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April 26, 2023

Michael Heyward CEO, MediaLab 1222 6th Street Santa Monica, CA 90401

Re: Kik named to 2023 Dirty Dozen List for endangering minors and hosting severe sexual content

Dear Mr. Heyward,

We are writing to inform you that the National Center on Sexual Exploitation is once again placing Kik on the annual Dirty Dozen List, a campaign that names 12 major contributors to sexual exploitation and abuse. This year's Dirty Dozen List will be revealed on Tuesday, May 2, 2023.

A convicted child sex abuser called Kik a "predator's paradise" 1 — a fitting description based on law enforcement assessments, investigations and arrests, recent studies, and our own research posing as teenagers on your app.

One of our profiles was for 17-year-old "Jenny." Within a few hours of joining, Jenny was contacted by dozens of adult male users who despite knowing she was a minor — sent her pornography and graphic messages, demanded she send nude images of herself, and added her to chats that included sexually explicit content and even what appeared to be child sexual abuse materials (CSAM).

We are deeply concerned with the extent of exploitation and sexually explicit material on Kik in both public and private groups. Most disturbing is the rampant number of predatory adults grooming and abusing minors — encouraging and even intimidating teens to engage in sexualized conversations, sending sexually explicit images and pornography, and enticing children to send their own nude images (self-generated child sexual abuse materials).

Furthermore, there is a significant number of adults sharing child sex abuse materials on Kik. Our researchers had to submit multiple reports to the National Center on Missing and Exploited Children based on public CSAM sharing they came across on random Kik

chats. Though Kik has written policies prohibiting criminal behavior and content, it is abundantly clear that Kik is either uninterested or unable to implement them effectively. **Despite being "built for" and marketed toward teens, evidence indicates that Kik has taken few, if any, measures to keep kids safe. In fact, Kik facilitates harm and puts kids at risk. Kik is dangerous by its very design,** pairing minors with adults through features like "Meet New People." The anonymity users enjoy on Kik makes the platform uniquely appealing to predators. Pornography and sexually explicit content — including CSAM — is also rampant under innocuous hashtags, such as #Pokemon, #fun, and #middleschoolcheerleaders, that appeal specifically to minors.

Given that of your 15 million active monthly users, 70% are in the 13 - 24 age bracket, Kik has an ethical responsibility to prioritize the protection of young users over profit and to eradicate the extensive sexual exploitation and abuse facilitated by your platform.

Quite frankly, we find it terrifying that Kik hopes to "become the central hub for everyday life for teens across the world." Our assessment is that Kik is currently too risky for teens. We believe minors should be barred from joining your platform.

However, if this is not something you will consider, you must take immediate and significant action to stem the abuses that thrive on Kik, particularly the extensive threats to children's safety and well-being outlined in detail below:

Child Sexual Abuse and Grooming On and Through Kik

<u>The persistent reports</u>⁴ of child sexual exploitation, grooming, and the creation and distribution of child sexual abuse materials (CSAM) on your platform demonstrate Kik's failure to proactively identify, block, remove, or even report criminal activity. In fact, Kik's features actively facilitate predatory behavior and have led to child sexual abuse both online and in person.

According to a Thorn report published in early 2023, 26% of surveyed children ages 9 – 17 who use Kik have had a sexual encounter on the platform.⁵ Even more concerningly, Kik tied with Instagram and Tumblr as the platform where minors reported the second highest rates of online sexual interactions with people they thought were adults. On all three of these platforms, 11% of minor users reported having an online sexual interaction with a perceived adult. The only platform with a higher rate than this was Omegle, at 22%.

Canadian Centre for Child Protection (CP3) data shows that <u>one in three luring attempts reported to their</u> cyber tipline happened on Kik, Instagram, or Snapchat (34%).⁶ According to CP3, "online luring" is:

When someone (typically an adult, but not always) communicates with a child or youth through technology, like texting or chatting through an app, game or site, to make it easier to commit a sexual offence against them. Luring can involve a person asking, hinting at, or trying to convince the child or youth to send naked or semi-naked sexual pictures or videos. Luring can also lead to offenders manipulating children into meeting in person, where the child is sexually abused.⁷

A comprehensive report <u>analyzing U.S. federal criminal cases</u> involving CSAM, child sexual exploitation, and grooming on social media apps found that between 2014 and 2020, more than 2,000 minors were victimized on Kik alone.⁸ And in the first three months of 2023, about a dozen instances of child exploitation arrests and charges in the U.S. on Kik have already been reported by the press.

