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SEXUAL
EXPLOITATION**

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February 1, 2018

Mr. Evan Spiegel
Mr. Bobby Murphy
Snap Inc.
63 Market Street
Venice, CA 90291-3603

RE: 2018 Dirty Dozen List Notification

Dear Messrs. Spiegel and Murphy:

We are writing to express our grave concern regarding the cyberbullying and distribution of pornography—including self-produced child pornography—and other sexually explicit content facilitated via Snapchat. We are also very concerned about the monetization of sexual content on Snapchat that has been enabled via the Snapcash app. Additionally, Snapchat's "Discover" feature has allowed publishers to distribute a torrent of graphic sexual content that cannot be blocked by end users.

In today's #MeToo culture, where sexual harassment and assault are rampant, corporations like Snapchat have a renewed corporate responsibility to refrain from normalizing or promoting material that promotes sexual exploitation. While Snapchat has made some minor improvements to allow Discover publishers to age-gate content, Snapchat still does not allow users to opt-out of sexually graphic content or to report Snapchat users that are sending sexually explicit photos and videos, or using their Snapchat app to promote or advertise pornography or prostitution.

For these reasons, the National Center on Sexual Exploitation plans to place Snapchat on its 2018 Dirty Dozen List, where Snapchat shares space with bad corporate actors such as the sex trafficking and prostitution website Backpage.com.

Snapchat can be removed from this list, if it takes significant, effective steps to 1. Allow users to opt-out of publisher content on Discover, 2. Provide prominent in-app reporting systems for users to report other users that send or promote sexually exploitive content, 3. Make a clear policy that promotion of pornography and prostitution is in violation of Snapchat's Terms of Use, 4. Enforce this policy by promptly removing accounts that engage in these actions.

Snapchat's Current Policy on Nudity and Sexual Content

While third-party users certainly bear responsibility for how they use the app, corporations such as yours bear great social responsibility to do their utmost to ensure that their services are not used for harmful ends. Snap, Inc., has not lived up to this responsibility.

Official Snap, Inc., Terms of Service state that users must agree they “will not post content that contains pornography, graphic violence, threats, hate speech, or incitements to violence,”¹ and that users are not permitted to “buy, sell, rent, or lease access to your Snapchat account, Live, Snaps, a Snapchat username, or a friend link without our written permission.”² However, it is abundantly clear that these rules are not being followed or adequately enforced.

Ultimately, it is the responsibility and duty of Snap, Inc., to ensure that its terms of use are not hollow suggestions, but true rules that govern use of its apps.

Cyberbullying/Sexting and Snapchat

Within the last decade, cyberbullying has emerged as a pernicious new form of bullying that breaks the spirits of our nation's children. It has been deemed a public health issue³ and is a matter of serious concern to our organization.

We are especially concerned by evidence which shows that some cyberbullying activity involves sexual harassment and coercion. It is our view that much of the activity referred to under the guise of “sexting” actually represents cyber-based sexual abuse. For instance, offline sexual coercion has been “significantly associated with sending and being asked for a naked image, as well as receiving a naked image without giving permission.”⁴ Researchers have also documented “aggravated” forms of “sexting” that may involve adults soliciting sexual images from minors, as well as criminal or abusive behavior by minors such as extortion, or the creation and sending of images without the knowledge of the minors pictured.⁵

At least one such teen suicide, that of Tovanna Holtan, is attributable to a video uploaded to Snapchat. Ms. Holtan was recorded while bathing, and the video was subsequently uploaded by a friend to Snapchat where viewers began taking screenshots and posting the images on other social media platforms. Unable to withstand the harassment that followed, Ms. Holtan—at age 15—took her own life.⁶ Tragedies such as these underscore the seriousness of bullying in general, and cyber-based sexual abuse in particular.

Even aside from such extreme cases, sexting generally has been linked to risky behaviors, as well as sexual abuse and violence. Italian researchers report that of the 536 participants aged 13 to 18

¹ Snap, Inc., “Snap Inc. Terms of Service” (January 10, 2017), <https://www.snap.com/en-US/terms/> (accessed February 19, 2017).

