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November 30, 2015

Chief John LaCross
Barrington Police Department
100 Federal Road
Barrington, RI 02806

Dear Chief LaCross:

I am writing to express our organization's deep concerns about the seemingly overzealous manner in which Barrington police are enforcing various "social media" laws against children in the Town. In past months, news articles have reported on arrests of young children and teens that strike us as very dubious as a matter of public policy and, in some instances, as a matter of law. In either event, we strongly believe a reexamination of the Department's approach to these issues is in order.

I wish to highlight three arrests in particular. In doing so, I recognize that I am relying solely on the limited information provided in the *Barrington Times* about these incidents. Because of the confidentiality of juvenile arrest records, we are unable to reach out to the families themselves to get any more information about the charges. While we are therefore prepared to stand corrected, we nonetheless believe the information that has been provided is sufficient to warrant our concerns, since we assume all the information has come directly from your Department.

In February, your police department arrested a 12-year old boy for sexting, after he allegedly sent nude pictures of himself to a 12-year-old girl he had been corresponding with online. While we certainly agree young children need to be taught the dangers of sexting, arresting 12 year olds to prove the point is, in our view, precisely the wrong way to do it. In opposing passage of the sexting law, the ACLU expressed concerns about exactly this scenario, "criminalizing" the immature activity of young kids and introducing them to the police and the court system instead of relying on less punitive and more socially responsible measures.

Regrettably, sexting is more common than it should be among young kids. We strongly support the importance of counseling teens on how to appropriately and respectfully use technology in order to protect themselves and others, but using law enforcement to punish them for poor decisions like these is extremely problematic. Children can sometimes be irresponsible and careless; it comes from being that age. They need to be taught that sharing nude or partially nude images of themselves can have bad consequences. But vigorously enforcing laws that treat this conduct as criminal does little to prevent future occurrences and may harm a child's life permanently. It is a matter for parents to address with their children. It is a matter for schools and others to provide increased education to teens about the dangers of this

practice. But, absent extraordinary circumstances, it should not be a matter for the police or the courts, especially for children as young as twelve years old.

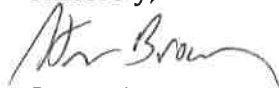
Our concerns about police overreaching are amplified by the two other more recent incidents we have read about. While the children were older, the charges are more troubling because they appear to involve arrests for conduct that may not even be criminal.

In October, according to a news story, your Department charged a 17-year old boy with "electronically disseminating indecent material to minors." The teen allegedly posted a video clip of a teenage girl (which did not show the girl's face), and the posting was done with the consent of the girl. Again, we question the involvement of police in formally charging a teenager for this unwise decision. More importantly, the charge itself is questionable. Even assuming that the video included "sexually explicit conduct" as defined in that statute (which is unclear from the news story), the law does not apply if the girl was 15 years of age or older. Regardless, this charge involving consensual conduct among teenagers has the potential to subject this boy to five years in prison and lifetime registration as a sex offender. This is an unconscionable use of law enforcement authority.

The third, and most recent, questionable charge occurred this month when a 15-year-old boy was charged with cyberstalking after he allegedly sent Instagram messages to four girls asking them for nude photos. It is unclear whether he sent more than one message to each of the girls, but the article indicates that all of the conduct occurred on just one day. In order to avoid fundamental First Amendment problems, however, the cyberstalking statute applies only to a "pattern of conduct composed of a series of acts over a period of time." Nothing in the article suggests this standard was met. In other words, the charges in both this and the previous cited incident are not only uncalled-for, they may not even be authorized by law.

Even with the limited information upon which we are relying, there clearly appears to be a disturbing pattern of overenthusiastic police enforcement of social media "crimes" when other measures would be much more effective and much less damaging to children. We ask you to review these incidents and the Department's policy approach to addressing teen misconduct on social media in order to consider more humane responses that don't use the criminal law as the resolution of first resort.

Sincerely,



Steven Brown
Executive Director

cc: June Speakman, Town Council President