

Article

When Sexting Crosses the Line: Educator Responsibilities in the Support of Prosocial Adolescent Behavior and the Prevention of Violence

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Abstract: This article presents findings from a systematic literature review that examined various forms of adolescent sexting, and as relevant to educator responsibilities in the support of prosocial behavior and teen dating violence (TDV) prevention within the United States. Proceeding in three parts, part one documents study methodology and offers an overview of adolescent sexting. This section also discusses tensions between sexting as adolescent empowerment and as a form of dating violence. This is followed by a deeper examination of how adolescent sexting is connected to other forms of sexual violence documented to disproportionately affect heterosexual females. Though laws on sexting are minimal, part three discusses U.S. federal and Supreme Court guidance having particular significance for this issue. This section also presents the case of New York State (NYS) to consider the connection between localized policies and schooling practices. Concerned with sexting as a form of consensual adolescent behavior, this article concludes with considerations for educational research, policy, and practice. This article contributes to established research literature weighing the prosocial aspects of sexting against those factors that contribute to and make it difficult to leave a violent relationship. Though empirical research was limited, it also highlights existent research on sexting as relevant to underserved and marginalized adolescent subgroups.

Keywords: adolescent sexting; prosocial adolescent behavior; teen dating violence (TDV); educational policy; educational leadership; sex education curriculum

1. When Sexting Crosses the Line: Educator Responsibilities in the Support of Prosocial Adolescent Behavior and the Prevention of Violence

Defined as “the sharing of sexually explicit images, videos, or messages through electronic means”, sexting has increased exponentially over the last decade as a modality for teens to explore their sexuality (Madigan et al. 2018). Despite documented evidence that adolescent sexting can serve as a mechanism of sexual exploration and empowerment, there also are known correlations between sexting and teen dating violence (TDV) (Kernsmith et al. 2018). Here, the most common form of dating violence via sexts is non-consensual nude photographs and coercive language to pressure a partner to have sex (Choi et al. 2016). Much like the broader continuum of sexual violence, coercive sexting disproportionately negatively affects female adolescents. In particular, females are pressured to send nude photographs to their partners at significantly higher rates than their male peers (Choi et al. 2016). This form of pressure, which amounts to a lack of digital consent, also was linked to a lack of consent within in-person physical and sexual encounters (Kernsmith et al. 2018).

Currently, there is a paucity of educational research and policy guidance on adolescent sexting. To begin, there is a lack of scholarly consensus over how sexting can work to empower

adolescents on the one hand but amount to sexual violence on the other (Albury and Crawford 2012; Englander 2012; Kernsmith et al. 2018). There also is a lack of school-level policies on sexting (Hinduja and Patchin 2010; Schubert and Wurf 2014). Where policy does exist, it primarily focuses on sexting as child pornography, which stigmatizes its use and hampers positive adolescent development (Albury and Crawford 2012; O'Connor et al. 2017). Much like abstinence-only sexual education programming, policies that stigmatize sexting do not promote safe sexual behavior (Stanger-Hall and Hall 2011). Rather, by making sexting shameful or even punitive, such policies and programming make adolescents less likely to seek help when needed, further isolating them in abusive relationships (Drouin et al. 2015; Hébert et al. 2014).

As the prevalence of sexting increases with new apps and varied modes of sexting on smartphones and other devices, so too does the association of sexting with potentially high-risk behavior (Madigan et al. 2018). Thus, it would follow that both adolescents and the educators who work with them should be knowledgeable about the dynamics, responsibilities, and policies concerning sexting. Where a paucity of knowledge or access to it exists, educational research can assist school and district leaders in the establishment of policy, protocols, and curricula that support sexting as empowering adolescent behavior, as opposed to non-consensual activity resulting in TDV. Toward this end, the purpose of this article was to examine teen sexting in its various formats and as relevant to educator (i.e., administrators, teachers, counselors, and support staff) responsibilities in the promotion of prosocial behaviors and TDV prevention within the United States. We had the secondary aim of providing research evidence to inform future educational study, policy, and/or practice. As discussed in the following section, we conducted a systematic review of peer-reviewed empirical research literature. We also examined U.S. policy and case law, with a particular focus on New York State (NYS).

2. Literature Framing and Methodological Guidance

We situate our systematic review within the constructivist paradigm and thus understand knowledge to be socially situated and constructed (Mertens 2020). As white, female scholar-activists, we focus our research on ameliorating educational, gender, and health inequities through policy and practice. Both authors have varied research- and practice-based expertise on sexual violence, intervention, and prevention through K-12 policy and programming. Together, we wanted to build a rationale for studying adolescent sexting as existent on a continuum of prosocial behavior and TDV, and to this end, identify gaps in the research and needed educational policy and practice interventions. Therefore, by identifying themes and gaps in existent knowledge, we designed this review to make sense of a specific phenomenon and to contribute to theory development and improvements in practice (Littell et al. 2008). Theory building is integral to social sciences scholarship. It provides a historical snapshot of a line of inquiry, as well as emerging patterns, or inconsistencies and explanations for those, with the aim of enhancing knowledge and practical application in a given area (Forsyth 2017; Vartanian 2017).

