

# USE OF ONLINE SOCIAL NETWORKING SITES BY LAW ENFORCEMENT

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# SOCIAL NETWORKING SITES (“SNSs”)

Profiles – personal information, blogs, photos, videos,  
lists of friends, links to others’ profiles

Communicate with Each Other

Real and Unreal

Examples: MySpace; FaceBook;  
Hundreds of Others (see attached list)

# MOST “TYPICAL” LAW ENFORCEMENT USE OF SNSs

## Catch Sexual Predators

- “Sting” Operations ; ICAC controlled
- MySpace/AG Agreement, 1-14-08
  - age and ID verification technology
  - parental submission of child’s email address to stop profile
  - default setting “private” for 16/17 yoa
  - 24 hr police hotline/72 hr response

# OUR FOCUS – “ATYPICAL” LAW ENFORCEMENT USES

## Types of Crimes

- MIP to Murder

## Ways to Use the Information Gathered

- Prevention
- Investigation
- Prosecution

# PREVENTION

## MIP Parties

- Beware of the “false” party listing

## Threats (Cyberbullying)

- School Dangers; Persons at Risk of Assault

## Conspiracy to Commit . . .

- Gang recruitment; Hate Crimes; any crime

# INVESTIGATION

## Evidence of Crime

- photos of drugs or alcohol use
- written threats or admissions to involvement in crime (blogs)

## Assist in Interrogation

- use blogs to confront suspect/witness
- use to get “online” IDs of suspects/acquaintances
- help from victims in finding defendants’ SNSs
- Ex. MSP MDOP (MySpace.com); WCSD negligent homicide(topix.net)

## Search Warrants

- check with your prosecutor’s office
- attribute hearsay

# PROSECUTION

Bond Violations

Admissions

Sentencing Considerations

- Ex. DWLS Death Case; OWI Death

Case

Cautionary Tale:

- MySpace discussions during trial

# OTHER USES

## School Liaison Officers/Campus Security Officers

- underage drinking
- conduct code violations; Ex. Belleville teens
- protests/demonstrations planned

## “Walking the Beat” Online

- associates
- street names
- hangouts

## Police Department’s Own Profile on SNSs

- place for users to report tips
- anonymity

# BEFORE YOU GET STARTED

## Ethical considerations

- “need” to create your own profile
- “undercover” profile to access MySpace teens’ profiles

## Tipping off your target

### Do not try to get into password-protected areas

- violation of the site’s terms of service
- violation of law (privacy)
- there are avenues for law enforcement

access

Consult with your superior(s) to get approval

# TIPS

Search by high school name

Hit the links to acquaintances

Visit “of interest” profiles frequently

“Save as” and/or print what you find

Google-powered searches

- double quotes ; “Lake Shore High School”
- plus sign; “Grand Valley State” + beer +

party

“Big” crime – save what you have, stop, evaluate

- criminal may be able to “see” you
- consult with agency computer specialist
- time to contact the site provider

# SAMPLES FOUND

# LEGAL ISSUES

Most law on SNSs deals with copyright and content posting

17 USC sec. 512(c) – copyright issues

47 USC sec. 230(c)(1) – content posting

# LEGAL ISSUES (cont.)

## Case Law on Student Discipline/School Response

Tinker v. Des Moines, 393 US 503 (1969)

allows schools to respond to student speech if there is a substantial and material disruption or threat or disruption in the work of the school or the rights of the students to be secure

Layshock v. Hermitage School Dist.,

496 F. Supp.2d 587 ( W.D. Pa. 2007)

finding discipline of student who created MySpace parody of principal violated student's free speech because no nexus between creation of substantial disruption of school

parody and environment

# LEGAL ISSUES (cont.)

## Admissibility in Court

Van Westrienen v. Americontinental Collection,  
94 F. Supp.2d 1087 (D. Or. 2000)

finding content of party's website to be admissible  
under FRE 801(d)(2)(A) as a non-hearsay party  
admission

Lorraine v. Markel American Ins. Co.,  
241 FRD 534 (D. Md. 2007)

finding many internet documents inadmissible based  
on counsel's failure to observe evidence rules –  
discussion of evidence rules implicated in  
admissibility of internet documents

GOOD

# RESOURCES

Chat Room Acronyms – list at the National Center for Missing and Exploited Children (see attached)

MySpace.com Law Enforcement Investigators Guide – available from MySpace to verified Law Enforcement personnel

Michigan Department of Attorney General;

High Tech Crime Unit

18050 Deering, Livonia, MI 48152; 734-525-4151

Computer Analysis Response Team; FBI Laboratory

935 Pennsylvania Ave. N.W.,

Washington, DC 20535; 202-324-9307