



# Youth Vulnerability and the Mobilisation of Morality and Risk: Youth Justice Practitioners' Framings and Responses to Youth Sexting

Youth Justice

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## Abstract

Youth-produced sexual imagery, commonly referred to as 'sexting', is criminalised under legislation relating to indecent images of children. Interviews with youth offending team (YOT) practitioners demonstrate that their understanding and responses to youth sexting are rooted in *assumptions* about its harms and 'inappropriateness'. Constructions of youth sexters as 'vulnerable' resulted in what this research terms 'remote risks', such as exploitation by adult strangers, being reconceptualised as *the* 'most likely' harm, justifying the perceived need for 'preventive' youth justice interventions in *all* cases, in the name of protection. The research advocates for the decriminalisation of youth consensual sexting (at the very least) to encourage responses outside of the criminal justice system that centralise issues of privacy and consent, beyond notions of criminality.

## Keywords

criminal law, risk, sexting, vulnerability, youth justice

## Introduction

The term 'sexting' has been used by some to describe sexual images made by young people of themselves and other young people that are 'transmitted via cell phones and the internet' (Mitchell et al., 2012: 1). Other research has acknowledged the spectrum of images captured under the term sexting, ranging from the sexually suggestive near nude images to those that are fully nude (Lenhart, 2009: 3) or fully clothed (Phippen, 2009). Despite inconsistencies in definition (Klettke et al., 2014; Lounsbury et al.,

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2011), recent studies have suggested that up to 1 in 5 young people send sexual images (Mori et al., 2022). Youth sexting is arguably a product of the 21st-century 'teen experience' (Arcabascio, 2010) and many academics recognise this to be of a developmental nature, for the purpose of sexual exploration and expression (Hasinoff, 2015; Hiestand et al., 2014; Karaian, 2012; Lee et al., 2020; Thomas and Cauffman, 2014). However, existing legislative responses fail to differentiate between the 'teen experience' and the protection of children from adults who seek to exploit them sexually, applying the same laws to both (Gillespie, 2011). Modern technology has altered how we communicate, leaving policy and legal responses to grapple with the speed at which modern crimes or behaviours evolve (Bauman, 2000; Beck, 1992; Giddens, 1991). Such challenges are reflected in existing responses to youth sexting, where old laws, enacted to protect children, are used against them.

Research has highlighted challenges in applying existing criminal law to youth sexting cases in England and Wales (Arthur, 2019; Bond and Phippen, 2020; Gillespie, 2011), and globally (Albury et al., 2013; Karaian, 2014; Spooner and Vaughn, 2016). Such laws fail to take account of the diverse (and developmental) experiences of youth sexters (Hasinoff, 2015; Hiestand et al., 2014; Karaian, 2012; Thomas and Cauffman, 2014). In England and Wales, the Protection of Children Act 1978 (PCA, 1978), the Criminal Justice Act 1988 (CJA, 1988) and the Coroners and Justice Act 2009 (CJA, 2009) criminalise the making, taking, distribution or showing of indecent photographs or pseudo-photographs, or the possession of them with intention to distribute, show, publish or caused to be published. Under this legislation, anyone under the age of 18 is to be regarded as a minor, and any sexually explicit imagery of them is deemed 'indecent' and captured by the legislation mentioned above. This research understood youth sexting to include the creation and sharing of images of those under 18, by those under 18.

Young people have been arrested (Gillespie, 2011: 225), received youth cautions or youth diversions and, in some cases, charged (National Police Chiefs Council, 2017) as a result of sexting in England and Wales. While sexting policy advocates for a diversionary approach in cases where there are no aggravating factors, such as non-consensual disclosure or exploitation by an adult, the sexting cases resulting in arrests and dealt with by the youth justice system remain varied. Data collected by the National Police Chiefs Council (2017) highlighted a 'rise' in youth sexting cases across police forces in England and Wales between 2014 and 2017. However, the exact circumstances of the cases are not detailed, including whether aggravating factors were present or not (Hales, 2018). While this research did not undertake a case analysis of incidents dealt with by participating youth offending teams (YOTs), it became clear that the range of cases coming into the participating YOTs included 'consensual sexting' and those involving or evidencing exploitation or non-consensual disclosure. The use of the current laws to engage the criminal justice system in a variety of youth sexting cases, including those absent of aggravating factors, is hard to reconcile with research findings that demonstrate how youth sexting practices differ considerably from adult perpetrated sexual abuse, for which the legislation was first conceived (Mitchell et al., 2012; Phippen, 2012; Setty, 2020; Van Ouytsel et al., 2017). However, it is within this legal framework that sexting has come to be understood.

