Social Networking Sites and Crime: Is Facebook more than just a Place to Procrastinate?

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Abstract

This paper analyses the most popular social networking website (SNS) — Facebook — and its engagement with crime. Through media analysis of several Australian and international newspapers and using case studies, the paper investigates the context in which Facebook was recently linked to issues around crime prevention and crime repression. This paper hopes to prompt the debate around a potential role of SNSs in addressing crime, and their impending impact on policy changes. Finally, the paper emphasises the need for such an engagement within a broader context of critical criminology.

Introduction

Social networking sites are rapidly becoming a highly prominent avenue of social interaction and cater to diverse audiences (Boyd and Ellison 2007). While SNSs are increasingly the focus of various disciplines in the social sciences (see Boyd and Ellison 2008; Ellison et al 2007), there is a concerning lack of criminological inquiry into their role in engaging with issues of crime, criminalisation, victimisation and crime prevention. This absence is becoming increasingly problematic as SNSs arguably have a capacity to enhance the vulnerability of certain social groups, assist in apprehending offenders (Gomez 2010), create moral panics and promote vigilantes (Albrechtslund 2008), and expose victims of crime to secondary victimisation (Feature 2010a).

Recently in Australia we have witnessed increasing media scrutiny of internet search giant Google and leading SNS Facebook in relation to customers’ privacy 3. These corporations also appear to bear the brunt of the controversial Commonwealth Government’s initiative to impose mandatory internet filtering through Australian Internet Service Providers (ISP) (Feature 2007; Department of Broadband, Communications and the Digital Economy 2010). Consequently, an unlikely coalition of private corporations (Google, Telstra and Optus), political left and right (the US Government and Australian Greens) and freedom of speech advocates was formed, condemning such attempts at censorship by the Government (Berkovic 2010; Hearn 2010; Moses 2009; Whyte 2010). Defending its policy, the Federal Minister for Broadband, Communications and the Digital Economy, Stephen Conroy, described Google’s recent collection of private data while recording Google Maps as ‘the largest privacy breach in Western world’ (Maher 2010). Google’s approach to privacy, he claimed, is ‘a bit creepy’ as the company considers itself to be above the law (Maher 2010). In addition, Google and Facebook have failed to protect us from online predators.

This paper focuses exclusively on the most popular SNS — Facebook. Using media analysis of a range of Australian and international newspapers and case studies, this paper investigates the context in which Facebook is linked to crime and victimisation, and identifies potential hotspots in its relationship with various state and non-state agencies. The limited space for this paper prevents an in-depth analysis of potential repercussions of such engagements. Instead, the paper offers an

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3 For more detailed debate on privacy in relation to SNS see: Gross and Aquisti 2005; George 2006; Jagatic et al 2007.
overview of key issues in the debate, their significance and impending policy impact. Finally, the paper emphasises the need for a thorough and critical engagement with these issues within a broader context of critical criminology.

Social Networking Sites—the Overview of Issues

Social Networking Sites are a 21st century phenomenon. As Acquisti and Gross (2006:2) note, at the most basic level SNSs are internet sites where individuals interact, often through profiles that (re)present their public persona and their network of connections. While Facebook has been a part of our lives for what seems like a lifetime, it is only six years old. Started as a Harvard-only experiment (Boyd and Ellison 2007), Facebook rapidly expanded to high schools and colleges across the United States and shortly became the biggest SNS on the Net. California-based, Facebook is a private company with estimated revenue in 2009 of between US$500 and $650 million (Timson 2010b). If Facebook was ‘granted terra firma, it would be world’s third largest country by population’ (Fletcher 2010b).