Our review followed, but modified, Petticrew and Roberts (2006) social sciences method, which called for making determinations about guiding research purpose, database and search term usage, inclusion and exclusion criteria, and article information extraction among other factors. Our modifications largely centered on conducting separate literature and policy searches. We also drew upon Mertens (2020) discussion of reasons for conducting a literature review and delineation of steps involved in the review process. Thus, though our search consisted of peer-reviewed articles and policy texts, as part of our preliminary review process, we consulted additional academic resources, including a comprehensive text by Hasinoff (2015).

To conduct the literature review, we used two database search engines. These included the University at Buffalo Libraries main search engine and the Educational Resources Information Center (ERIC). To conduct the policy review, we did a basic Google search and NYS Legislature public domain engine search. Our literature review search utilized a multi-field search strategy with the following search terms: “adolescent sexting”, “teen sexting”, “sexting and schools”, “sexting law”, “sexting and

teen dating violence”, “adolescent LGBTQ+ sexting”, “BIPOC adolescent sexting”, and “adolescent refugee and immigrant sexting”. Utilizing the same terms, we conducted a review of U.S. federal policy and Supreme Court case law, as well as examined NYS consolidated educational laws on sexual violence. Given that sexting is a relatively current phenomenon, both searches were limited to materials published within the last 15 years.

Our literature search yielded 183 articles, and our policy search yielded one federal child pornography law but no sexting law. We also found that 26 states have laws on sexting. Though there were 23 consolidated NYS laws related to sexual violence and education, only one law explicitly addressed sexting.

Our article reduction process involved two rounds of review focused first on article titles and abstracts, and second on the full article texts. This process narrowed down 183 articles to 30. Our inclusion and exclusion criteria were determined through our original research aim to examine teen sexting within the U.S. This means, for example, that studies outside of the United States largely were excluded. We also were particularly concerned with connections between sexting as prosocial adolescent behavior and TDV, and as relevant to educational policy and practice. Thus, we included research literature that addressed correlations between sexting and TDV, sexting as a normative adolescent sexual practice rather than a penalized behavior, the legal and emotional consequences of sexting, and student and educator rights and responsibilities surrounding sexting.

Our process yielded limited empirical research on adolescent sexting. Our review of U.S. federal policy and case law, as well as NYS legislation, also found limited established policy guidance on this topic. Out of the research identified, adolescent sexting was shown to be increasing in prevalence. Studies have found a correlation between sexting and sexual behavior offline, including attitudes toward consent in the digital and non-digital spheres. More recent literature also discussed shifts in discourse concerning sexting, namely from deviant and high-risk to exploratory and normalized adolescent behavior. Finally, a lack of consistent legal guidance at federal and state level emerged as a pattern that can create obstacles for educators, as well as opportunities for raising awareness on this issue.

It is important to underscore here that we found a dearth of empirical research literature on teen sexting among BIPOC (Black, Indigenous, People of Color) and LGBTQ+ (Lesbian, Gay, Bisexual, Transgender, Queer) youth groups within the U.S. Thus, the research we present in this article primarily focused on heteronormative, white adolescent dating relationships. We address this gap at various points throughout the article, with recommendations for future research involving BIPOC and LGBTQ+ youth communities. Furthermore, while our systematic review was not exhaustive and research could exist beyond our parameters, we designed it to identify and critically assess ideas, policies, and practices relevant to adolescent sexting in the U.S. Thus, we are of the view that the review findings will assist researchers, policy-makers, and practitioners working to support adolescent sexting as a form of sexual empowerment as opposed to coercive and violent behavior.

Proceeding in three parts, part one offers an overview of adolescent sexting and the tensions between sexting as empowerment and sexting as TDV. This is followed by a deeper examination of how adolescent sexting is connected to other forms of sexual violence documented to disproportionately affect heterosexual women and girls. Despite the lack of general legal and policy guidance on sexting, part three discusses U.S. federal policies and Supreme Court precedent having particular importance for this issue. This section also presents the case of NYS to consider the connection between more localized policies and schooling practices. Concerned with sexting especially in relation to consensual behavior in the sending and receiving of sexts, this article concludes with key considerations for research, policy, and educational leaders wanting to develop sexual education programming for students and staff.

3. Adolescent Sexting: Sexuality as Empowerment and Violence

Sexting is defined as means for teens to share sexually explicit words, images, or videos in technological format ([Madigan et al. 2018](#)). Research among primarily white heterosexual teens finds

that one in four adolescents have shared nude or other sexually explicit texts (Temple et al. 2012). Done with affirmative consent from both (or all) parties, the act of sexting is not inherently predatory, harmful, or shameful. Much the same as kissing or touching, it is considered another mechanism through which to express and explore human sexuality (Döring 2014; Englander 2012; Hasinoff 2015).

