
SOCIAL MEDIA IDENTIFICATION POLICY



Social Media Identification Policy

1. Purpose

- 1.1 The purpose of this policy is to outline the proper procedure for the Police and Prosecution when a witness identifies a suspect through Social Media.

2. Definitions

2.1 Social Media

- 2.1.1 A group of Internet-based applications that build on the ideological and technological foundations of Web 2.0, and that allow the creation and exchange of user-generated content. Platforms include (but are not limited to) Facebook, Blogger, Twitter, WordPress, LinkedIn, Pinterest, Google+. Tumblr, MySpace and Wikia

3. Policy

- 3.1 Identification evidence is a significant component of many criminal investigations. The identification process must be carefully administered to minimize the likelihood of misidentifications. Moreover, constitutional safeguards must be observed in the process. The goal of reducing erroneous convictions can be furthered in many ways. This policy on Social Media identification is one way of doing this.
- 3.2 An identification by a witness through use of Social Media is only one step in the criminal investigative process and one increasingly used. A positive identification can reduce the risk of a conviction being based solely on erroneous eyewitness identification. However there is no substitute for a competent and thorough criminal investigation and

- How certain the witness is that the suspect identified committed the crime;
- Any relevant factors that support the first description, such as: special facial features, hair, marks, etc.
- If more than one suspect was involved, what the suspect identified actually did;
- Any other Social Media Images that were viewed, that didn't show the suspect;
- How long the witness viewed the Social Media images for;
- Who else was present when the identification was made;
- Anything else said by any other person present when the identification was made. A statement should also be taken from this other person present at the initial identification
- What steps were taken to contact the Police by the witness after this Social Media identification;

4.2.3 The Police should access the Social Media image/s that were viewed that resulted in the identification. The witness should then confirm in a statement that these were the image/s viewed to make the identification.

4.2.4 How the image/s were obtained by the Police, should be detailed in the Officer's statement. If any image was obtained by the Police when the witness was present, this should be exhibited and referred to in the Officer's statement. The Officer's statement should also detail anything said by the witness during this process. The image/s should be printed and the witness asked to sign and date a further statement confirming this was the image/s used to identify the suspect. The Officer's statement should also confirm the web address to the image/s.

4.2.5 If possible the image should be printed in the same colour as it appears on a computer screen and then exhibited in the Officer's statement.

this policy provides best practice for an identification through Social Media.

- 3.3 This policy was written following **R v Alexander and McGill [2012] EWCA Crim 2768** to provide guidance on social media identification of a suspect by a witness. It is fundamental that a proper record is completed explaining how an identification was made. This will enable a jury or magistrate to assess in more detail the circumstances in which the identification occurred.

4. Guidance

4.1 Documenting the Procedure

4.1.1 In order to strengthen the evidentiary value of any identification using Social Media, it should be documented in full in a statement taken by the Police. It should be standard practice for the Police when taking any statement about a crime to ask the witness if they have viewed any social media to identify the suspect. Any statement taken by the Police **must** be provided to the Prosecution.

4.2 Statement

4.2.1 If the witness confirms that they have viewed Social Media and identified a suspect as a result, it is essential the Police take steps to obtain, in as much detail as possible, evidence in relation to this initial identification.

4.2.2 A statement in relation to the circumstances of the identification using Social Media should include reference to (but not limited to):

- Why Social Media was used;
- When the identification was made;
- How the witness knows from viewing the Social Media that the individual identified is a suspect;

4.2.6 After the statement is taken, the witness should be advised by the Police not to confer with other witnesses about the identification using Social Media.

4.2.7 When any formal identification procedure is conducted, such as an identification parade or video identification parade, the Police must notify the suspect and their legal representative, in writing, of the fact the suspect was identified from Social Media and allow the image/s to be inspected by them (provided this does not compromise the Police investigation).

4.3 Disclosure

If the statement and exhibited image/s are not used in evidence, Prosecutors **must** ensure that the disclosure regime is scrupulously followed, and assess if this is material that would tend either to materially weaken the prosecution case or materially strengthen the case for the defence (**Maureen Peters v The Queen HCRAP 2009/5 Territory of the Virgin Islands**).

