slide 26 contains a short True/False quiz on civil infractions.
- c. See Slides 28-29 to explain **PETTY OFFENSE**. This is possession of an image of another who is 14 or less than 4 years younger than the person in possession without consent. Possession of 10 or more images depicting 3 or more people can be enhanced to a misdemeanor.
- i. See Slides 29-31 to explain the **AFFIRMATIVE DEFENSES** to possession.
 - ii. An affirmative defense means that even if you did the criminal act, you aren't responsible
 - iii. One defense is reporting the image within 72 hours of viewing it to law enforcement (including a school resource officer)
 - iv. Another defense is deleting or destroying the image within 72 hours of viewing it.
 - v. Coercion is always an affirmative defense **(to any charge—not just possession)**. Coercion includes threats or intimidation.
- d. See Slides 33-35 to explain **MISDEMEANOR**. It is a misdemeanor to post images of another who is at least 14 or less than 4 years younger than the poster without permission.
- i. What is *posting*? Here are examples:
 1. Distribute (via text, electronic means)
 2. Display (show from a phone, device)
 3. Publish (on social media)
 - ii. It is a misdemeanor to post images of oneself if the recipient didn't request it and suffered emotional distress.

REMINDER:
What is consent?

ACTIVITY:

GROUP DISCUSSION—SOME STUDENTS HAVE SENT SEXUALLY EXPLICIT IMAGES OF THEMSELVES WITHOUT PERMISSION TO SEE IF OTHER STUDENTS ARE INTERESTED IN DATING. WHY MIGHT THIS BE A PROBLEM? IS IT FORESEEABLE THAT IT COULD FRIGHTEN SOMEONE? WHY? WHAT ARE BETTER TACTICS?

CHAPTER FIVE—CONSEQUENCES

OBJECTIVE → Identify the risks and consequences of juvenile sexting

LESSON PLAN/TASKS (60 minutes)

- Present potential consequences for sexting conduct. The key here is healthy respect of the risks without fear mongering. *Discuss:*
 - Familial consequences
 - Physical consequences
 - Academic consequences (including military and career options)
 - Financial consequences
 - Social-emotional consequences



1. Discussion:

- a. What are Consequences?
- b. What does it mean to take risks?

GALLERY WALK

[DISPLAY SHEETS PRE-LABELED “*PHYSICAL, ACADEMIC, FINANCIAL, SOCIAL-EMOTIONAL, FAMILIAL*” AT DIFFERENT PLACES IN THE ROOM.]

- **Explain the exercise:**

Students are given markers and instructed to write down potential consequences under each of the words. They move through the gallery until they have contributed to each sheet.

- **Discuss the sheets one by one.** **Slide 40 of the PDF** contains talking points for each of the categories. Be sure to link military and career restrictions as consequences (as discussed in the felony slide 37 if you opted out of that section.)



This is a good place to view Chapter 5 of *Sexting: What You Need to Know* (Consequences) in screencasts—0:00-3:08, or review Slide 40 of the PDF to discuss its contents. Compare the students’ responses to the ones suggested.

2. How do we avoid these consequences?

- a. Refusal skills—how do we say no?
- b. What other tips can help protect us?

ACTIVITY ONE:

BREAK INTO GROUPS OF TWO-THREE TO ROLE PLAY. ASK THE STUDENTS TO BE THOUGHTFUL AND REALISTIC. SOMETIMES IT IS HARD TO SAY NO IF WE FEAR HURTING OTHERS' FEELINGS OR WE ARE BEING PRESSURED.



1. How do you say no if someone offers you a food you don't like?
2. How do you say no if someone invades your personal space?
3. How do you say no if someone offers you something that is unhealthy for you? A JUUL for example?
4. How do you say no if someone asks you to send a nude picture?

ACTIVITY TWO:

WATCH CHAPTER 5 OF THE SCREENCAST (CONSEQUENCES) 3:10 TO THE END (ABOUT 90 SECONDS) TO SEE SUGGESTIONS ON HOW STUDENTS CAN PROTECT THEMSELVES WITH THEIR DEVICES AND TIPS ON HOW TO SAY NO (SLIDES 41-50 IN THE PDF VERSION). DISCUSS WHETHER THEY ARE REALISTIC. IF NOT, ASK THEM TO WRITE A BETTER SCRIPT!



**FRIENDS DON'T ASK FRIENDS
FOR NUDE PICTURES!!**

CHAPTER SIX—CONCLUSION

OBJECTIVE → Reiterate the meaning of empathy

LESSON PLAN/TASKS (20 minutes)



- Ensure the students understand that empathy is the key to healthy, successful relationships
 - Have the students identify the elements of empathy through an offender’s impact statement
 - Assign a written impact statement through the eyes of a victim

1. Empathy

a. Have the students define empathy

- i. Listen for words like “respect”, “understanding” “see through the eyes of another”

b. Ask them to listen for its elements as you do the following:

View Chapter 6 of *Sexting: What You Need to Know* (Conclusion) in screencasts—0:00-2:39, or review the PDF (slides 51-52)

2. Impact Statement

- a. Do you believe the student felt remorse?
 - i. Define remorse: regret or guilt for a wrong; repentance
 - ii. How are remorse and empathy related?
- b. What did the student say that showed he felt remorse? *Suggest:* admitted it was wrong (law, family, scared the girls); acknowledged it could change the way they and their families see life; lost trust; is humiliated; promises to improve.

ACTIVITY:

WRITE AN IMPACT STATEMENT THROUGH THE EYES OF A PERSON WHO TRUSTED SOMEONE THEY LOVED WITH A COMPROMISING PHOTO. THEIR TRUST WAS BETRAYED WHEN THAT LOVED ONE SHARED THE PHOTO WITH OTHERS.

Reminder: Interactive assessments are found in the course on slides 6, 21, 26, 29, 30, and 39, but these slides can be read or copied to check knowledge.