The early use of sexting caused parents, educators, and even policy-makers to be concerned that individual reputations would be damaged professionally by the existence of sexually explicit content in a digital footprint. Still, research has demonstrated that sexting largely is a safe, common, and increasingly normal way for adolescents to explore their sexual identities (Gordon-Messer et al. 2013; Englander 2012). Sexting was found to be indicative of adolescent sexual activity offline, typically occurring within the context of an existent relationship or where one or both parties hoped to establish a relationship (Kernsmith et al. 2018). Research also found that adolescents who did not sext were less likely to engage in sexual or dating activities in real life (Temple et al. 2012). Over the course of a four-year study, for example, Choi et al. (2019) determined that the number of sexual partners and general sexual activity were positively correlated with sexting, which affirmed the correlation between on- and off-line sexual activity. This study also concluded that peer sexting norms and perceived norms influenced teens' sexting involvement—again, affirming that when teen sexting was normalized, its prevalence increased (Choi et al. 2019).

Particularly at a time when humans seek connection across a multitude of technical modalities, sexting should not become a mechanism through which to shame adolescents for exploring basic human impulses (Albury et al. 2010). Especially due to its strong predictive value for sexual activity in teens, rather, sexting should be appropriately contextualized as a normal expression of adolescent sexuality (Kernsmith et al. 2018). This framing also can support ways of developing inclusive educational policies and comprehensive sexual education programming for adolescents and school staff (Mori et al. 2019).

However, as with any form of sexual expression, there is the potential for sexting to be used to manipulate, abuse, coerce, and control individual behavior, which contributes to the risk of TDV through sexting in much the same way that violence manifests offline (Choi et al. 2016; Kernsmith et al. 2018). More than half of adolescents were asked by a current romantic partner to send a sext, with males being significantly more likely to ask their female partners to do so (Klettke et al. 2014). Furthermore, nearly every female who was asked repeatedly to send a sext reported feeling uncomfortable doing so (Temple et al. 2012). It is worth underscoring here that research has found that females do coerce their boyfriends to send sexts occasionally, which holds true in broader research on TDV—meaning that females are not exclusively victims but, significantly, also remain disproportionately negatively affected by intimate and sexual violence than their male counterparts (Kernsmith et al. 2018).

Studies have found that younger teens have more pronounced discomfort with sexting than their older peers. As compared to younger counterparts, those in their later teen years seemed more comfortable with sexting, and those who were older than 18 were the least interested in the concept altogether (Temple et al. 2012). This research suggests that while sexting may be a modality for teens to explore their sexuality through, younger adolescents may be more vulnerable to sexting pressure, thus emphasizing the need for comprehensive education on sexting toward the end of sexual violence prevention (Mori et al. 2019).

Overall, adolescents were found to be comfortable sending and receiving sexts, and this mode of communication increasingly has become a normal early step to exploring sexuality offline (Englander 2012). When teens consensually sext, it is a safe mechanism of discovery into what their partner likes, where their own boundaries exist, and it allows a romantic relationship to progress safely (Hasinoff 2015; Temple et al. 2012). It only is when one member of the relationship pressures the other that discomfort occurs (Temple et al. 2012)—and sexting as a consensual, exploratory practice crosses a line. Peer pressure in this regard can involve the repeated asking for sexual information by one partner or the sending of a sext by the coercive partner to someone who did not consent to it (Drouin et al. 2015). Importantly, heteronormative gender values operate in a way that make females in heterosexual relationships think, more so than males, that they are obliged to provide sexts to

their romantic partner. The concept of “not denying” a partner has negative consequences offline, as it establishes inequity in a relationship and limits the ability to consent in all relationship aspects (Noonan and Charles 2009).

Where sexual orientation and gender identity are concerned, our review found that research primarily focused on white heteronormative adolescents. In these relationships, females were more likely to be victimized through sexting by male counterpart aggressors (Albury and Byron 2014; Drouin et al. 2015; Kernsmith et al. 2018; Lippman and Campbell 2014; Temple et al. 2012). Focus groups conducted in Australia with LGBTQ+ youth found that adolescents in same-sex relationships utilized sexting in much the same way that heterosexual teens did (Albury and Byron 2014). Still, the lack of research on same-sex adolescent sexting was argued as making some subjects (namely those who were white, heterosexual, and female) inherently vulnerable to sexting coercion and exploitation, while ignoring the relationship dynamics, and thus other potential victims, outside of this heteronormative dynamic completely (Albury and Byron 2014). Insufficient research on gender-diverse youth who operate outside the margins of heteronormative dating spheres thus disregards the potential for abuse to occur outside the heterosexual female victim and male aggressor binary, and can leave gender diverse youth without proper recourse to recognize sexting red flags or seek help.

