

CHIEF OF DETECTIVES

NOTICE
8.6

April 27, 2018

TO: All Concerned Personnel

FROM: Chief of Detectives

SUBJECT: PROCEDURES FOR THE PRESERVATION OF SOCIAL MEDIA ACCOUNTS FOR INVESTIGATIVE PURPOSES

In today's connected society, it is increasingly common for suspects, victims, and witnesses to have digital evidence stored on social media services and other internet-enabled accounts. Because this information may disappear before, during, or after a crime for a variety of reasons, it is vital that officers *preserve* the accounts as soon as possible during their preliminary investigation. This will enable detectives to obtain search warrants for the accounts before any pertinent information is lost.

California Penal Code (PC) Section 1524.3(g) states that "a provider of wire or electronic communication services or a remote computing service, upon the request of a peace officer, shall take all necessary steps to preserve records and other evidence in its possession pending the issuance of a search warrant or a request in writing and an affidavit declaring an intent to file a warrant to the provider. Records shall be retained for a period of 90 days, which shall be extended for an additional 90-day period upon a renewed request by the peace officer." This process is sometimes referred to as submitting a "preservation letter," or "preservation request." This Notice defines procedures for submitting preservation requests to service providers.

PROCEDURES:

I. OFFICER'S RESPONSIBILITIES:

Officers who discover the presence of relevant social media accounts in the course and scope of their preliminary investigation shall document the full account information and the name of the service or application in the narrative of their Investigative Report (IR). Account information may include true names, monikers/AKAs, usernames, email addresses, and full website links. Printed copies of web pages may also be attached.

Officers **shall not** login to any personal accounts to view content related to any investigation. This may inadvertently connect personal accounts to those of suspects, victims, or witnesses, or otherwise compromise sensitive investigations. Officers may refer to the Department's Social Media User Guide (2015) for additional recommendations regarding social media investigations.

Officers shall attempt to submit a preservation request for the accounts that have potential digital evidence. As of this writing, the largest social media service provider is Facebook, Inc./Instagram, LLC. These services have a law enforcement web portal that is a convenient way to quickly submit preservation requests. The portal is located at: www.facebook.com/records.

Officers may request access to login to the portal using their Department email address. Once officers receive a confirmation link via email, they may click the temporary link and will have access to the system. Officers will then need to click "Preservation Request, provide an Incident or DR number, insert the link to the account and a date, and submit the request. An email confirmation will follow.

NOTE: It is extremely important to ensure that the spelling of the account information is accurate, otherwise service providers will not comply with any request. Officers shall note the date and time that a preservation request was completed inside the narrative of their IR.

Other social media services, such as Twitter and Snapchat, have different procedures for preservation requests. If officers encounter these services, they shall consult with a detective, if available. If a preservation request cannot be submitted at the time the IR is completed, this shall be noted in the narrative.

II. WATCH COMMANDER'S RESPONSIBILITIES:

When reviewing any crime or arrest report involving digital social media evidence, Watch Commanders shall ensure that a preservation request was submitted and documented appropriately within the IR. If no preservation request was made, Watch Commanders shall also ensure that this is documented accordingly.

III. AREA AND SPECIALIZED DETECTIVES' RESPONSIBILITIES:

Area and specialized detectives shall verify that preservation requests were submitted by officers as directed. Detectives should document any additional preservation requests or related search warrants in their Follow-up Investigation Report, Form 03.14.00.

Area and specialized detectives may be called upon to research the procedures for submitting preservation requests to other service providers. Detectives may refer to the www.search.org, Internet Service Provider (ISP) list, for contact information. Detectives may also search online for the name of the service provider and the phrase "law enforcement."

Should you have any questions regarding this Notice, please contact Detective Bureau, at (213) 486-7000.

APPROVED:



JUSTIN EISENBERG, Deputy Chief
Chief of Detectives



SEAN W. MALINOWSKI, Deputy Chief
Chief of Staff
Office of the Chief of Police

DISTRIBUTION "A"