While youth practices and perceptions of youth sexting have been well documented (Setty, 2020), this article addresses a gap in the sexting literature, providing insights into the perceptions of adult actors within the youth justice system. In this research, YOT professionals felt that *all* youth sexting cases warranted some kind of criminal justice intervention. While, procedurally, young people may be diverted from the formal justice system through out-of-court disposals, any contact with the criminal justice system, however informal, can have a detrimental impact on their future. There is limited data on the interventions, practices and opinions of YOT practitioners in this area. The discretion afforded to YOT practitioners (Eadie and Canton, 2002; House of Commons Justice Committee, 2013) highlights the importance of considering the underlying opinions and perspectives of these individuals (Shariff, 2014), both within England and Wales and globally.

### **Regulating Youth Sexuality: Risks and Vulnerabilities**

Sexting has been understood in the existing literature as a by-product of the sexualisation of culture (Hasinoff, 2015; Hasinoff and Shepherd, 2014); a phenomenon that challenges existing norms and social values, especially those associated with young people (Attwood, 2006: 1). Concerns focus on how young people, especially girls, are 'sexualised' before they are physically and emotionally ready (Papadopolous, 2010), reflective of traditional ideologies of childhood and femininity that are rooted in notions of innocence and anxieties about its erosion (Kitzinger, 1988). The construction of young people as a distinct category of vulnerable has been shown to mobilise state involvement, resulting in an overextension of state responsibility into the private lives of these young people (Brown, 2015), where, often, young women and girls are responsibilised for the harms they experience (Karaian, 2012). It is within this gendered rhetoric on premature sexualisation, and its associated risks, that sexting has come to be understood.

The complex gendered nature of youth sexting is highlighted in research linking the sexting phenomenon to the subordination and objectification of young women, where some young girls are 'pressured and coerced' into sending images (Agnew, 2021; Döring, 2014; Ringrose et al., 2012) and the threat of exposure is used to control them (Ringrose et al., 2012; Walker et al., 2013). There is also evidence of a sexual double standard where young male recipients of sexts use the images as a form of 'status currency', but young female senders are subjected to a moralist discourse that labels them 'sluts' or worse (Ringrose et al., 2012: 13, 2013: 1). However, the same research identified a lack of arenas for young women and girls, particularly in schools, in which to voice these experiences and their own sexual preferences. Such spaces would enable them to better resist existing ideologies concerning the innocence of femininity (Ringrose et al., 2012: 26, 47, 2013: 319–320; Karaian 2015: 346) and demonstrate that such ideologies rely on a denial of women's sexual agency. Hasinoff (2014) has argued that it is these ideologies of innocence and vulnerability that have hindered informed discussions about sexting, and how best to respond, resulting in one-size-fits-all

approaches to youth sexting policy and education, that are founded on misinformed assumptions about vulnerability and risk.

Notions of vulnerability can mobilise moralistic arguments (Brown, 2012) under the guise of harm prevention; as a result, remote harms are deemed more easily realised, and the mere *risk* of harm is used to justify intervention. The reductive nature of risk has been problematised within youth justice policy, given that there is no ‘universal truth’ concerning risk factors applicable to all young people, and risk factor prevention paradigms have been absent of wider socio-cultural factors in understanding offending (Case, 2007). The construction of youth as either at risk or *a risk*, because of belonging to a ‘high risk group’, rather than their actual (or criminal) behaviour, has been used *to* justify interventions in a bid to intervene ‘early’ to prevent possible offending behaviour (Feeley and Simon, 1994; Goldson and Hendrick, 2005; Hamilton et al., 2016). The management of risky kids has resulted in what some have termed ‘repressive welfarism’ (Phoenix, 2009: 128) where welfare models have been critiqued for their alleged abandonment of legal and judicial safeguards, ‘leaving children to the discretionary, permissive powers of professionals while subjecting them to indeterminate measures without recourse to review or accountability’ (Scruton and Haydon, 2002: 311). The construction of youth sexting as inherently risky leads to responses that centralise the involvement of the criminal justice system. This positioning suggests that such interventions are the most suitable means of protecting young people from exploitation and ‘correcting’ (girls) perceived risky and sexualised behaviour.