Where race is a consideration, we also found limited research, which is troubling given that Black adolescent females experience TDV at disproportionate rates compared to their white peers (Storer et al. 2019) and are more likely to engage in sexual activity (including sexting) at earlier ages than their white counterparts (Steinberg et al. 2019). One study of Black and Latinx tenth grade teens in Southeast Texas documented evidence similar to findings about white adolescents (Fleschler Peskin et al. 2013). While this research failed to establish a correlation between sexting and TDV for youth of color, as with white teens, higher percentages of Black teens received sexts while a lower percentage sent sexts; Latinx teens also were less likely than their Black peers to engage in sexting (Fleschler Peskin et al. 2013). Overall, it was determined that sexting was as prevalent among youth of color as it was with white teens, wherein sexts were frequently sent without the receiver’s consent (e.g., unsolicited nude photos sent en masse) and also were shared with someone other than the intended recipient (Fleschler Peskin et al. 2013).

Finally, immigrant youth utilize mobile platforms and social media for a range of activities, including those tied to family reunification. Studies about how displaced youth (i.e., immigrant and refugee) engage in sexting within a U.S. context were noticeably lacking in the literature. One study found that immigrant adolescents in Spain for example, were more likely than their native-born counterparts to accept unknown contacts through social media platforms (Soriano-Ayala et al. 2020). Arguably, within the U.S. political context (Lemke 2017), the use of unknown contacts could put immigrant teens at a higher risk for their sexting partners perpetrating non-consensual sexting activities against them, and thus more research is needed.

Though not situated in the U.S., research on adolescent refugees in Europe found that younger generations use their digital footprint to create an online identity that is not possible through in-person communication (Leurs 2017). These findings underscored that adolescent refugees not only were adept at moving their lives online, but defied everyday lived oppression through a digital archive of performative practices, personalities, and imaginations (Leurs 2017). Empowered adolescent relationships and sexual exploration exist fluidly in time and space. Thus, while not focused on sexting, these findings have meaning in the everyday schooling experience of refugee youth resettled within a U.S. context currently shaped by unbridled nativism, xenophobia, and political discourses of fear (Lemke and Nickerson 2020).

Increasingly, no longer understood as a form of *deviant* discourse predicated on risk and violence (Döring 2014), research evidences that sexting and its social, behavioral, and identity-oriented complexity should be considered in educational policy, curricula, and training. If public education and its actors are to empower adolescents with the tools to create safer communities for themselves with, all elements of how sexuality is expressed should be considered and explored in-depth.

Ostensibly, this means that more research also is needed on the use of sexting among LGBTQ+, BIPOC, and adolescents displaced to the U.S. To ignore this knowledge gap, as well as a rapidly evolving component of teenage sexuality and development, not only is negligent but, as the following section discusses, can contribute to forms of short- and long-term violence.

4. Adolescent Sexting and Connections to Other Forms of Sexual Violence

Though adolescent sexting is understood as largely voluntary and low-risk (Englander 2012), it has the potential to become coercive in much the same way that sexual behavior can become abusive within in-person interactions. Research found that when one party pressures the other for a sext, the capacity to consent effectively is rendered obsolete (Kernsmith et al. 2018). Teens who disregard consent when sexting also were found to overwhelmingly devalue consent across the spectrum of sexual activity, suggesting that behavior surrounding sexting translates to sexual views offline (Kernsmith et al. 2018; Morelli et al. 2016b). For this reason, it is paramount that teens understand their right to consent to sexting as much as their right to consent to physical sex. Devoid of this understanding, it is likely that abuse that begins online will shift to tangible dating violence offline (Choi et al. 2016).

Sexting plays a role in how teens test boundaries of what is and is not sexually consensual early on in a relationship (Döring 2014; Hasinoff 2015). It is necessary to reemphasize here that the act of sexting itself is not understood to possess inherent risk factors that negatively influence adolescent health (Englander 2012; Gordon-Messer et al. 2013). If done safely, sexting is a natural mechanism of sexual expression. Still, there are various factors external to sexting that influence how it affects the wellbeing of adolescents (Drouin et al. 2015). Sexting in the context of an unhealthy relationship has a host of negative effects that directly shape the victim's physical, mental, and socioemotional health, and as previously discussed, unwanted sexting is linked to sexually coercive tactics and intimate partner aggression offline (Dake et al. 2012; Drouin et al. 2015).

Research underscores how myriad forms of TDV are interwoven with one another. Among heterosexual dating youth or those who reported being sexually active in the last year, 12% said a partner had coerced them to sext, and 8% admitted to being the coercer (Kernsmith et al. 2018). Coercive sexting was significantly associated with physical sexual threats, primarily those of having unprotected sex or using threats to convince a partner to have sex (Choi et al. 2016; Kernsmith et al. 2018). Males were substantially more likely in both online and offline instances to be the aggressors, and females were more likely to be victims (Kernsmith et al. 2018).

