

Nashville cops throw the (Face)book at 'em

Social media sites can lead to suspects, help convict them

By Nicole Young and Clay Carey • THE TENNESSEAN • February 6, 2010

In the pictures, young men and women flash gang signs, some in groups, others alone. Some have machine guns, pistols, even an AK-47 assault rifle. Some are holding large amounts of cash. Some of the people in the pictures are now dead, the victims of homicide.

Metro police have started using social media sites such as MySpace, Facebook and YouTube as investigative tools, resources they say are becoming more and more useful in catching criminals and gathering evidence against them.

Haney, a 22-year police veteran, says the photo collection is just the tip of the iceberg. Thousands of photos like these sit in police computer files, he said.

"Not only does it refresh our memory having the pictures posted, but people who come in recognize certain people in those pictures and they give us information," Haney said.

The investigator spends anywhere from 30 minutes to more than two hours online surfing social media sites at least twice a week. Police say information they have pulled from the sites has helped with criminal investigations, but they would not give specifics since the practice is less than two years old and the cases are still pending in the judicial system.

Nashville criminal defense attorney David Raybin said police use social networking sites the same way they might have gone through a suspect's diary in the past.

"Unless they are actually hacking into a private system, there is no privacy issue," he said. "It's no different than if you stand in your living room with the windows open and shoot someone, and the police see it."

Facebook landed one of Raybin's clients in jail last year. The man was out on probation when he posted on the site that he had been to a party in another state. His probation officer saw it, and the man was locked up for violating his probation by leaving the state.

When he gets a new client, Raybin said, "the first thing I tell them is, 'You are shutting down your Facebook account today.' "

He said people mistakenly believe there is a degree of anonymity on the Internet. "In fact, it is very easy for the police to access that information," Raybin said.

Though the use of social media sites is relatively new in Nashville, other cities have been using them for years.

In January, police in Chattanooga discovered an online forum where local residents were planning illegal drag races, department spokeswoman Rebecca Royval said.

While useful to police, social media sites can also benefit people accused of crimes. "I routinely run government witnesses through Facebook, Google and a number of other sites," Raybin said.

While defending a man charged with attempted murder last year, Raybin came across the Facebook page of a witness in his case. She had posted an account of the attack that differed from the account she gave police, he said. Raybin produced a copy of the woman's Facebook statements in court to discredit her story.

In the end, Raybin said, his client's charge was reduced to aggravated assault.