The balancing of risk and vulnerabilities is evident in societal and policy concerns regarding youth sexting. However, there is a need to ensure that such protectionist responses do not inadvertently or unnecessarily over-criminalise young people or responsabilise young girls for breaches of their own privacy, as seen in youth sexting (Mishna et al., 2018; Ringrose et al., 2012). Palmer’s (2016) analysis of the Sexual Offences Act 2003 (SOA, 2003) considers the way in which the state, through the SOA, 2003, seeks to control what is ostensibly ‘consensual sexual behaviour’ between particular groups (children and mentally disordered adults). In these matters, consent is replaced with an objectivist criterion that designates this category as vulnerable and removes their capacity to consent. Palmer’s analysis can be helpful in considering the application of existing laws to youth sexting, namely those within the CJA (1988), the PCA (1978) and the CJA (2009). While the provisions within these Acts are necessary to protect people from behaviour that is abusive in nature, the laws and systems in place to deal with sexting, as seen in Palmer’s work around sexual offences more generally, operate in such a way that they render some behaviour that is ‘ostensibly consensual’ subject to legal prohibition and intervention. The laws here, while clearly of a protectionist agenda, technically render all youth sexting criminal, reducing the sexual agency of some categories of young people by removing, *carte blanche*, their capacity to consent, subjecting them to ‘increased state intervention’. Such interventions, even those that are informal, can create additional harms, such as over-criminalisation, with all the detrimental impacts this might have on a young person’s prospects.

## Research Methods

This article considers qualitative data from a study exploring the criminal, legal and youth justice response to youth sexting in England and Wales. Institutional ethical approval was granted by the researcher's institution. Data were drawn from 24 semi-structured interviews with youth justice practitioners across 5 YOT sites. Participants included 2 police officers, 1 social worker and 21 case workers. Given the limited body of knowledge regarding how YOT practitioners handle sexting cases and their opinions and behaviours on sexting matters, semi-structured interviews enabled an exploration of these 'attitudes, beliefs and values' (Barriball and While, 1994: 329).

Information on the project was sent out to the relevant agencies, and documents were disseminated by managers who acted as gatekeepers. Purposive sampling was the preferred method, given the specific focus of this research. Interviews were recorded and transcribed prior to thematic analysis, in line with Braun and Clarke's (2006) 6-step approach. Codes were first identified, followed by overarching themes and sub-themes. Themes were not identified solely because they were the most prevalent throughout the data; instead, a theme was developed because it 'identified something important about the data in relation to the research purpose' (p. 10). The thematic analysis employed in this research was of a primarily inductive nature; coding for general themes (Frith and Gleeson, 2004) that were not necessarily aligned with the questions posed to the YOT professionals but were more representative of the data itself, given the absence of research to date with youth justice professionals on this topic. Themes were identified at both a semantic and latent level, because there was a need to provide descriptive accounts of elements of the data, such as the types of cases encountered by YOT professionals. However, there was also a need to enquire about the ideologies and assumptions held by youth justice professionals (Braun and Clarke 2006: 12).

## Findings

### *Construction of Youth Sexting Risks*

YOT practitioners felt sexting was inherently risky and harmful to young people, especially over the long term. YOT professionals' understanding of sexting risks and youth vulnerability justified the involvement of the criminal law on the basis of remote harms (and risks), such as child sexual exploitation. Young people are labelled as vulnerable due to their incomplete life stage, rendering them at risk of disruption to a successful transition to adulthood, increasing the need to control and intervene for the preservation of society as a whole (Bynner, 2001; Fionda, 1998; James and Prout, 1997; Moran-Ellis and Sünker, 2008; Warner, 2008). The permanence of material posted online made perceived youthful transgressions more visible and therefore riskier. In addition, the conflation of broader cultural anxieties concerning child sexual exploitation and the Internet with youth sexting meant YOT professionals inadvertently responsibilised young people, mainly girls, for their own protection.