Tactics used in physical sex coercion among couples in a dating relationship were found in sexting (Choi et al. 2016). One such tactic was the use of threats. While not necessarily overt, subtle threats were utilized if the adolescent victim did not want to sext. Specifically, the perpetrator repeatedly asked for the sext and attempted to make the victim feel obligated to provide it because they were in a relationship; the perpetrator also subtly hinted that they would leave or break up with the victim if that individual did not comply with the request (Drouin et al. 2015). Accordingly, if a teen views coercive behavior as normal or something they are obliged to do, and if they recognize this same behavior in their peer group, youth are less likely to consider the actions a problem (Wolak et al. 2018).

Subtle coercion is not only sexting abuse but a form of emotional manipulation that can translate from the technological sphere to in-person encounters. In one study, for example, nearly 75% of participants who said they experienced sexting coercion also experienced some type of sexual, physical, or psychological abuse from their perpetrator before, during, or after sexting coercion (Drouin et al. 2015). Studies also documented an increased likelihood that teens who experienced coercive sexting were likely to experience concurrent forms of dating violence, whether sexual, physical, emotional, or otherwise (Choi et al. 2016; Drouin et al. 2015; Kernsmith et al. 2018). Sexting coercion was related to both the coercion of physical sex and higher rates of intimate partner aggression (Drouin et al. 2015; Kernsmith et al. 2018)—that, if ignored, can lead to severe short- and long-term health consequences.

Similar to other forms of sexual violence, heterosexual adolescent females were more likely to be the victim of coercive sexting than were their male counterparts, with negative health outcomes including alcohol and substance abuse, risky sexual activity (e.g., sex with multiple partners and unprotected sex), and stigmatization (e.g., particularly by “slut shaming”) (Kernsmith et al. 2018; Temple et al. 2012). This research evidence both follows the data for TDV offline and is indicative of evidence that sexting, and sex in general, remains as more permissive for males than females. This contributes to heteronormative behavior that allows males to have more psychological control in relationships, which also maintains an overall unequal balance of power (Noonan and Charles 2009; Temple et al. 2012). This line of research underscores the importance of healthy relationship programming for youth and training for educators.

We also found empirical evidence that teens who experience sexting coercion experience it as a traumatic event. For example, research documented (Drouin et al. 2015) that adolescents who are victims of sexting perceive that experience as traumatically, if not more traumatically, than they would view a physical sexual assault (Drouin et al. 2015). Teens who are victims of sexting also reported higher rates of anxiety and depression, and were found to be at higher risk for suicide and other comorbid mental health concerns, such as psychosis or histrionic personality issues (Drouin et al. 2015). Researchers hypothesized that because a sexted photo or video sent under duress exists in virtual perpetuity in a way that an in-person incident of unwanted sex does not, the perceived stress of the incident remains high across time (Drouin et al. 2015). This reaction to loss of control in the digital realm again mirrors what data support in the physical realm—a loss of control causes chronic stress for the victim, leading to symptoms of depression and anxiety (Miller et al. 2018).

A final issue to consider, therefore, is that sexting carries with it the potential for the nude photo itself to live in perpetuity and resurface without sender knowledge or consent (Drouin et al. 2015). Even when primary sexting (i.e., the initial sext between two people) is consensual, there is risk of secondary sexting (i.e., the sext being sent by a third party or by the receiver without the sender’s consent), which adolescents might not think about when sending a consensual sext (Morelli et al. 2016a). While it is known that adolescents share secondary sext photos, research concluded that most adolescents do not consider that this could happen to them when they send sexts, consensual or otherwise (Morelli et al. 2016a). Importantly, males received secondary sexts at higher rates than females, whether individually or in mass texts sent to peers, which indicated a stronger risk of the sexual objectification of females than that of males through sexts (Gordon-Messer et al. 2013).

This form of sexting crosses the consent line to be considered “aggravated sexting”, which was described by Morelli et al. (2016a) as “a harmful intention and/or an unwise misuse of sexual images of someone else” (163). What is known as “revenge porn” was more specifically defined as “the public sharing of nude or seminude photos or videos of a lover or ex-lover without [their] permission and sometimes adding information about [their] identity” (Morelli et al. 2016a, 163–64). Secondary sexting also can prompt bullying (e.g., in person or cyber, particularly degrading the person who sent the nude photograph), which has many of the same negative health outcomes as those found in a violent relationship (Temple et al. 2012). Thus, secondary sexting has its own set of negative outcomes, particularly surrounding sexts used for bullying or revenge porn. These findings underscore that sexting as a mechanism for dating violence is real and has tangible negative health outcomes for the survivor. These behaviors also raise substantial legal and policy issues, which are discussed in the following section.

5. U.S. Policy

Currently, a uniform federal definition of sexting does not exist. Instead, adolescents can be charged for sexting under federal and state child pornography laws, as sexting falls under this legal purview. Some state laws follow federal child pornography law¹, which made it a crime to:

Knowingly produce, distribute, receive and/or possess with intent to distribute: a visual depiction of any kind, including a drawing, cartoon, sculpture or painting, that depicts a minor engaging in sexually explicit conduct and is obscene; or depicts an image that is or appears to be, a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital or oral-anal, whether between persons of the same or opposite sex; and such depiction lacks serious literary, artistic, political or scientific value ([Jolicoeur and Zedlewski 2010](#), p. 5).

