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Dear Parents,

You are receiving this letter today because the Prosecutor's Office has received information that sexting among students has become widespread in Clark County schools. Sexting among minors is a crime if nude or sexually-explicit photos or videos are involved. The statutes that address this type of behavior, i.e. this type of crime, are predominantly felony level. Many of these statutes carry the possibility of imprisonment and sex-offender classification. These are very serious crimes for what some have described as flirting in the digital age. While we recognize that teenagers will engage in teenage behavior, it is very important that you are aware that the creation, distribution, and possession of a nude or sexually-explicit photo or video of a minor is a crime. This behavior is more than teenagers being teenagers; it is criminal and can have long-lasting effects both in the criminal justice system and in life.

A nude or sexually-explicit photo or video of a minor is child pornography, even if the photo/video is done with the minor's consent. Creating, sending or distributing, and possession of those types of photos or videos is a crime. All of that behavior falls under various criminal statutes that address child pornography. It is also a crime to send a nude or sexually-explicit photo or video to a minor, even if the nude or sexually-explicit photo or video is of an adult. If those types of items are sent to a minor, the sender has committed a crime. If the crime is committed by a minor, that crime is prosecuted through Juvenile Court. A minor is anyone under the age of 18. If, however, that crime is committed by someone who is 18 or older, that person is an adult and will be prosecuted in Common Pleas Court.

The Prosecutor's Office and law enforcement agencies have been working with Juvenile Court to address the problem of sexting among minors in a manner that fairly addresses the seriousness of this behavior while allowing for the potential of avoiding some of the consequences. Effective January 2016, the Clark County Juvenile Court has a diversion program specific to sexting. It is our hope that parents will have serious conversations with their children about the dangers and consequences of engaging in sexting. However, if your child continues to engage in this behavior and is caught, he or she will be charged with the corresponding crime. Because the Prosecutor's Office and law enforcement will be taking a more aggressive stance on charging every individual caught in this type of crime, you are receiving this information so that you and your child are on notice that this behavior is criminal and that it will be charged.

The schools will be showing a video to your child about the criminal aspects of sexting. The video will also inform them of the sexting diversion program. But, we encourage every parent to sit down and discuss this matter further. And, if your child is charged because of this behavior, your child will be screened for acceptance into the diversion program which is described on the reverse side of this sheet. We hope that we never have to deal with you or your child because of this behavior. However, we take this very seriously and will prosecute it accordingly.

Sincerely,

D. Andrew Wilson
Clark County Prosecuting Attorney