*Risk and Futurity.* YOT professionals' constructions of youth sexting risks tended to focus specifically on the future, reflecting broader discourses on risk, where it has been argued that there is a preoccupation with the future (Beck, 1999, 2006; Giddens, 1991). All YOT professionals (n=24) saw sexting as presenting a risk to young people's future safety and prospects:

It [sexting] can completely wreck people's lives, what they want to do when they are older, their careers, some of the young people I have worked with have been caught up in out of court disposals for sexting, have wanted to go on to do, like teaching things . . . to have that on your record and have to explain that, because that will be there then. (Interview 3, Social Worker)

Such anxieties around sexting and young people's future are highlighted by Moran-Ellis (2012), who uses the notion of futurity to describe how young people's 'present-day actions' are essentially coupled together with their imagined future self. In this sense, the actions of young people in the here and now are seen as central to the notion of who they will become (p. 117). This connection between the present and the future has also been reflected in areas of youth justice, where the existence of childhood innocence has been seen as a measure of the 'moral health and future of the nation' (Fionda, 2005; Foucault, 1990: 146). YOT practitioners' concerns about the potential future impact of youth sexting on young people's prospects clearly aligned with concerns about criminal records or nominal records on the police national computer (Hales, 2018). What made sexting risky for young people was not necessarily what was happening in the 'here and now'; for example, in the moment of the image being taken (e.g. any perceived harm resulting from the acts depicted), as envisaged by the original legislation (Hales, 2018), but rather how these actions in the present would impact the young people in the future.

*Fear of Permanence and Visibility.* YOT practitioners (n=24) felt that youth sexters, mainly girls, were putting themselves at risk of 'some kind' of 'future risk' due to the permanence of the sext. YOT professionals saw young girls as particularly vulnerable to the 'future risks' identified above because of their immaturity, inexperience and naivety, reflective of how gender and sexual stereotypes interact with concerns about risk. Practitioners argued that the 'permanence' of the image increased the risk of bullying or manipulation by other young people due to actual or threatened non-consensual disclosure. While YOT professionals viewed sexting as inappropriate, when it came to questions of harm, they appeared to be concerned more with the enduring life of the image rather than the act itself. There was a strong feeling among participants that the young people did not understand the risks associated with sexting, or were not able to understand because of their age:

They don't see the damage this causes long term, they just see 'oh this is what everyone does', you are in a relationship with a boy and the natural thing is to show him a photograph of me naked or show them a photo of me with me boobs out so what could start off being a little bit like 'this is what you do'. . . it's then manipulated and used against them further down the line . . . you know as for some young people it has never come back to bite them on the bottom so it won't be an issue [for them] but it is when it's used, it starts [to be] used to exploit, that's where the danger lies. (Interview 1, Caseworker)

As sexts have an enduring life online and young people were viewed as a distinct category of people who were naïve and immature, there was an increased likelihood that the image would be distributed, if not now, then later. However, it is well documented that non-consensual disclosure is commonplace among adult populations, suggesting there are wider cultural issues that need to be addressed (Henry and Powell, 2016; McGlynn et al., 2017). Concerns advanced here by practitioners inadvertently responsabilise those, mainly girls, who have had their privacy violated, rather than those who shared images without consent. It has been acknowledged in previous studies that ‘whilst awareness of risks is important, widespread anxiety may also contribute to restrictions on young people’s use of the internet, undermining exploration, expression and creativity’ (Livingstone and Bober, 2004: 5).

*Child Sexual Exploitation and the ‘At Risk Child’.* YOT caseworkers (n=24) generally felt that there was a high risk of child sexual exploitation associated with the sexting practices of young people, and this validated their opinion that young people should refrain from participating in it. Caseworkers generally felt that one of the inevitable results of sexting was that it would lead to some form of (often sexual) exploitation (Döring, 2014):

I think probably after that and long-term, they are being exploited, and they start suffering behaviours from exploitation, but I think short-term it may be ‘oh yeah look at me I’m popular’ and wrongly fuel the self-esteem. (Interview 2, Caseworker)

The youth justice environment, with a preoccupation with ‘risk’ (Muncie, 2001), coupled with societal anxiety concerning the sexualisation of youth (Papadopolous, 2010), perhaps unsurprisingly contributed to the deviance discourse (Döring, 2014) surrounding sexting in these spaces. YOT practitioners’ perceptions of sexting risks were greatly informed, understandably, by their lived experiences as case workers who witnessed young people being exploited, sometimes sexually. This did mean that such perceptions were not necessarily based on the diversity of experience highlighted in the existing literature, instead they reflected wider societal concerns about childhood safety and the Internet:

