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August 31, 2011

Mr. Samuel Fifer
Counsel for Backpage.Com, LLC
SNR Denton US
233 South Wacker Drive
Suite 7800
Chicago, IL 60606-6306

Re: Backpage.com's ongoing failure to effectively limit prostitution and sexual trafficking activity on its website

Mr. Fifer:

This letter is in response to Backpage.com's assurances, both public and in private, concerning the company's facilitation of the sexual exploitation of children, and prostitution. As our state's chief law enforcement officers, we are increasingly concerned about human trafficking, especially the trafficking of minors. Backpage.com is a hub for such activity.

While Backpage.com professes to have undertaken efforts to limit advertisements for prostitution on its website, particularly those soliciting sex with children, such efforts have proven ineffective. In May, for example, a Dorchester, Massachusetts man was charged for forcing a 15-year-old girl into a motel to have sex with various men for $100 to $150 an hour. To find customers, the man posted a photo of the girl on Backpage.com. He was later found with $19,000 in cash. In another example, prosecutors in Washington state are handling a case in which teen girls say they were coerced, threatened and extorted by two adults who marketed them on Backpage.com.

We have tracked more than 50 instances, in 22 states over three years, of charges filed against those trafficking or attempting to traffic minors on Backpage.com. These are only the stories that made it into the news; many more instances likely exist. These cases often involve runaways ensnared by adults seeking to make money by sexually exploiting them. In some cases, minors are pictured in advertisements. In others, adults are pictured but minors are substituted at the "point of sale" in a grossly illegal transaction.

Nearly naked persons in provocative positions are pictured in nearly every adult services advertisement on Backpage.com and the site requires advertisements for escorts, and other similar "services," to include hourly rates. It does not require forensic training to understand that these advertisements are for prostitution. This hub for illegal services has proven particularly enticing for those seeking to sexually exploit minors.

In a meeting with the Washington State Attorney General's Office, Backpage.com vice president Carl Ferrer acknowledged that the company identifies more than 400 "adult services" posts every month that may involve minors. This figure indicates the extent to which the trafficking of minors occurs on the site – the actual number of minors exploited through Backpage.com may be far greater. The company's figures, along with real world experience, demonstrate the extreme difficulty of excising a particularly egregious crime – the sexual exploitation of minors – on a site seemingly dedicated to the promotion of prostitution.

On a regional basis, there has been no change in postings for prostitution services on Backpage.com. For example, between July 28 and August 1, the Missouri Attorney General's Office on behalf of the Attorneys General Working Group conducted a review of adult content on Backpage.com. This review revealed numerous daily postings for "escort" services in the Adult>Escorts section. On Sunday, July 31, in the St. Louis-area alone, there were one hundred and three (103) new postings for such services. Other regional examples include:

- On August 1, the Washington State Attorney General's Office found one hundred and forty two (142) advertisements that are obviously for prostitutes in the Seattle area; and
- On August 2, even the Connecticut State Attorney General's Office found advertisements for prostitutes in the Connecticut area on the Springfield, Massachusetts and Rhode Island pages, circumventing Backpage.com's omission of a Connecticut adult section.

Missouri investigators further confirmed that Backpage.com's review procedures are ineffective in policing illegal activity. On July 28 and July 29, investigators flagged twenty five (25) new postings advertising prostitution in the St. Louis, Kansas City, Springfield, Columbia, and Jefferson City areas. By August 1, at least four days later, only five of these postings, or less than a quarter, had been removed.

The prominence of illegal content on Backpage.com conflicts with the company's representations about its content policies. Backpage.com claims that it "is committed to preventing those who are intent on misusing the site for illegal purposes."[1] To that end, Backpage.com represents that it has "implemented strict content policies to prevent illegal activity," and that the company has "inappropriate ad content removed."[2] Backpage.com also requires those who post "adult services" advertisements to click a link indicating they agree not to "post any solicitation directly or in 'coded' fashion for any illegal service exchanging sexual favors for money or other valuable consideration."[3] However, a cursory look at a relevant section demonstrates that this guideline is not enforced.[4]

In fact, in a meeting with the Washington State Attorney General's Office, Village Voice Media Board Member Don Moon readily admitted that prostitution advertisements regularly appear on Backpage.com. This shows that the stated representations about the site are in direct