Given the multitudes of criminal cases and news articles that have been published over the years, we can only assume you are well aware of the abuse of children happening on and through your platform. In fact, Forbes published a blistering investigative piece detailing the rampant child sexual abuse on Kik back in 2017:

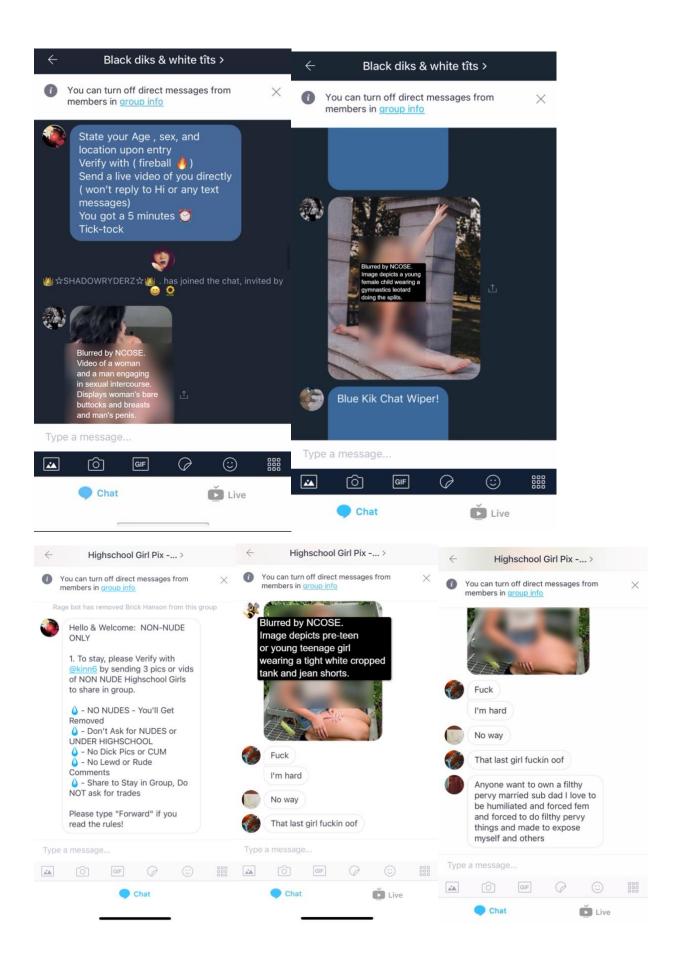
A joint *Forbes* and *Point Report* investigation has uncovered evidence of a vast number of child exploitation cases involving the use of Kik, where some of the most appalling material is being shared and young girls and boys are being targeted for grooming. Posing as 14-year-old girls, we also discovered just how quickly predators were on the prowl and how third-party apps for sharing profiles appeared to be facilitating access to minors.⁹

However, six years and <u>a lawsuit later</u>¹⁰ – despite briefly shutting down in 2019 – Kik returned without making any significant changes or improvements to mitigate the crimes, harms, and risks on your platform.

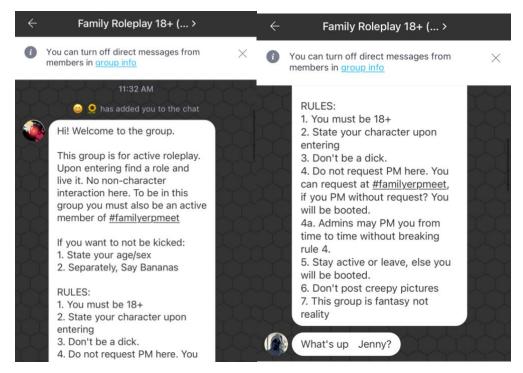
Kik's design features exacerbate the dangers by allowing and encouraging users to connect with strangers. The app has a "Meet New People" feature, which pairs *any* user, including minors, with a complete stranger with whom to start conversations. Users of any age can join public chats, resulting in increased interactions between adults and minors. Groups are not age-gated. Even when the chat titles say "18+," *users of any age* can place minors into "age-restricted group chats" without the minor's knowledge or consent.