² Ibid.

³ Charisse L. Nixon, “Current Perspectives: The Impact of Cyberbullying on Adolescent Health,” *Adolescent Health, Medicine, and Therapeutics* 5, (2014): 143–158.

⁴ HyeJeong Choi, Joris Van Ouytsel, and Jeff R. Temple, “Association between Sexting and Sexual Coercion among Female Adolescents,” *Journal of Adolescence* 53, (2016): 164–168.

⁵ Janis Wolak and David Finkelhor, “Sexting: A Typology,” (Crimes Against Children Research Center, 2011)

⁶ Demetria Lucas D’Oyley, “A Nude Snapchat Video and Cyberbullying Lead to Teen’s Suicide,” *The Root* (June 10, 2016) www.theroot.com/a-nude-snapchat-video-and-cyberbullying-lead-to-teen-s-1790855620 (accessed February 19, 2017).

(who were part of a larger study of sexting behaviors), 79.5% reported having sexted at least once, 53.5% reported that they had received sexts at least once, 76.9% reported that they had sent sexts at least once, and 8.2% publicly posted a sext at least once.⁷ This is terribly disconcerting, as in some instances such sexting could constitute self-produced child pornography. Importantly, extending previous similar findings, the researchers found that of the total 1334 person sample studied (aged 13 to 30):

- 33.13% sexted during substance use at least once;
- 3.30% had been forced to sext by a partner at least once;
- 2.10% had been forced to sext by friends at least once;
- 1.95% had sent sexts to strangers;
- 12.59% had sent sexts about someone else [sometimes referred to as “secondary sexting”] without her/his consent at least once.⁸

Further, their results confirmed a relationship between sexting and dating violence: “Specifically, moderate and high users of sexting are more likely to be perpetrators of dating violence, including online, than low users of sexting.”⁹ Sexting has also been linked to smoking, substance use, alcohol abuse, and binge drinking.¹⁰

Such findings should deeply concern Snap, Inc. With more than 200 million active users worldwide, rates like those reported above have huge implications, especially so when nearly a quarter of its users have not graduated from high school.¹¹ Moreover, it is a sad fact that **Snapchat’s reputation is indelibly marred by its association with sexting.** Because of the ability of Snapchat photos to expire within 10 seconds, it has become the major sexting vehicle. As one writer put it, “For millennials, Snapchat is almost entirely synonymous with sexting.”¹²

These issues—cyberbullying, cyber-based sexual abuse, and sexting—are impacting an entire generation of American youth, and much more needs to be done to prevent their deepening harms. Thus, it is inexcusable that in its Community Guidelines, Snapchat’s attempt to address serious issues such as those outlined above includes the cavalier guidance to, “Keep it legal. Don’t use Snapchat for any illegal shenanigans.”¹³ In fact, in its Terms of Service, Snapchat provides more robust language about copyright infringement than it does the dangers of exchanging sexts and pornography via its app. Moreover, the notion that Snapchat wishes to distance itself from its sexting roots appears disingenuous when one considers that with the “Memories” feature users can store “private” snaps via a tool called “My Eyes Only,” which hides “sensitive” snaps with a

⁷ Mara Morelli, personal communication, February 20, 2017.

⁸ Mara Morelli, Dora Bianchi, Roberto Baiocco, Lina Pezzuti, and Antonio Chirumbolo, “Sexting, Psychological Distress and Dating Violence among Adolescents and Young Adults,” *Psicothema* 28, no. 2 (2016): 137–142, <http://www.psicothema.com/pdf/4303.pdf>. (accessed February 19, 2017).

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ Christina Newberry, “Top Snapchat Demographics that Matter to Social Media Marketers,” Hootsuite (August 24, 2016), <https://blog.hootsuite.com/snapchat-demographics/> (accessed February 19, 2017).

