



IACP

PROJECT SAFE NEIGHBORHOODS:

Witness Intimidation in the Era of Social Media

MISSION:

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The International Association of Chiefs of Police (IACP) Project Safe Neighborhoods (PSN) Initiative, with support from the Bureau of Justice Assistance, Office of Justice Programs, Department of Justice (BJA) works to improve law enforcement's capacity to interdict firearms trafficking and disrupt gang activity. This is one in a series of Resource Briefs designed to provide law enforcement officers and executives with an overview on topics related to firearms.¹

POLICY BRIEF

What is Witness Intimidation?

As long as there have been courts and trials, there have been those who attempt to subvert the justice system by engaging in actions designed to discourage victims and other witnesses from reporting a crime or cooperating with law enforcement and prosecutors. It can occur in any type of case, from petty to white-collar crime, but cases involving domestic violence, gangs, and drug dealing tend to have the highest rates of witness intimidation.²

Witness intimidation can take many forms, some explicit and some implicit, but generally, the actions can be categorized as one of the following:³

- **Case-specific intimidation** involves threats or violence towards a particular person with the intent of discouraging him or her from providing information to law enforcement or from testifying in a specific case.
- **Community-wide intimidation** is intended to create a general sense of fear and an attitude of non-cooperation with police and prosecutors within a particular community.

Case-specific and community-wide intimidation can take place independently of or concurrently with each other. What's more, they tend to be mutually reinforcing; in cases where the intimidation is targeted towards a specific individual, the perception to the broader community is that any cooperation with the justice system may result in retaliation.

The Impact of Social Media

Social media has become a normal part of everyday life and the primary method for sharing information and self-expression, but it isn't all selfies, cat videos, and pictures of what one had for lunch.⁴ The rise in social media platforms (e.g. Facebook, Twitter, Instagram, and Snapchat) hasn't changed the fundamental nature of witness intimidation, but it is changing the way suspects interact with potential witnesses. These platforms provide those who engage in intimidation new mechanisms by which to harass individuals, witnesses, and the broader community.



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The ability to share and re-share content is a central function of social media, providing those who seek to intimidate witnesses with a far greater reach than ever before. In some instances, digital lynch mobs are created, consisting of individuals not associated with the case, but rather who are inspired to act by the relative anonymity social media and the internet can provide. Secretly recorded court testimony, pictures of witnesses (including law enforcement), and case documents have all been posted to various accounts, gathering large numbers of likes, comments, and re-shares before the accounts are discovered and potentially shut down. And, as with more traditional tactics, witness intimidation through social media takes many forms. Among them are:

- **Information Release:** Suspects and/or their family, friends, or associates may post identifying information about a witness along with an implicit or explicit call to action on their own accounts.
- **Targeted Threats and Harassment:** Witnesses may receive threats and name calling on their personal and professional social media accounts.
- **Shunning:** Mutual friends or followers are encouraged to un-friend/unfollow or ignore the witness.

IN THE NEWS

The Case of Philly

In 2013, police discovered the Instagram account “rats215” when an officer monitoring Twitter found photos of a witness and court records. The account was dedicated to exposing witness (“rats”) in violent crimes across Philadelphia (215 being the area code for Philadelphia). By the time the account was shut down, it had gained nearly 7,900 followers, identified more than 30 witnesses, and had posted more than 150 photos.^{5,6}

Intimidating the Witness

Those who witness an alleged crime are not the only witnesses to be harassed and threatened online. Alyce LaViolette became the target of a digital lynch mob when she served as a domestic-violence expert witness for the defense in the Jodi Arias murder trial. Messages appeared on Twitter and other social media platforms encouraging others to harass LaViolette. Pictures of her meeting with defense lawyers with comments implying unethical conduct were posted to Facebook pages dedicated to the trial. Her office was flooded with angry phone calls and emails, and people wrote negative reviews on Amazon.com that had nothing to do with her book. Ultimately, the stress sent LaViolette to the emergency room for anxiety attacks and palpitations.⁷



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What Can Law Enforcement Do?

While social media has provided a new vehicle through which witness intimidation can occur, many of the tactics that law enforcement has employed in more traditional forms of witness intimidation still apply, including:⁸

- Educate victims and witnesses about the various forms of intimidation and manipulation they may encounter and how and to whom it should be reported.
- Check in regularly with the witness and be alert for signs of intimidation, such as increased apprehension or anxiety, increased reluctance to speak with law enforcement, or decreased communication by the victim (e.g. failing to return phone calls).
- Instruct witnesses on how to preserve evidence of online and social media harassment so that it can be appropriately documented by law enforcement.
- Ensure that the communication on the witness's device or computer is properly documented and collected (if possible) according to departmental procedures.

Additional Resources

IACP Cyber Center: www.iacpcybercenter.org

IACP Law Enforcement Policy Center: www.theiacp.org/Model-Policy

Office for Victims of Crime: www.ovc.gov

END NOTES

¹ For additional information related to the PSN Initiative, to include additional Fact Sheets, please visit www.theiacp.org/PSNInitiative.

² Dedel, Kelly, *Witness Intimidation, Problem Specific Guides Series No. 42*, Center for Problem-Oriented Policing, Office of Community Oriented Policing Services, U.S. Department of Justice. 2006.

³ Healey, Kerry. *Victim and Witness Intimidation: New Developments and Emerging Responses*. Research in Action Series. Washington, D.C.: U.S. National Institute of Justice. 1995

⁴ Davis, Kevin. *Witness Harassment has Gone Digital, and the Justice System is Playing Catch-Up*. ABA Journal. 2013.

⁵ "Violent crime witnesses targeted on Instagram." NBC News. November 8, 2013. <http://www.nbcnews.com/technology/violent-crime-witnesses-targeted-instagram-8C11565158>

⁶ Chuck, Elizabeth. "Witness intimidation on social media: Law enforcement's growing challenge." NBC News. November 15, 2013. <http://www.nbcnews.com/news/other/witness-intimidation-social-media-law-enforcements-growing-challenge-f2D11599928>

⁷ Kiefer, Michael. "Arias trial: Witness feels social media's glare." AZ Central. April 11, 2013. <http://archive.azcentral.com/community/mesa/articles/20130410arias-trial-witness-feels-social-medias-glare.html>

⁹ Aequitas. *Witness Intimidation: Meeting the Challenge*. Washington, D.C. 2013.