An anonymous user added "Jenny," our fake profile for a seventeen-year-old girl, to multiple group chats without her knowledge or consent. With each addition she was inundated with private messages from older men either saying things like "let me see you baby girl," instructing her on how to send nudes without her parents finding out, or sending her CSAM and sexualized images of minors.

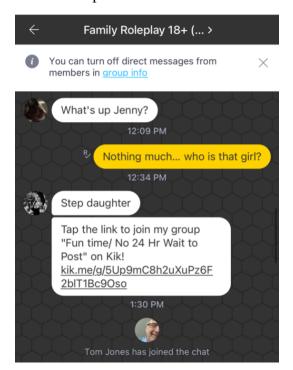
"Jenny" was also added to multiple group chats requiring users to send pictures or videos of themselves or other teenage girls within a time limit to remain in the group. Although she was underage, the group chats she was placed into were restricted for "18+." Images of CSAM were sent and traded within these group chats (which we reported to NCMEC).



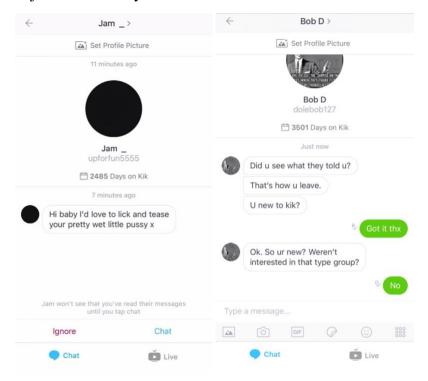
One group to which she was added was a "family role playing" group chat where members connected to play "stepdaughter" and "stepdad." This involved sending CSAM to other group members.



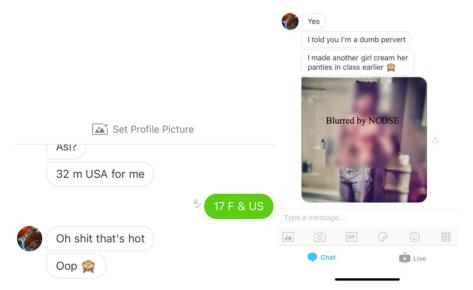
In the Family Role Play group chat, one user sent CSAM depicting a completely nude teenage girl. When "Jenny" asked the user who the teenage girl was, they replied "Step-Daughter." The image and the group chat were reported to NCMEC.



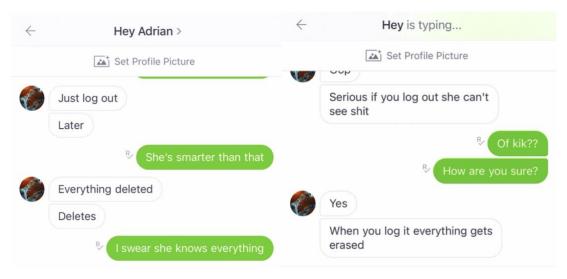
Upon asking to leave the chat, she was harassed and sexualized by group members looking for a "daughter" to join their "family."



There was not one instance in which predatory behavior stopped after Jenny had revealed her age; rather, the behavior escalated. Men would often make obscene comments upon learning she was underage: for example, "Oh shit that's hot...Oop," and "I told you I'm a dumb pervert. I made another girl cream her panties in class earlier," coupled with a shirtless mirror picture of the predator and a video of him smoking marijuana.

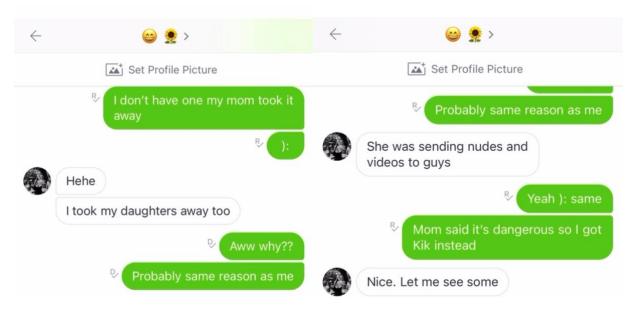


One man revealed his preference for younger girls by asking Jenny if she had any younger siblings. She was inundated with harassing messages despite her age, such as, "Hi baby I'd love to lick and tease your pretty wet little p*ssy." In a separate instance, upon refusing multiple requests, a 36-year-old man sent her step-by-step instructions on how to delete any images she would send him so her mom wouldn't find out, taking advantage of Kik's lackluster moderation and exploitative encryption.