No, not for me, because of the sinister side of the, you know, internet, and all the people that surf the internet looking to groom young people or whatever. I just think it’s really dodgy, and I think the safe, best approach is to say no. (Interview 4, Caseworker)

The above perceptions are arguably at odds with the evidence base in the area; Ringrose et al. (2012) found that instead of the perceived online risk of ‘stranger danger’ young people ‘were most at threat from their peers’ in respect of sexting (p. 7). Despite this, YOT professionals centralised the stranger danger paradigm within their understandings of sexting risks which, when coupled together with societal understandings of risk and risk-taking, became something of a threat that needs to be prevented (Lupton, 1999). The construction of young people as either at risk or risky is well documented in the youth justice literature (Case, 2006), justifying interventions that seek to control, often under the guise of ‘protection’. Opposition to the ‘deviance discourse’ around sexting is found in a ‘normalcy discourse’ that instead acknowledges sexting as ‘normal intimate communication’ for both

adult and adolescent romantic and sexual relationships, as well as a form of sexual exploration for adolescents (Döring, 2014). Anxieties expressed by youth justice professionals around child sexual exploitation failed to acknowledge the ‘normalcy discourse’ (Döring, 2014) supported by findings in several studies indicating that young people send images to their peers rather than strangers (Mitchell et al., 2012; Ringrose et al., 2012), and often in the pursuit of romantic relationships (Albury and Crawford, 2012; Lippman and Campbell, 2014; Strassberg et al., 2014). It is argued here that YOT professionals considered more remote harms as the risks to youth sexters. It is not suggested that the risks perceived by these professionals were impossible, but viewing these as *the* risks associated with sexting failed to take account of the diversity of experience, or indeed the youth voice (Van Ouytsel et al., 2017). Instead, it is the *presence* of exploitation or the non-consensual disclosure of images that should define instances of sexting as problematic.

### *Perceptions on Responses to Youth Sexting*

YOT professionals centralised the law in their recommended responses to youth sexting, viewing it as having both a protective and educational function, in defining appropriate behaviour. Ultimately, YOT professionals saw abstinence as the way in which youth sexting should be dealt with, echoing dominant media and societal discourses around sexting (Hasinoff, 2015; Hasinoff and Shepherd, 2014). Even those who felt sexting was exploratory in *some* cases ultimately regarded it as inappropriate because of the future risks outlined previously.

**Restrictive but Protective Law.** Those who saw the application of the law as potentially unfair in cases of youth sexting noted that, because the law existed, young people needed to refrain from getting caught up in it for ‘their own good’. In the case of all interviewees, the law was not expressed as the problem when it came to sexting (n = 24), and indeed some believed that sexting *needed* to be a criminal offence (n = 18):

The offence is what it is, law is very black and white, erm, law isn’t the issue for me. (Interview 3, Social Worker)

Alongside this acceptance of the law *as it is*, there was an understanding that, even though the law might be considered restrictive, it had a protective function. While this aligned with a paternalistic construction of the law (Simester and von Hirsch, 2002), this exemplified the way in which, because young people were young, they were regarded as unable to understand the risks of sexting and therefore *needed* the protection of the law, to protect them from themselves:

I still think it’s [sexting] not something that should be done now, because you don’t know when the images are going to go further, they can circulate – where people can then send the images that you send to them and it can go to groups of people it’s not intended for. . . maybe under eighteen, sending the image, yeah it should [be a criminal offence]. (Interview 7, Caseworker)

While it was acknowledged by YOT professionals that they did have some discretion in how to respond to sexting incidents (in deciding whether or not to recommend an out of court disposal including the type of disposal and the content of any intervention(s)), such discretion was not unbounded (Eadie and Canton, 2002: 14), and operated within the confines of the law. As a result, interviewees understood (or perhaps uncritically accepted) that their position was a limited one, in terms of what they were able to do in response to youth sexting, given that a ‘crime’ had been committed. This does highlight some of the challenges faced by those responding to youth sexting in a criminal justice environment and the use of any discretion. Discretion has been regarded as part of a best practice model within youth justice; however, such discretion has been threatened by ‘increased managerialism’ within youth justice since the 1990s, which has advocated for a technical approach predominantly through the use of standardised assessment tools such as ASSET (Eadie and Canton, 2002: 14) and more recently AssetPlus (Smith and Paddock, 2025). Standardised assessment tools, it is argued here, centralise the criminal legal discourse of risk. Accordingly, these tools may not provide the individualised approach required in cases of youth sexting, where experiences and behaviours are complex and vary greatly, most notably between genders.