¹² Rachel Thompson, “Snapchat Has Revolutionized Sexting, But Not Necessarily for the Better,” Mashable (February 7, 2017), http://mashable.com/2017/02/07/snapchat-sexting-revolution/#HjM_MAF.Vaq7 (accessed February 19, 2017).

¹³ Snapchat Support, “Community Guidelines,” <https://support.snapchat.com/en-US/a/guidelines> (accessed February 19, 2017).

pin-code lock.¹⁴ The video Snapchat released when it launched Memories certainly implies that hiding sexts is why this feature was developed.

Prostitution/Sex Trafficking and Snapchat

In addition to Snapchat's troubling association with the normalization of sexting, with the advent of Snapcash, Snap, Inc., has facilitated the *monetization* of sexting—that is, prostitution. Pornography performers and strippers are using Snapchat to send videos and photos of themselves naked for a fee.¹⁵ Moreover, for young people already accustomed to oversharing the private details of their lives with the public, conditioned to accept sexting as the new standard in dating and relationships, and well-acquainted with Internet pornography, the step towards prostitution via the commodification of sexts and sex is a small one. In this light, the case involving two teenagers who set up their own high school prostitution ring utilizing Facebook, Snapchat, and Kik Messenger, is not so surprising.¹⁶

As reported by the McAfee Institute, “Ever since the implementation of snap cash (sic), Google Wallet, and other payment options, more people are buying adult entertainment on snap chat. It’s almost like a live porn hub. It is a pretty simple operation. There are plenty of ways to search for people that are selling nudes, videos, and chat on snap chat.”¹⁷ Another writer expressed it this way: “With Snapcash, the creators of Snapchat, Evan Spiegel, Bobby Murphy and Reggie Brown, are essentially promoting prostitution.”¹⁸

Clearly Snapchat and Snapcash can now be counted among the technological advances propelling the move of prostitution from beyond the street corner to the Internet and smartphone, and the normalization of prostitution on a massive scale. This fact is greatly concerning as any act of prostitution is a form of sexual coercion. Legal scholar Catherine McKinnon has explained it this way, “In these transactions, the money *coerces* the sex rather than guaranteeing consent to it, making prostitution a practice of serial rape.”¹⁹ Even more disconcerting is the potential role Snapchat/Snapcash may be playing in the facilitation of sex trafficking.

Sex trafficking involves the exploitation of an individual in the commercial sex industry where the victim is expected to provide commercial sex acts on demand. Commercial sex acts are any sex acts on account of which anything of value (e.g. money, clothes, shelter, food, drugs, etc.) is given to or received by any person.

¹⁴ Salvador Rodriguez, “Snapchat Finally Acknowledges the Existence of Sexting with ‘Memories,’” Inc.com, (n.d.), <http://www.inc.com/salvador-rodriguez/snapchat-memories-sexting.html> (accessed February 19, 2017).

¹⁵ Nick Bilton, “Strippers Go Undercover on Snapchat,” The New York Times (February 25, 2015), <https://www.nytimes.com/2015/02/26/style/strippers-go-undercover-on-snapchat.html> (accessed February 19, 2017).

¹⁶ Isabel Mascarenas and Danica Lawrence, “Police: Teen Girl Sets Up High School Prostitution Ring,” *WTSP-TV*, Tampa-St. Petersburg, Fla., <http://www.usatoday.com/story/news/nation/2014/11/25/high-school-prostitution/70114384/> (accessed February 20, 2017).

¹⁷ McAfee Institute, “Locating Prostitution on Snapchat,” (n.d.), <http://blog.mcafeeinstitute.com/locating-prostitution-snapchat/> (accessed February 19, 2017).

¹⁸ Anthony Catezone, “Column: Snapchat: Leading the Way in Promoting New Age Prostitution,” Daily Eastern News, (November 20, 2014), <http://www.daiyeasternnews.com/2014/11/20/column-snapchat-leading-the-way-in-promoting-new-age-prostitution/> (accessed February 19, 2017).