Another user privately messaged Jenny, sending her multiple sexualized images of minors, and asked to see Jenny's nude images she had taken on Snapchat.





Tragically, Jenny's experiences are not unique, and the evidence shows that countless real children have been groomed and abused on and through Kik.

Child Sexual Abuse Material (CSAM) Posting and Trading on Kik

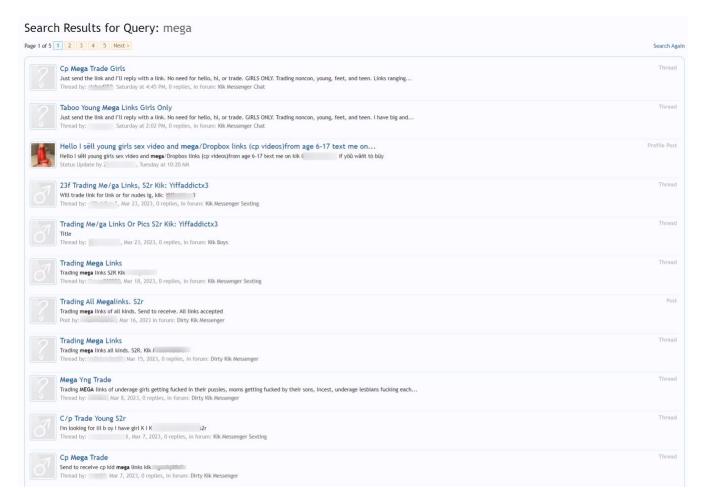
Kik is also commonly used for the trading of child sexual abuse material (CSAM, the more apt term for "child pornography"). Your app repeatedly and frequently makes headlines for this problem. The following articles highlight just a few of the most recent examples:

- A mayor used a Kik account to upload and distribute dozens of CSAM images (March 2023)¹¹
- Indiana man was sentenced to eight years in prison for distributing CSAM on Kik: article titled "Chat service Kik at center of *yet another* Evansville child pornography case" [emphasis on "yet another" by NCOSE] (February 2023)¹²
- Missouri man pleaded guilty to CSAM charges, admitting he used several Kik accounts to view and distribute CSAM for at least two years; he also stated that he was a member of at least 50 groups on Kik that were dedicated to trading CSAM (January 2023)¹³
- Admin of a <u>Kik group dedicated to trading CSAM</u> was sentenced to 30 years in prison (January 2023)¹⁴
- Former ABC news producer arrested for receiving and distributing CSAM on Kik (January 2023)¹⁵

Kik is so well known among pedophiles that entire forums have been created specifically for Kik CSAM trading. A forum called "Kik Sexting" is dedicated to posting requests for various illicit content such as CSAM, bestiality, incest, and other non-consensual material. Kik is not an app designed for teenagers, but for adults to access teenagers.

Using the well-known CSAM search term "mega," NCOSE researchers identified more than 90 different offers and requests to buy, sell, or trade CSAM on Kik since December 2022.





Kik has created an ecosystem in which child sexual abuse material thrives. What are you doing to stop the criminal activity and content so easily found on your platform?

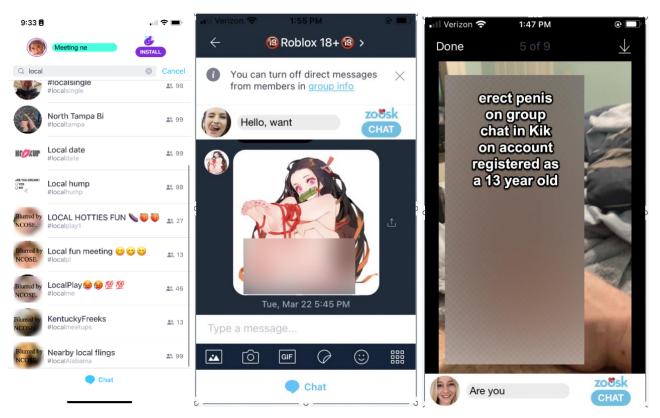
Exposure to Severe Sexually Explicit Content and Hardcore Pornography

In February 2023, top-rated social media monitoring company Bark released its <u>2022 Annual Report</u>, which analyzed 4.5 billion messages across text, email, YouTube, and 30+ apps and social media platforms. **For the third year in a row, Kik was flagged as the number one platform for** *severe sexual content*. Kik was also within the top five apps flagged for Depression, Body Image Concerns, Severe Bullying, and Hate Speech.



