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MEMORANDUM

To: All Camden County Superintendents of Schools

From: Prosecutor Warren W. Faulk

A handwritten signature in black ink, appearing to be "W. Faulk", written over the "From:" line.

Date: April 13, 2009

**Re: Juveniles taking compromising photographs
with their cell phones and the consequences of their actions**

It has come to our attention that several students have been involved in sending sexually explicit photographs of themselves via cell phone to other students. I am writing to advise you of the possible criminal consequences of this behavior so that you may share it with both parents and students.

A student who receives these compromising photos and then merely shows them to others can be criminally charged with invasion of privacy and endangering the welfare of a child. Additionally, this conduct can be characterized as the dissemination of child pornography and can have serious criminal consequences, such as compliance with Megan's Law, a significant stigma that would follow them for their entire lives. Even students who send pictures of themselves can be charged with distributing child pornography. (Recently, in Passaic County, a 14 year old female was charged with distributing child pornography after posting explicit nude pictures of herself on MySpace.com. See attached press clip).

The message that should be conveyed to both students and parents is that teenagers need to consider the serious consequences of taking and forwarding compromising photographs of themselves or others. These "forever" images can end up in the wrong hands and may negatively affect future endeavors for college or job opportunities, as well as increase the risk of public humiliation and law enforcement response. Please take this opportunity to educate your students and their parents on the risks associated with this behavior.



Posted on Fri, Mar. 27, 2009

Child-porn charges against girl, 14

The North Jersey teen posted sexually explicit photos of herself on MySpace.

By Beth Defalco

Associated Press

TRENTON - A 14-year-old Clifton girl has been accused of child pornography after posting nearly 30 explicit nude pictures of herself on MySpace.com, charges that could force her to register as a sex offender if convicted.

The case comes as prosecutors nationwide pursue child pornography cases resulting from youths sending nude photos to one another over cell phones and e-mail. Legal experts could not recall another case of a child porn charge resulting from a teen's posting to a social networking site.

MySpace would not comment on the New Jersey investigation, but the company has a team that reviews its network for inappropriate images. The National Center for Missing and Exploited Children tipped off a state task force, which alerted the Passaic County Sheriff's Office.

The office investigated and discovered the girl had posted the "very explicit" photos of herself, sheriff's spokesman Bill Maer said yesterday.

"We consider this case a wake-up call to parents," Maer said. The girl posted the photos because "she wanted her boyfriend to see them," he said.

Investigators are looking at individuals who "knowingly" committed a crime, he said, declining to comment further because the case is still being investigated.

The teen, whose name has not been released because of her age, was arrested and charged with possession of child pornography and distribution of child pornography. She was released to her mother's custody.

If convicted of the distribution charge, she would be forced to register with the state as a sex offender under Megan's Law, said state Attorney General Anne Milgram. She also could face

up to 17 years in jail, though such a stiff sentence is unlikely.

Some observers, including the New Jersey mother behind the creation of Megan's Law, criticize the trend of prosecuting teens who send racy text messages or post illicit photos of themselves.

Maureen Kanka - whose daughter, Megan, inspired the law after she was raped and killed at age 7 in 1994 by a twice-convicted sex offender - blasted authorities.

The teen needs help, not legal trouble, she said.

"This shouldn't fall under Megan's Law in any way, shape or form. She should have an intervention and counseling, because the only person she exploited was herself."

Called "sexting" when it's done by cell phone, teenagers' habit of sending suggestive photos of themselves and others to one another is a problem that has confounded parents, school administrators and law enforcers.

Prosecutors in states including Pennsylvania, Connecticut, North Dakota, Ohio, Utah, Vermont, Virginia and Wisconsin have tried stop it by charging teens who send and receive the pictures.

In northeastern Pennsylvania, a prosecutor recently threatened to file child porn charges against three teenage girls who authorities say took racy cell-phone pictures that ended up on classmates' phones.

The MySpace case may be a first, though.

"I'm not sure I've seen a prosecution like this coming out of a social networking site," said Seth Kreimer, a constitutional law professor at the University of Pennsylvania.

Milgram, the attorney general, could not recall another such case in New Jersey. She cautioned parents to monitor what their kids are talking about and posting online.

"Unfortunately, youth don't have the same judgment as adults," she said, "and often, adults don't have the same technical savvy as the youth."

Find this article at:

http://www.philly.com/philly/news/20090327_Child-porn_charges_against_girl__14.html

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