This law is situated under jurisprudence concerning the First Amendment to the U.S. Constitution, wherein non-obscene pornography is protected speech ([Jolicoeur and Zedlewski 2010](#)). However, in *New York v. Ferber* (1982)², the U.S. Supreme Court ruled that any visual portrayal of minors engaged in sexual acts was beyond the scope of the First Amendment and thus not protected speech. This was due to the immediate and direct harm of child abuse, including emotional and physical dysfunction, and permanent visual record of the abuse due to distribution. This means that adult-to-adult sexting is protected speech under the First Amendment, but when a minor is involved in the same behavior, criminal punishments follow the accused, including the confiscation of profits involved in the commercial exploitation of minors ([Jolicoeur and Zedlewski 2010](#)).

Still, not all state laws follow federal statute, and while states interpret their own child pornography laws in adolescent sexting cases under the guise of Supreme Court precedent, case outcomes are varied. Moreover, the Supreme Court has yet to interpret child pornography laws in terms of actual teen sexting, which leaves image content to be tested on a case-by-case basis ([Jolicoeur and Zedlewski 2010](#)). As such, while certain cases would not meet the federal definition of child pornography, particular image content would fall within the scope of some states' child pornography laws. This means that state prosecutors have leeway to determine if certain cases of adolescent sexting should or should not be considered child pornography ([Jolicoeur and Zedlewski 2010](#)).

Growing awareness of the connection between various forms of sexual violence and short- and long-term negative health effects has prompted state legislatures to pass a range of bills over the last 50 years. Most recently, this has included sexting legislation. Currently, 26 states have laws on sexting, wherein policy language concerning sexting, age of consent, penalty, and revenge porn vary ([Hinduja and Patchin 2019](#)). Arguably, the lack of guidance in 24 states and variance between states with laws pose certain challenges to instituting best practices for the promotion of prosocial adolescent sexting behavior. As discussed in the following section, laws in NYS address the age of the sender and receiver (i.e., under 20) and revenge porn, as well as offer an informal and diversionary penalty (i.e., educational programming) for inappropriate sexting, as opposed to a misdemeanor or federal penalty.

6. Spotlight on New York State (NYS)

In addition to federal Title IX mandates and executive office guidance, which has shifted depending upon presidential administration ([Lemke 2020](#)), NYS had several higher education laws concerning sexual and domestic violence³. Among other things, NYS law created higher education policy, which provided directives on student amnesty in crime reporting, the rights and responsibilities of victims and perpetrators, and directives for all staff as to their responsibilities as mandated reporters.

¹ 18 U.S.C. § 1466A Obscene Visual Representations of the Sexual Abuse of Children.

² *New York v. Ferber*, 1982. 458 U.S. 747.

³ New York Ed. Law. Edn § 6432. Sexual Assault, Domestic Violence and Stalking Prevention Information (2003); New York Ed. Law. Edn § 6434. Investigation of Crimes and Crime Reporting (2003); New York Ed. Law. Edn § 13. Policies and Guidelines (2010); New York Ed. Law. Edn § 6441. Affirmative Consent to Sexual Activity (2015); New York Ed. Law. Edn § 6446. Options for Confidential Disclosure (2015).

These policies also mandated education-based training on sexual and domestic violence for students, faculty, and administrators (Lichty et al. 2008). The required trainings focus on a range of topics such as knowledge of the rights and responsibilities of students and staff as to what constitutes an offense, reporting procedures, and victim resources.

In the U.S., elementary and secondary (i.e., middle and high school) institutions also are governed by Title IX. However, in comparison to those for higher education settings, K-12 policies concerning sexual violence tended to be more incomplete, difficult to find (i.e., not available or difficult to search online), and inconsistent across districts (Hinduja and Patchin 2010; Lichty et al. 2008). Furthermore, loose readings of state and federal law have led to variance in individual school and district interpretation, which means that the rights of students and responsibilities of educational staff are unclear or not addressed. In fact, some school districts were found to not address the issue of adolescent sexual or dating violence at all, instead allowing these topics to fall under umbrella curricula and policies concerning bullying and sexual harassment (Lichty et al. 2008).

While they did not explicitly address adolescent sexting as currently written, NYS bullying and harassment laws⁴ could be beneficial for informing policy around sexting for secondary education institutions. The expansion of these laws in ways that incorporate sexting under the umbrella of cyber bullying could aid in developing more thorough educational programming for students that informs them of their rights and responsibilities involving sexting. It also could provide teachers with knowledge of how sexting is used and can be abused among teens.