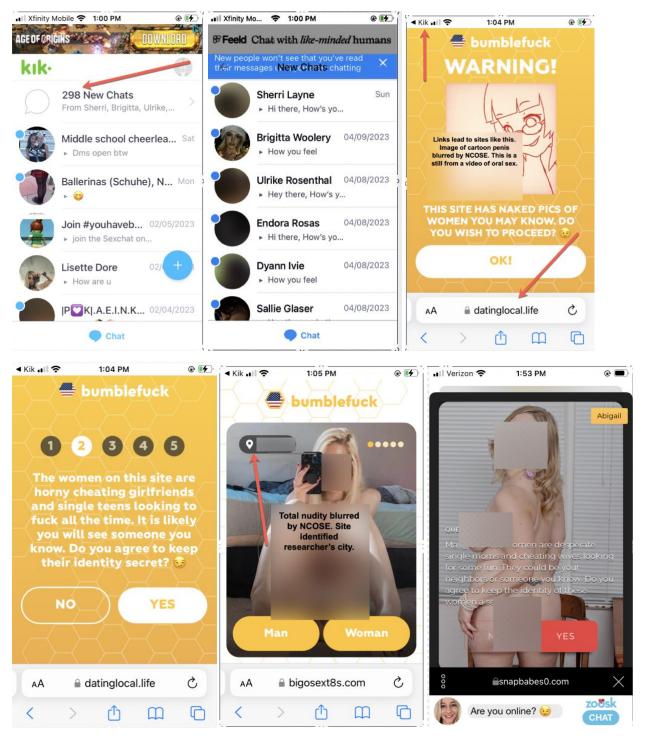
<u>Kik's policies</u> claim to ban "Material that is unlawful, obscene, defamatory, libelous, threatening, pornographic, harassing, hateful, racially or ethnically offensive, or encourages conduct that would be considered a criminal offense, give rise to civil liability, violate any law, or is otherwise inappropriate as determined in our sole discretion."¹⁷ Our profile "Jenny" encountered *all* of this allegedly prohibited content within *her first day on Kik*.

Even Kik's suggested "age-appropriate" searches lead to harmful content. Based on 'teen interests,' Kik's suggested terms yield countless group chats with thumbnails of nude genitalia, sexually explicit names, and misleading descriptions such as "Memes and Chill," "No Butt Stuff 21+," and "MemesHub 18+." Under the hashtag #catmemes, the chat "Playful Kitten" appears; the thumbnail is a silhouette of a nude cat woman. Innocuous search terms that appeal to children, like #Pokemon, #local, #cool, #meme, #cheerleading, and #Fun, lead to chatrooms dedicated to pornography, trading sexually explicit images/nudes, and other content that violates Kik's policies. A search for "highschool" yielded an image of a man holding his penis in between a hot dog bun and putting mustard on it. "Local" immediately surfaced nude breasts and buttocks.



Kik has no filters to allow children to avoid seeing explicit imagery when searching innocuous tags. We can only surmise that this is intentional, as the technology to blur sexually explicit images or filter them out altogether is easily available.

Our researchers were also inundated with bots promoting prostitution and random sexual encounters, links leading to graphic cartoon pornography, and advertisements with images and videos of women masturbating.



On paper, <u>Kik's policies</u> do not allow pornography or inappropriate content to be posted anywhere on the platform. However, these policies are not being enforced in any meaningful way. As a result, pornography and other banned content flourishes on the platform and is easily discoverable by the children that make up so much of Kik's user base. Kik is not safe for minors.

Dangerous by Design

Kik touts itself as a platform rooted in equality, safety, and justice by granting all users anonymity, privacy, and space to interact with minimal moderation. Yet these are the very features that place your target audience —teenagers — at greatest risk. Not only has Kik failed to implement any meaningful safety features, Kik's very platform design makes it uniquely dangerous.