Referrals for youth sexting fall under legislation concerning indecent images of children. While it is not suggested here that all cases were understood and dealt with as though they were strictly indicative of child sexual exploitation by an adult, YOT discretion did operate within a broader societal narrative of sex panics and constructions of young people, most notably girls, as inherently vulnerable. This, together with the dominance of the law in shaping societal understandings of youth sexting, as an act linked to child sexual exploitation, greatly restricted practitioners’ ability to view sexting through alternative developmental lenses. YOT professionals struggled to interpret youth sexting as anything other than a crime, inappropriate and risky, similar to observations made in Canada (Hasinoff, 2014), accordingly, the law was necessitated given its protective function.

*Surveillance and Control.* YOT practitioners were reluctant to discuss decriminalisation or legalisation as viable responses to youth sexting. Instead, they saw the law as a necessity, enabling adults to either ‘keep an eye’ on what young people were doing or provide them with a way to intervene and assess what young people were doing through social media. Such an approach is not new and speaks of what Foucault termed ‘disciplinary’ and ‘governmental power’ (Foucault, 1977). According to such an analysis, there has been an ‘institutionalisation of mistrust surveillance and regulation of contemporary populations of young people’ (Kelly, 2003: 166). As a result, young people are thought to lack self-regulation, resulting in adult anxieties about their behaviour:

I certainly don’t think we need to take it out [of the criminal justice system] because therefore you’d say you’re taking it out and we’re not getting the police involved but then someone has to monitor that situation. (Interview 4, Caseworker)

The law acted as a pathway into the criminal justice system, providing YOT professionals with a way to check and assess young people who might, because of sexting, pose additional risks to themselves or others. This ‘precautionary principle’ (Tickner and Raffensperger, 1998) often results in interventions being carried out with particular groups of young people because they have been deemed, through judgements about what adults think is best for them, to require guidance, management or even punishment, ‘regardless of whether they have done anything wrong’ (Case, 2006: 174).

YOT teams provided examples of (informal) diversion practices and interventions, including point-of-arrest diversions, deferred prosecutions or cautions (where a prosecution or caution is put on hold pending the completion of an intervention), speaking with young people (girls) about ‘self-esteem’, and being contacted directly by parents and schools regarding ‘sexting concerns’ and consequently speaking to those involved. While there has been support for ‘high levels’ of diversion (Carlile, 2014), research has identified its net-widening ability in practice (Cohen, 2011; Goldson, 2001; Kelly and Armitage, 2014), where children are left to the discretionary powers of professionals in terms of the need for the intervention and the content of it (Phoenix, 2009; Scraton and Haydon, 2002: 311). The justification for criminal justice interventions in youth sexting cases was sometimes questionable, due to admissions that some cases did not warrant further, formalised action:

So the worst case scenario is a young person come resulted in what some have temits an offence and won’t admit it so we have to charge them, so it goes to court and judge says it shouldn’t have come to court and throw it out and no further action, end of – that young person then has no intervention at all, no one works with that young person at all, if they had admitted the offence we could have referred them to the Youth Offending Team to work with them in order to prevent them from committing further offences, there is quite a lot around right now of trying to do deferred prosecution where you say, right, okay, if you work with us now at this point, if you engage with them, the youth offending team, we won’t take it any further action. (Interview 25, Police Officer)

The example from Interview 5, above, is reflective of net-widening, where a young person’s contact with the youth justice system would, in theory, be based solely on the ‘need’ for a diversion alone. The comments are exemplary of how diversions can constitute a form of ‘uptariffing’, when used in cases where police could have taken no further action (Ofori et al., 2021). The need to admit the offence and engage with the YOT ‘to avoid prosecution’ places a strain on the voluntary nature of these arrangements and arguably erodes due process and rights embedded in formalised routes. Furthermore, mandatory admission requirements have been criticised for denying young people, who fail to make such an admission, the benefit of a diversion, despite their case and circumstances being suited to the same (Cushing, 2014). Within broader debates regarding youth sexuality and sexting, it is clear that the need for intervention is heavily wed to the need to remedy or correct ‘inappropriate’ displays of female sexuality, where the denial of sexual agency has been highlighted as a chief concern in responses shaped by the criminal justice system (Hasinoff, 2014; Karaian, 2012; Ringrose et al., 2013).

