Social networks ripe for crime, consequences limited

BY DENIS J. O’MALLEY (STAFF WRITER)
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When a 16-year-old West Scranton girl jumped from a Cedar Avenue bridge last month in an apparent suicide attempt, online harassment via social networking websites landed in the crosshairs of local law enforcement.

"We've had cases of harassment through Facebook, but not to the point where someone tried to harm themselves as a result," said Scranton Police Detective Capt. Al Leoncini.

Scranton detectives issued a court order to Facebook on April 1 seeking records from the victim's Facebook page after she told detectives that posts made on the website contributed to her decision to attempt to take her own life.

"We were told it may be inappropriate material, but we're not sure until we actually get it," Leoncini said. "Until we get this we're pretty much on standby â€“ until we get it there's not much more we can do."

Leoncini said detectives suspect the postings in question may contain images as well as text, but that they were deleted from the site "after word got out that she got hurt."

Detectives are still waiting for their request to be filled, said Detective Sgt. Robert Martin. As of Thursday, Facebook told the department that the request would be filled within two to four days, Martin said.

It was not immediately clear whether that meant business days. Whether criminal charges will be filed hinges on the content of the information, police said.

While the 16-year-old's jump stands as the most dramatic case in the area of the social network gone awry, the circumstances behind it are not new to law enforcement.

"Unfortunately, we've been doing enough of these that we have a set procedure, and we follow it as best we can," said Lackawanna County Deputy District Attorney Frank Castellano, chief prosecutor of the office's juvenile division.

Because there is no law against cyberbullying in Pennsylvania, Castellano said that, in almost all cases, authorities only have charges of harassment or terroristic threats to pursue.

But first, investigators must establish that a crime has actually been committed.
"Some things are just inappropriate; some things are just rude or crude; it doesn't necessarily mean that they're criminal," Castellano said. "That's what this really comes down to. It's a balance between the First Amendment and the crimes code."

In cases where posts made on Facebook are determined to be criminal in nature, an expert on cyberbullying said that the website and Internet service providers are exempt from any culpability.

"ISPs (internet service providers) and content service providers are not required by law to proactively police the sites for inappropriate content, but they are responsible to meaningfully respond to such content when it's brought to their attention," said Sameer Hinduja, Ph. D., co-director of the Cyberbullying Research Center and an associate professor of criminology at Florida Atlantic University.

"They're basically covering themselves with their terms of service," Hinduja said.

Gathering evidence against the offender in cases of online threats or harassment, Castellano said, requires a fairly standard means of investigation.

First - as Scranton detectives have in their current investigation - authorities either request or issue a court order or subpoena seeking the content in question from the host site, email provider or cellphone service provider in cases of harassment via text messages, Castellano said.

Once authorities have determined that the content in question constitutes a crime, Castellano said investigators then issue a subpoena to the offender's Internet service provider to determine the IP address from which the content was posted.

From there, he said, investigators compile evidence, establish probable cause for a search warrant on the address the IP address is registered to and attempt to confiscate the hard drive of the computer used in the crime to determine who posted the content.

But for all their work, even in cases where self-inflicted violence may have resulted from the material posted, "generally speaking, we're still limited to charges like harassment, terroristic threats, things along those lines," Castellano said.

The difficulty in going beyond those charges lies in linking what the offender posted to what the victim did to themselves as a result.

"Quite honestly in developing that criminal nexus it would have to be beyond just hurtful words that unfortunately led the victim to do something drastic to themselves," Castellano said. "Where do the words of the offender come into play in terms of what the victim ended up doing to themselves. That's a hard nexus to prove."