Kik provides predatory adults with unmitigated access to minors — even introducing them through features like "Meet New People."

Kik provides no mechanism to age-gate sexually explicit 18 + chats.

Kik does not require a valid email upon account creation.

Kik has no way to filter or block certain content.

Kik does not allow users to customize direct message settings on a site-wide level.

Kik has no parental controls.

Several of these features are basic industry standards, such as requiring a valid email address upon account creation and age-gating group chats. Without a valid email address, dangerous users are infinitely able to create and recreate accounts despite reports to NCMEC or law enforcement.

For example: A <u>38-year-old Gainesville, FL man</u> was arrested in March 2023 for 12 counts of the promotion of obscene material after law enforcement was notified that he had uploaded "videos [that] contained prepubescent girls performing sexual acts, and in some instances showed adult men raping them." This man had been using Kik to share CSAM and sexually exploit prepubescent girls for over two years. Even though Kik reports this behavior to NCMEC, by your own design, <u>Kik has been unable to ensure</u> predators cannot circumvent their account's removal or commit ban evasions, allowing predatory behavior to continue unbridled.²⁰

Kik is so dangerous we believe minors should be banned from your platform, unless you radically transform your platform. We're not the only ones, as <u>Common Sense Media</u>²¹ and <u>Apple App Store</u>²² rate Kik 17+.

The National Center on Sexual Exploitation demands Kik make the following bare-minimum changes:

- 1. Use existing technology to *proactively* identify, block, and remove criminal activity and content (such as child sexual abuse material, image-based sexual abuse, and pornography) and permanently ban offending users
- 2. Abolish features that place children at high risk for sexual exploitation, such as allowing users to add minors to group chats without their knowledge or consent, connecting minors with adults through the "Meet New People" feature,²³ and pushing dating and prostitution apps to minors
- 3. Develop and implement robust safety measures to protect minors and make your platform safer for all users, including adding age verification, requiring valid email addresses upon account creation, agegating group chats, and adding easy-to-find reporting tools
- 4. Create pin-protected parental controls

5. Provide adequate warnings to users and the general public of Kik's risks through transparency reports, accurate age ratings and app descriptions, and in-app education

As the owner of Kik, you are responsible for setting the tone of its online environment, for regulating that environment, and for doing your utmost to ensure that it is not a forum for wide-scale sexually explicit content or a hunting ground for predators to prey on children. Sadly, Kik is failing in this regard and is instead facilitating and likely profiting from the extensive sexual abuse and exploitation of your young users.

We hope you choose to transform Kik. Until you do so, we feel it is *our* responsibility to continue elevating the extensive harms on your platform with policymakers, police, the press, parents, and the general public.

Respectfully,

Patrick Trueman, Esq.

Dawn Hawkins

Mur Hawkins

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Lauren Madison, Vice President, Trust & Safety, MediaLab

Ben Gross, General Counsel, MediaLab

¹ Josh Yager, "Killer App," *CBS News*, June 3, 2017, https://www.cbsnews.com/news/nicole-lovell-murder-smartphone-predator-stranger-danger-killer-app.

² Jason Wise, "Kik User Statistics 2023: How Many People Use Kik?" *Earthweb*, April 16, 2023, https://earthweb.com/kikstatistics.

³ "Learn Our Company Story," Kik, accessed April 24, 2023, http://wwwl.kik.com/about.

⁴ Brian Neil Levine, *Increasing the Efficacy of Investigations of Online Child Sexual Exploitation* (Amherst, MA: University of Massachusetts Amherst, College of Information and Computer Sciences, 2022), https://www.oip.gov/pdffiles1/nij/grants/301590.pdf

⁵ Thorn and Benenson Strategy Group, *Responding to Online Threats: Minors' Perspectives on Disclosing, Reporting, and Blocking in 2021* (Thorn, 2023), https://info.thorn.org/hubfs/Research/Thorn_ROT_Monitoring_2021.pdf.

⁶ "Infographic - Online Child Sexual Exploitation," Government of Canada, last modified January 3, 2023, https://www.canada.ca/en/public-safety-canada/campaigns/online-child-sexual-exploitation/infographic-online-child-sexual-exploitation.html#fn10.