## Conclusion

The term 'sexting' influences the perceptions of those who know little about it, and misconceptions are made easier by the phenomenon's legislative association with 'child pornography' and the premature sexualisation of young people. The risks associated with sexting have been highlighted in existing research (Ferguson, 2011; Pascoe, 2011; Quayle and Jones, 2011; Scholes-Balog et al., 2016; Setty, 2019) and have been centralised as the key characteristics of youth sexting (Lee and Crofts, 2015). Consequently, the developmental aspects of sexting have been overshadowed in popular discourse and instead understood within broader landscapes of risk that position young people as simultaneously 'at risk' and '*a risk*' (Scott et al., 1998). The term 'sexting' is overly reductive; this binary framing of sexting as risky and exploitative not only conflates images that may be regarded as sexual and non-sexual, exploitative and non-exploitative, but leads to the occlusion of its developmental and educational aspects in broader societal understandings. Ultimately, some of what young people are doing is beyond the scope of the criminal law, yet all sexting remains understood within it.

This research has highlighted that YOT professionals viewed sexting as an action that puts young people at risk of child sexual exploitation. Such anxieties about 'the sexualisation of risk' have resulted in overly punitive restrictions on liberty that 'attempt' to shield young people, especially girls, from the 'dangers of the wider world' (Scott et al., 1998: 691). Sexting is a relatively modern-day phenomenon and not the first such sex 'panic'. The sex panics of the late 20th century concerned fears of 'gay rights', 'censorship' and 'sex education' (Irvine, 2008: 2), and sexting can be seen as the latest example of such similar, if not identical, anxieties about changing sexual cultures. Sex panics are viewed as 'the political moment of sex' where panicked attitudes towards sex permeate through 'sex laws', 'medical practice' and 'parental anxieties' (Rubin, 1985: 137–138), shifting legal debates away from informed argument and towards 'expressions of raw emotionality' (Lancaster, 2011: 88). Such expressions explain the reluctance to adopt alternative responses to youth sexting that would result in decriminalisation, instead fostering a 'culture that polices sex' (Burgett, 2009: 67).

Notions of risk permeate through the youth justice system and are centralised in the construction of and responses to youth offending and behaviour (Case, 2007; Farrington, 2000; Goldson, 2007; Kemshall, 2008). It is argued here that in cases of youth sexting, understandings of risk and morality were easily mobilised through the construction of, and reference to, young people's vulnerable nature. Anxieties about youth vulnerability and sexuality result in the construction of remote harms, such as child sexual exploitation, as more 'likely' and preventive interventions as more necessary. Ultimately, this approach results in interventions for particular groups based on characteristics such as age, sex and gender, rather than on tangible evidence of risk and harm (Palmer, 2016). This research highlights the importance of centralising sexting debates on specific examples of harm and potential harm, which are connected to much broader cultural issues that affect both adults and young people, regarding consent, respect for others and privacy.

It is not suggested here that young people are never at risk or conversely that they are always at risk; instead, it is suggested that those tasked with responding to youth sexting

must understand the complex and diverse nature of the phenomenon, beyond common sense discourses that have dominated much of the media and popular opinion around sexting. This research argues that the decriminalisation of consensual sexting (at the very least) is an appropriate legal shift. On this basis, the ‘adult educator’ and ‘child learner’ dichotomy needs to be addressed so that there is increased awareness about youth sexting practices, beyond the discourses of risk and vulnerability. It is this awareness that should be central to youth sexting interventions and the perceived need for them. The law relating to indecent images of children was intended to protect children from harm, specifically harm caused by the sexual exploitation of a child by an adult; it was not designed to address the diverse nature of youth sexting on 21st-century social media. When applicable and used in *all* youth sexting cases, the existing legal framework offers nothing more than a route through which the harms that are realised are chiefly to young people’s sexual or social development and future.

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### **Ethical considerations**

Ethical approval was granted by Royal Holloway, University of London on 20 May 2016. Respondents gave written consent for review and signature before starting interviews.

### **Consent to participate**

Respondents gave written consent for review and signature, before starting interviews.

### **Consent for publication**

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### **Data availability statement**

The datasets generated during and/or analysed during the current study are not publicly available due the need to maintain confidentiality and anonymity

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