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[1] Backpage.com, Safety and Security Enhancements, http://blog.backpage.com/ (last visited August 05, 2011).
[2] *Id.*
[3] *See* Backpage.com, Posting Rules, http://posting.seattle.backpage.com/gyrobase/classifieds/PostAdPPI.html/sea/posting.seattle.backpage.com/?section=4381&category=4443&u=sea&serverName=posting.seattle.backpage.com&superRegion=Seattle (last visited August 05, 2011)..
[4] *See* Backpage.com, Seattle Escorts, http://seattle.backpage.com/FemaleEscorts/ (last visited August 05, 2011).

conflict with the reality of Backpage's business model: making money from a service illegal in every state, but for a few counties in Nevada.

Based on an independent assessment by the AIM Group, Backpage.com's estimated annual revenue from its adult services section is approximately $22.7 million. This figure, along with information you provided to the Working Group, indicates that Backpage.com devotes only a fraction of the revenue generated from its adult section advertisements to manual content review. We believe Backpage.com sets a minimal bar for content review in an effort to temper public condemnation, while ensuring that the revenue spigot provided by prostitution advertising remains intact. Though you have stated "all new ads are moderated by a staff member,"[5] there appear to be no changes in the volume of prostitution advertisements resulting from this "moderation."

As a practical matter, it is likely very difficult to accurately detect underage human trafficking on Backpage.com's adult services section, when to an outside observer, the website's sole purpose seems to be to advertise prostitution. That is why Craigslist's decision to shut down its adult services section was applauded as a clear way for it to eradicate advertising on its website that trafficked children for prostitution. It is also why we have called on Backpage.com to take similar action.

Furthermore, in lieu of a subpoena, the Working Group asks that Backpage.com provide additional information so that we may better understand the company's policies and practices. As noted earlier, Backpage.com represents that it has "strict content policies to prevent illegal activity."[6] We ask that Backpage.com substantiate this claim by:

1. Describing in detail Backpage.com's understanding of what precisely constitutes "illegal activity," including whether Backpage.com contends that advertisements for prostitution services do not constitute advertisements for "illegal activity;"
2. Providing a copy of such policies, including but not limited to the specific criteria used to determine whether an advertisement may involve illegal activity;
3. Providing the list of the prohibited terms for which Backpage.com is screening;
4. Describing in detail the individualized or hand review process undertaken by Backpage.com, including the number of personnel currently assigned to conduct such review;
5. Stating the number of advertisements in its adult section, including all subsections, submitted since September 1, 2010;
6. Stating the number of advertisements, in its adult section, including all subsections, submitted since September 1, 2010, which were subjected to individualized or hand review prior to publication; and
7. Stating the number of advertisements in its adult section, including all subsections, submitted since September 1, 2010, rejected *prior to* publication because they involved or were suspected to involve illegal activity.

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[5] Letter from Samuel Fifer, Attorney, SNR Denton, to Attorneys General Working Group (Jan. 27, 2011).
[6] Backpage.com, *supra* note 1.

Backpage.com's further represents that it has "inappropriate ad content removed."[7] We ask that Backpage.com substantiate this claim by:

8. Describing the criteria used to determine whether a published advertisement should be removed due to actual or suspected illegal activity;
9. Providing a copy of such policies that detail the criteria used to determine whether a published advertisement should be removed due to actual or suspected illegal activity;
10. Describing in detail the criteria Backpage.com uses, including but not limited to the number of user reports required, before a published advertisement is subjected to further review;
11. Providing a copy of such policies that detail the criteria Backpage.com uses, including but not limited to the number of user reports required, before a published advertisement is subjected to further review;
12. Stating the number of published advertisements posted since September 1, 2010 in its adult section, including all subsections, that Backpage.com has subjected to post publication review;
13. Stating the number of published advertisements posted since September 1, 2010 in its adult section, including all subsections, that Backpage.com removed following post publication review;
14. Stating the number of published advertisements posted since September 1, 2010 in its adult section, including all subsections, that Backpage.com *did not* remove following post publication review;
15. Stating the number of published advertisements posted since September 1, 2010 that were not subjected to further review by Backpage.com despite the receipt of user reports.