¹⁹ Catherine McKinnon, “Trafficking, Prostitution, and Inequality,” *Harvard Civil Rights-Civil Liberties Law Review* 46 (2011): 271–309, <http://harvardcrcl.org/wp-content/uploads/2009/06/MacKinnon.pdf> (accessed February 21, 2017).

Tragically, even cases of sex trafficking have been linked to sexual predators lurking on Snapchat.²⁰ While this is by no means a common occurrence (at least as indicated by news reports), it is yet another indicator of the links between Snapchat/Snapcash and sexual harm.

We hope that facts like these will cause you as much concern as they do us.

Of course, we recognize that you cannot control the actions and outcomes of the individuals using your services. However, as the creators and guardians of Snapchat and Snapcash you are responsible for its culture. You are responsible for setting the tone of its online environment, for policing that environment, and doing your utmost to ensure that it is not a forum for wide-scale sexual abuse and exploitation. In this regard, we strongly believe you are falling far short of doing all that could be done to mitigate against the use of your apps in ways that foster and perpetuate sexual harms.

Snapchat “Discover”

Another case in point pertains to Snapchat’s “Discover” feature. We have observed a torrent of hypersexualized and explicit sexual material being disseminated via Snapchat’s publishing partners. Users of your services—who are permitted by your Terms of Service to be as young as 13-years-old—are not equipped by Snapchat with tools to block offensive and pornified material themselves.

When news of Snapchat’s “crackdown” on click bait and sexual content broke last year, we were initially encouraged.²¹ News reports indicated that Snapchat issued new guidelines to publishers that include restrictions on profanity, sexualized content, sex acts, and sex toys in tiles, as well as repeated use of clothed but sexualized bodies.²²

Unfortunately, Snapchat’s policy leaves publishers, which include the likes of *Cosmopolitan*, *The Daily Mail*, MTV, and Comedy Central (some of the worst offenders for piping a steady stream of hyper-sexualized, pornified content), to be the arbiters of what constitutes restricted content, versus empowering your users to make their own decisions about what kinds of content they wish to view.

The primary appeal of Snapchat for many users is their ability to create their own experience, whether through customizing pictures with filters, or close control over choosing which friends to interact with. **So why does Snapchat refuse to empower its users with the ability to customize which Discover publishers they want to see?** Such a solution would only serve to benefit Snapchat users’ experiences and Snapchat’s brand as a whole.

Major corporations such as Omni Hotels, Marriott International, Hilton Worldwide, Walmart, Facebook, and others have eliminated or are eliminating sexual exploitation from their business

²⁰ Kate Briquet, “Dad Saves Daughter from Snapchat Sex Traffickers,” *The Daily Beast* (October, 10, 2016) <http://www.thedailybeast.com/articles/2016/10/10/dad-saves-daughter-from-snapchat-sex-traffickers.html> (accessed February 20, 2017). Maryam Shah, “Snapchat Meeting Led to Woman Being Forced into Sex Trade: Cops” *Toronto Sun* (July 20, 2016), <http://www.torontosun.com/2016/07/20/snapchat-meeting-led-to-woman-being-forced-into-sex-trade-cops> (accessed February 20, 2017).

²¹ Kerry Flynn, “Snapchat Discover is cracking down on sex, clickbait and fake news,” Mashable (January 23, 2017) <http://mashable.com/2017/01/23/snapchat-discover-guidelines/#QEb2bonIH5ql> (accessed February 20, 2017).

²² Ibid.

models. This is Snap's invitation to do likewise, and in so doing to assume a leadership position within the social media business sector.

We hope Snap Inc., will rise to this challenge and meet with us to discuss ways by which it can become a corporate leader in the fight for a world free from sexual exploitation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'P. Trueman', with a stylized flourish at the end.

Patrick Trueman
President & CEO

A handwritten signature in blue ink, appearing to read 'D. Hawkins', with a stylized flourish at the end.

Dawn Hawkins
Senior Vice President & Executive Director