



U.S. Department of Justice

United States Attorney
Southern District of Florida

[REDACTED]

June __, 2016

VIA HAND DELIVERY

Ms [REDACTED]
c/o Brad Edwards, Esq.
Farmer, Jaffe, Weissing, Edwards,
Fistos & Lehrman, P.L.

[REDACTED]
Fort Lauderdale, Florida 33301

Re: Jane Doe #1 and Jane Doe #2, United States,
Case No. 08-80736-Civ-Marra (S.D. Fla.)

[REDACTED]

Pursuant to the Settlement Agreement in the above-referenced matter, I write on behalf of the U.S. Attorney's Office for the Southern District of Florida (the "Office") to express my sincere regret that you feel that the Office did not adequately confer with you prior to entering into a Non-Prosecution Agreement ("NPA") with Jeffrey Epstein and did not treat you fairly during the course of the Epstein investigation.

Although I was not the U.S. Attorney at the time of the events addressed in this letter, I think that an explanation of the events that occurred will help you to understand why the Office believed that it was resolving the investigation in a way that considered the interests of all identified victims and why it exercised its discretion as it did.

In approximately May 2006, an officer from the Town of Palm Beach Police Department approached the Federal Bureau of Investigation ("FBI") and the Office about opening an investigation into Jeffrey Epstein. There was concern that Epstein had been charged only with a single state violation of solicitation of prostitution, without any reference to the ages of the females involved in his crimes. A conviction for this offense would not require any jail time and would not require Epstein to register as a sex offender.

Based on these circumstances, the Palm Beach Police Department asked the FBI and the Office to consider charging Epstein federally. The FBI and the Office decided to open an investigation into possible federal violations. The investigation revealed that Epstein was paying minor females to perform sexual massages and other sexual services at his home in Palm Beach. Given the ages of the females, the potential federal charges that were identified were recruiting, enticing, and obtaining minors, knowing that the minors would be caused to engage in



commercial sex acts; persuading, inducing, or enticing minors to engage in prostitution; and traveling to engage in illicit sexual conduct (including a commercial sex act). Other ancillary offenses also were investigated, including conspiracy and financial offenses.

The independent federal investigation led to the identification of a number of additional victims, including you. The investigation confirmed that Epstein, along with a number of his personal assistants, sought out and paid minor females to entice them into committing sexual acts on Epstein. Epstein further manipulated these minors into procuring additional young girls for these sexual acts. Notwithstanding these circumstances, some victims did not support a criminal prosecution.

During the federal investigation, as victims were identified, they were contacted and asked about how they wanted to see the case resolved. You and some other victims expressed a desire to have Epstein prosecuted. Other victims were understandably very concerned about their privacy and anonymity, and they asked that the Office resolve the case in a way that would maintain their anonymity. A third group of identified victims expressed views that Epstein had done nothing wrong and should not be prosecuted, and/or they refused to cooperate in the investigation. Some in this third group still maintained an association with Epstein and/or continued to receive money or other financial remuneration from him.

Counsel for Epstein approached the Office to try to convince the Office to stop the federal investigation. The Office refused and continued its investigation. The Office did ultimately conclude, however, that a federal prosecution would confront significant legal and evidentiary issues and that the investigation should remain with the Palm Beach County State Attorney's Office where it had begun, so long as certain minimum standards were satisfied: (1) Epstein serve at least eighteen months in jail; (2) Epstein plead guilty to a charge that required sex offender registration; and (3) Epstein be required to pay damages to the victims identified in the state investigation.

When deciding whether to engage in plea negotiations with Epstein, the Office was aware of, and considered, the positions that the various victims, including you, had expressed about how the matter should be resolved. In the end, the Office exercised its discretion in deciding that an assured resolution that included jail time, sex offender registration, and damages to the victims was better than the uncertainty of a trial that would expose the victims—many of whom had expressed a paramount interest in protecting their public anonymity and privacy—to public scrutiny and the harassment of cross-examination. For those reasons, the NPA was signed on September 24, 2007.

I have been informed that you were not contacted about the NPA prior to its signing, but that you were contacted shortly thereafter by FBI agents who met with you and explained to you the resolution of the case. I am also aware that you believe that what the agents told you during that meeting did not adequately inform you that the federal investigation of your case was resolved by the NPA. Any misunderstanding that may have resulted from these communications

is lamentable. Immediately after the agents met with you, Epstein started looking for ways to legally evade the already-signed NPA. This caused the Office to decide that it needed to continue investigating potential charges against Epstein, and the Office indeed continued its criminal investigation of Epstein following the signing of the NPA. In other words, despite the existence of the signed NPA, your case remained under investigation until June 27, 2008, when Epstein's counsel informed the Office that Epstein would abide by the NPA and that Epstein would in fact plead guilty to state charges. It was because of this continuing investigation that you and other victims received letters after the signing of the NPA that informed you that there was a continuing investigation. To the extent such letters may have created confusion about the status of the investigation and its resolution, the Office regrets any unintended confusion that may have resulted.

The state court plea was set for June 30, 2008. Our Office urged the State Attorney's Office to provide notice to all identified victims so they could attend the hearing. Our Office also gave notice to your counsel to inform you and Jane Doe #2 and to the Palm Beach Police Chief and the FBI so that they could notify other victims. (Because the change of plea was handled by the State Attorney's Office, our Office had limited notice and a limited timeframe to address these issues.) You were encouraged to attend Epstein's plea, and our Office understood that you or your counsel planned to attend.

I understand that you feel that the Office did not confer adequately with you in advance of signing the NPA and that you feel that you were not treated with respect. I want to assure you that this was not the intention of the Office. I cannot stress enough the factual and legal challenges that the Office confronted back in 2006-2008 when addressing this matter. The intentions of the investigative team to prevent any harm from coming to you and the other victims also cannot be stressed enough. The Office worked diligently to protect the legal and privacy interests of you and the other victims while trying to maintain the integrity of the investigation and the government's ability to proceed with a federal prosecution of Epstein if Epstein did not adequately fulfill his obligations under the NPA. These competing challenges led the Office to pursue its course of action.

I have been informed that you feel that the government's actions involving Epstein have improperly portrayed you and other victims as "prostitutes." Let me say that it has never been the intention of this Office to portray you or other victims of Epstein as such, that the use of such terminology was necessitated by technical legal language found in the criminal laws proscribing Epstein's conduct, and that the Office regrets any distress that you may have experienced as a result.

I admire your interest in seeking to ensure that all victims are treated fairly. Our Office now has an Assistant United States Attorney who serves as the Office's internal Victims' Rights Contact, as well as a robust victim notification system overseen by a Victim Witness Coordinator and six additional staff members, three of whom are dedicated to ensuring that notices are properly delivered to victims. Our Office also currently trains prosecutors who work on child



exploitation matters to utilize a victim-centered approach. I personally encourage all members of the Office to go above and beyond the statutory minimum requirements for conferring with and notifying victims. The Justice Department mandates victim rights training for all new criminal prosecutors, and refresher training is also provided via the Department's online distance learning program, during various training programs at the Department's National Advocacy Center in South Carolina, and locally by our Office. I understand that you will be participating in a videotaped session of that training, and I welcome your input. I also look forward to meeting with you again to discuss this case.

Sincerely yours,

Wifredo A. Ferrer
United States Attorney



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