Importantly, NYS required individuals under twenty years of age convicted of sexting to participate in education reform programs, which provide information about the legal and non-legal consequences of sexting, along with issues associated with sexuality online⁵. However, affirmative consent and sexual activity laws in NYS primarily addressed in-person relationships, and thus lacked comprehensiveness in delineating acceptable behavior online (Hinduja and Patchin 2010). It also was argued that NYS law that addressed adolescent sexting did so in a more disciplinary sense without adequately considering how teens use this modality to explore their sexuality (Hinduja and Patchin 2019). Allowing consensual sexting between minors to be stigmatized and punished as child pornography could contribute to the use of sexting as a means for violence in adolescent relationships (Choi et al. 2016; Kernsmith et al. 2018). Thus, ignoring these considerations in policy, seemingly is a lost opportunity to support the healthy development of adolescent socioemotional, mental, sexual, and overall physical health.

One option to address this would be to modify relevant higher education laws for K-12 secondary school settings. Such laws already have described guidelines for training programs to discourage student-to-student harassment, particularly cyber bullying, and to explain consent within relationships⁶. Together, these laws could inform K-12 policies in a way that would encompass all facets of relationships, particularly in the cyber realm, as adolescent relationships exist increasingly in this sphere (Madigan et al. 2018). Such laws also could inform policies that already mandate violence prevention education, aim to eliminate negative bystander behavior while encouraging positive interventions, teach warning signs of unhealthy relationships, and inform students of their right to consent and what to do if it is violated. Overall, research has suggested that such changes lead to a better understanding of online TDV and could prevent it from moving into the physical realm of adolescent dating relationships (Kernsmith et al. 2018).

While it is helpful for adolescents to understand the scope of the law and their rights, the law itself does not recognize how teens utilize technology to explore their sexuality. Devoid of educational programming and training that address sexting as a healthy, normal part of adolescent relationships, and without policy to reinforce that education, it is argued that teens will continue to hide their use of

⁴ New York Ed. Law. Edn § 12, Discrimination and Harassment Prohibited (2012); New York Ed. Law. Edn § 13. Policies and Guidelines (2010); New York Ed. Law.

⁵ New York Penal Law. § 60.37; Cyber Crime Youth Rescue Act (2019).

⁶ New York Ed. Law. Edn § 13. Policies and Guidelines (2010); Edn § 6441. Affirmative Consent to Sexual Activity (2015).

the practice and not seek help when sexting becomes problematic (Choi et al. 2016). As discussed in the last section, in addition to needed research, comprehensive K-12 educational policy concerned with sexual violence must address mandated staff reporting, adolescent confidentiality in the disclosure of problematic sexting, limitations on punitive disciplinary measures, and the promotion of prosocial relationship behaviors.

7. Considerations for Educational Research, Policy, and Practice

Overall, our review of the literature found a paucity of empirical data about adolescent sexting. In particular, we found that empirical studies concerning BIPOC, LGBTQ+, and immigrant and refugee adolescents were lacking. Furthermore, our review of federal and state policy concerning sexting revealed limitations in federal guidance and significant variance in sexting laws across the 50 states. Though NYS has developed a range of policies concerning sexual violence at the higher education level, gaps existed for K-12 settings, with laws specific to sexting being quite narrow.

First, our review underscored that there is pervasive use of sexting among adolescents, but not fully understood are the socioemotional, mental, and physical risks when sending a sext. We also found that the exploratory and empowering nature of sexting should give pause in order to critically weigh stringent penalties surrounding this teen behavior (Temple et al. 2012). If non-consensual sexting becomes normalized in adolescent relationships, coercive sexting will not be identified as manipulation or abuse (Kernsmith et al. 2018; Drouin et al. 2015). The failure to see a red flag for what it is early on can lead to unwanted sex or violent sexual behavior offline and ultimately shores up injunctive norms surrounding relationship expectations and consent that allow for violence to flourish both on- and offline (Drouin et al. 2015). In addition to awareness around their right to consent, teens should be cognizant of those legal consequences that could befall them when propagating the spread of secondary texts with the intent to harm, slander, or bully the original sender (Morelli et al. 2016a).

Still, more research is needed on sexting as prosocial adolescent behavior and as potential TDV. Since sexting will continue to occur in the identity-forming years of adolescence with or without adult permission, simply making sexting a punishable offense will not stop its use (Mori et al. 2019). Thus, more research also is needed on how disciplinary measures work either to push adolescent sexting into a space of shame and isolation, where it is more likely to be used as a mechanism of the kinds of abuse discussed previously, or how it can support the development of healthy, consenting adolescent sexual relationships.

For educational policy-makers, leaders, and other practitioners considering this issue, policy should be enacted in a manner that does not penalize youth-to-youth sexting but aims to curtail cyber-bullying, adult-to-youth sexts, and sexual assault (Temple et al. 2012). If sexting is a medium that teens increasingly use to explore their sexuality, then it also should be a space where they can establish their own sense of agency, consent, and voice (Albury and Crawford 2012). Arguably, teens who explore sex through sexting can better create a sense of boundaries, be more effective at deciding how and what they want to consent to, and be better able to safely practice expressions of their own sexuality (Hasinoff 2015; Temple et al. 2012). If sexting practices indicate real life sexual practices in unhealthy relationships, it follows that they might also be a space for teens to discover healthy means of sexual connection. In much the same way that sexting might be considered the first step to creating a sexual relationship between two teens who are romantically interested in one another (Temple et al. 2012), so too can it be a space where they flex their muscles of empowerment, choice, and boundary-setting in sexual activity offline.