⁷ Canadian Centre for Child Protection, "Reports of Online Sexual Luring of Canadian Kids up 815% in Five Years, Cybertip.ca Data Shows," news release, February 6, 2023, https://protectchildren.ca/en/press-and-media/news-releases/2023/safer-internet-day-2023.

⁸ Levine, ibid.

⁹ Thomas Brewster, "This \$1 Billion App Can't 'Kik' Its Huge Child Exploitation Problem," *Forbes*, August 3, 2017, https://www.forbes.com/sites/thomasbrewster/2017/08/03/kik-has-a-massive-child-abuse-problem/?sh=2cd562af1a14.

¹⁰ Jane Doe v. Kik Interactive Inc. et al., United States District Court Southern District of Florida, Case No. 0:20cv60702, April 6, 2020, https://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=3192&context=historical.

- ¹³ U.S. Immigration and Customs Enforcement, "Missouri Man Pleads Guilty to Child Pornography Charges following HSI, Law Enforcement Partner Investigation," news release, January 24, 2023, https://www.ice.gov/news/releases/missouri-man-pleads-guilty-child-pornography-charges-following-hsi-law-enforcement.
- ¹⁴ Marlo Lacen, "Kik Child Porn Group Admin from Las Vegas Sentenced in Louisiana Federal Court," *Concho Valley*, January 5, 2023, https://www.conchovalleyhomepage.com/crime/kik-child-porn-group-admin-from-las-vegas-sentenced-in-louisiana-federal-court.
- ¹⁵ Jerry Lambe, "Feds Arrest Ex-ABC News Producer After Finding Shockingly Graphic Child Pornography on His 'Bone Machine," *Law & Crime*, February 1, 2023, https://lawandcrime.com/crime/feds-arrest-ex-abc-news-producer-after-finding-shockingly-graphic-child-pornography-on-his-bone-machine.
- ¹⁶ "Bark's Annual Report 2022," Bark, accessed April 24, 2023, https://www.bark.us/annual-report-2022.
- 17 "3. User Content," Terms of Service, Kik, accessed April 24, 2023, https://www.kik.com/terms-of-service/#3-user-content.
- ¹⁸ "Kik Community Standards," Kik, accessed April 24, 2023, https://kikhelpcenter.zendesk.com/hc/enus/articles/4402358258971-Kik-Community-Standards.
- ¹⁹ Aidan Bush, "Gainesville Man Arrested on a Dozen Child Pornography Charges," *The Independent Florida Alligator*, March 14, 2023, https://www.alligator.org/article/2023/03/gainesville-man-arrested-on-a-dozen-child-pornography-charges.
- ²⁰ Alex Rose, "Coatesville Man has Waived Preliminary Hearing on Child Pornography Distribution Charges," *The Delaware County Daily Times*, April 19, 2022, https://www.delcotimes.com/2022/04/19/alleged-child-porn-distributor-waives-hearing.
- 21 "Kik," Common Sense Media, accessed April 24, 2023, https://www.commonsensemedia.org/app-reviews/kik-messenger.
- ²² "Kik Messaging & Chat App," App Store Preview, accessed April 24, 2023, https://apps.apple.com/us/app/kik-messaging-chat-app/id357218860.
- Molly Burke, "We Wouldn't Recommend 'Kik' for Under 18s Helen Westerman," *Yorkshire Evening Post*, June 16, 2021, https://www.yorkshireeveningpost.co.uk/news/opinion/columnists/we-wouldnt-recommend-kik-for-under-18s-helen-westerman-3274127.

¹¹ WKRC, "Mayor Charged for Over 50 Counts involving Child Pornography," *Local 12 WKRC*, March 2, 2023, https://local12.com/news/nation-world/mayor-charged-for-over-50-counts-involving-child-pornography-sexual-abuse-material-children-patrick-l-wojahn-college-park-maryland-mayoral-office-kik-account.

¹² Houston Harwood, "Chat Service Kik at Center of Yet Another Evansville Child Pornography Case," *Courier & Press*, February 7, 2023, https://www.courierpress.com/story/news/local/2023/02/07/chat-service-kik-at-center-of-yet-another-evansville-child-abuse-case-brandon-kyle-meredith-adcox/69878239007.