Lastly, Backpage.com also represents that it is "partnering with law enforcement and safety advocates/experts."[8] We request that Backpage.com support this assertion by:

16. Identifying the specific "law enforcement [agencies] and safety advocates/experts" with whom Backpage.com has partnered and describing the actions taken by Backpage.com in connection with such partnerships;
17. Stating the number of advertisements submitted since September 1, 2010 that Backpage.com has reported pre-publication to local, state or federal law enforcement agencies, or to the National Center for Missing and Exploited Children's Cyber Tipline, because of actual or suspected illegal activity;
18. Stating the number of user reports of suspected exploitation of minors and/or human trafficking Backpage.com requires before subjecting a published advertisement to further review;
19. Stating the number of published advertisements posted since September 1, 2010 that Backpage.com removed in response to such user reports;
20. Stating the number of published advertisements posted since September 1, 2010 that Backpage.com reported to local, state or federal law enforcement agencies, or to the National Center for Missing and Exploited Children's Cyber Tipline, as a result of such reports; and

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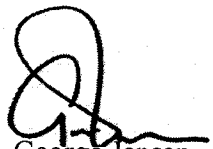
[7] Backpage.com, *supra* note 1.
[8] Backpage.com, *supra* note 1.

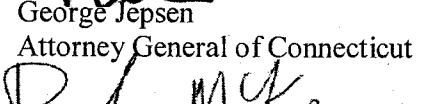
21. Stating the number of published advertisements posted since September 1, 2010 that Backpage.com *did not* remove following a review prompted by user reports.

The National Association of Attorneys General requests Backpage.com's response on or before September 14, 2011.

Respectfully,



George Jepsen
Attorney General of Connecticut



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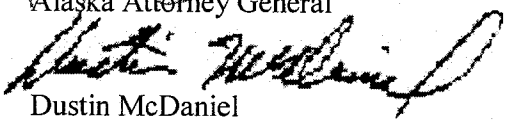
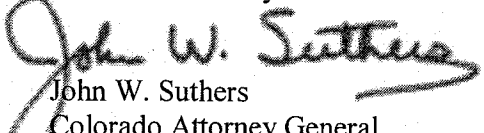
Attorney General of Washington

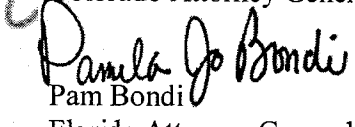
John J. Burns
Alaska Attorney General



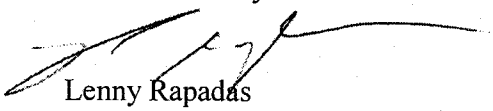
Dustin McDaniel
Arkansas Attorney General



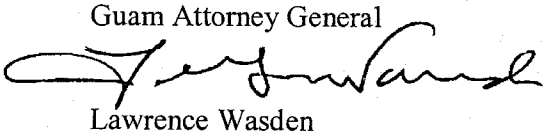
John W. Suthers
Colorado Attorney General



Pam Bondi
Florida Attorney General



Lenny Rapadas
Guam Attorney General



Lawrence Wasden
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Chris Koster
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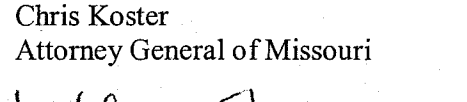

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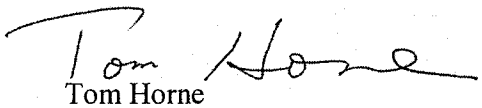

Tom Horne
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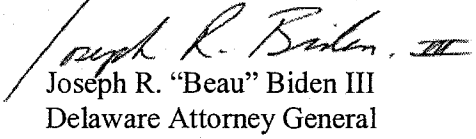
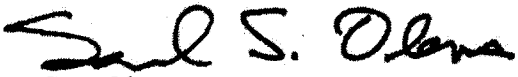
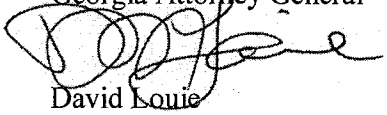


Joseph R. "Beau" Biden III
Delaware Attorney General



Sam Olens
Georgia Attorney General



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