Second, marginalized and minoritized youth experience commercialized, domestic, and sexual violence at disproportionate rates compared to their white peers, which can leave them more vulnerable to continued abuse (Lemke 2019a, 2019b; Storer et al. 2019). These same subgroups are also less likely to report to authority figures when they have concerns surrounding something as sensitive as their sexuality (Hébert et al. 2014). This ultimately stymies youth from accessing medical, safety, and other

social provision resources needed to extract themselves from the harmful relationships that some policies intended to prevent.

However, we found limited empirical research on sexting among marginalized and minoritized adolescent subpopulations in the U.S. This is a concern given that adolescent sexting is predictive of sexual behavior offline and that sexting has the potential to become coercive and violent. Thus, more research on the interconnections between educational culture, policies, and practice as relevant to sexting and these subpopulations is needed. Such research could provide insight into how the digital personalities of diverse adolescent groups present and the ways in which sexting can shift from adolescent exploration to TDV. Additional research also could provide understanding of cultural influences in the digital sphere and help educational practitioners to tailor violence prevention programs to the specific needs of diverse youth communities.

Third, historical moral panics concerning sexuality affected wider normative culture in ways that shamed consensual sexual behavior, as well as castigated and criminalized those deemed as *Other* by U.S. law and policy (Lemke 2017). In much the same way, panic and punitive measures around adolescent sexting could operate to silence youth. Defining sexting as unilaterally pathological runs the risk of setting students up to be isolated in violent relationships without recourse for help. When such violence goes unacknowledged, it not only can increase in intensity within the current relationship but it leaves both the victim and the perpetrator likely to experience future violence in their adult relationships (Miller et al. 2018).

Thus, although more research is needed on the intersection between status quo values in the U.S. and adolescent sexting, school policy could be created with the understanding that though sexting can contribute to various forms of harm, it also is part of normal teenage sexual expression and behavior (Albury et al. 2010). Educators should have an understanding of the technology used by teens and also be able to address issues surrounding that technology, specifically as it relates to sexting (Kernsmith et al. 2018; Madigan et al. 2018). This requires a school policy that does not make sexting in and of itself punitive. Rather, educational policies, training, and curricula must balance sexting as a healthy modality through which to explore sexuality (Kernsmith et al. 2018). As with other modalities addressed in comprehensive sexual education, youth must recognize when a line is or can be crossed from consensual sexting to dating violence. Utilizing and expanding existing cyber bullying laws to incorporate sexting and revenge porn are critical for informing this policy.

Finally, our review of the literature underscored that creating penalties for youth who sext that are tantamount to rape or child sexual abuse serve to minimize those events when they truly do occur (Temple et al. 2012). Where child pornography laws have punished teen use of sexting, some have argued this to be “excessive and inappropriate, and fails to recognize the sexual agency and developing ethics of young people” (Albury and Crawford 2012, 464). Rigid sexting policies for teens also create an unnecessary social panic, which potentially disregards adolescent agency and empowerment concerning choice in their own sexuality.

Policies that make sexting a shameful experience or crime punishable by a lifetime status as a sex offender only increase the risk for alienating teens who have experienced coercive sexting. By creating policies that make consensual adolescent sexting a crime, potentially punishable by labeling the participant a permanent sex offender, also does little more than reduce the complexity of teenage sexuality to an act of violence (Angelides 2013). Federal and state policy gray areas provide unique challenges for school and district leaders looking to develop their own educational policies in this area. Still, as found in our review of NYS policy, some policies offer guideposts for educational leaders who want to address sexting in a prosocial manner.

8. Conclusions

Sexting is a form of healthy sexual exploration that will be used by teens. The right to consent to sexting also is complex, particularly when considering it within the context of secondary sexting, revenge porn, and aggravated sexting. Still, if teens are better equipped to navigate their digital

personalities and experiences through educational initiatives that incorporate sexting (Mori et al. 2019), they will be less likely to normalize coercive behavior both on- and offline, thus utilizing sexting as a healthy form of sexual expression. As discussed in this article, this tension only serves to underscore the need to further understand adolescent sexting, the development and implementation of research-based policies concerned with sexting use and abuse, and best practices for the discussion of sexting in educational curricula and training.

Sexting cannot be pushed under the rug through archaic and morally punitive policies. It also cannot be shamed away through abstinence-only sexual education, nor will it disappear by pretending it does not exist. Following from the research presented herein, districts and schools should have comprehensive policies and programming to address sexting. All teachers, and not just those who teach health education, should have proper support and resources to discuss and address this issue. In this vein, sexual education curricula should balance the discussion of sexting as a healthy means to explore sexuality, while also identifying the legality of sexting and parameters within which it can cross the line and turn violent.

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