Over the past couple of years Facebook has been heavily scrutinised by various social actors. Mainstream and information technology (IT) media in both the Global North and Global South have reported on concerns in relation to the company’s privacy policy with a ferocity resembling a modern-day witch-hunt, or, to say the least, a moral panic. Facebook is regularly labelled ‘unethical’ (Yoder 2010), ‘Disgracebook’ (Murray 2010) and a ‘bully’ (Yoder 2010). Finally, since it is unexpectedly hard to delete one’s account, Facebook is described as Hotel California—you can check out any time you like, but can you ever leave (Yoder 2010; Jackson 2010)? The following section highlights some key issues in relation to this SNS that might—or should—be of interest for criminologists.

Privacy: What Do We Share on the Net?

One of the most enduring social issues associated with IT, including SNSs, is privacy (Nissenbaum 2004:101). Bearing in mind that Facebook started as a university network, its privacy settings were almost nonexistent (Acquisti and Gross 2006). With its unprecedented growth, privacy soon became an issue for Facebook users. The initial problem was a lack of definition of what privacy is or should comprise of (Feature 2010b). Recently, the Wall Street Journal slammed the site for abusing a privacy loophole and sending data to advertising companies (Steel and Vascellaro 2010). According to Yoder (2010), Facebook does not own information we share on the site. In addition, Facebook’s ‘terms and conditions’ text was longer than the US Constitution, and according to The Sydney Morning Herald, required the analysis of a lawyer, the vigilance of a pedant and the computer skills of ‘the girl with the dragon tattoo’ to control (Stevenson 2010). In Germany, the state’s Consumer Minister deleted her Facebook profile in protest (Hurst 2010), while Minister Conroy attacked Facebook over its ‘complete disregard’ for its member’s privacy (Sharp 2010). The outcry about privacy and the safety of private data on the website prompted Facebook to announce new, easier, one-click privacy settings for its users (Kang 2010). Yet Facebook CEO and founder Mark Zuckerberg continues to claim that ‘the default is now social’ (Yoder 2010).

As this paper will argue later, the privacy debate should not be limited to what we (willingly or unwillingly) share on SNSs. With most of our public records and commercial and other everyday activities available online (Nissenbaum 2004), and with recent examples of its misuse by state agencies, the question that emerges is whether SNSs are the biggest villains in cyber-space.

Facebook and Victimisation: Criminals use Facebook Too!

The issue of privacy is closely linked to a debate around vulnerability to victimisation. Facebook and other SNSs have been identified as potentially harmful spaces, particularly for young people, and in relation to sexual harassment and unwanted solicitation. Last October, a British student was raped and murdered by a sex offender who befriended her on Facebook pretending to be a teenager (Handley 2010). Her family joined British child protection advocates demanding that Facebook install a so-called...
‘panic button’—a box young people could use gain access to internet safety information. While the company resisted a ‘panic button’, a new child protection application has been introduced, offering advice and reporting options to young users (Warman 2010).

Recently in Australia, we witnessed the first case where a murder victim met her alleged killer via Facebook. As The Sydney Morning Herald reported on 27 May 2010, ‘criminals have increasingly used (Facebook’s) vast data banks to access information to help them swindle their users’ (Timson 2010b). As a result, NSW Police Detective Superintendent John Kerlatec warned teenagers about posting their photographs and other personal details on SNSs saying that ‘we have seen predators in the past who have looked on these sites and found information’ (Timson 2010a). Once again, Facebook’s privacy policy was identified as ‘a great betrayal’ (Breen 2010). However, a recent study by Ybarra and Michell (2010:350) indicated that ‘broad claims of victimisation and risk, at least defined as unwanted sexual solicitation or harassment, associated with SNSs do not seem justified’.

Secondary Victimisation
While your chances of becoming a victim of crime on Facebook might be slim, secondary victimisation has been perceived as a real threat. In Australia, Facebook was criticised over its inability to prevent and respond to vandalism of tribute pages for three murdered children and teenagers. As the Brisbane Times reported in June 2010, disturbing images, including child pornography, were posted shortly after the tribute pages were created, in what has been described as the criminal behaviour of ‘trolling’—posting offensive materials on tribute pages to cause distress (Hurst 2010). The detective in charge of one of the cases urged parents to monitor their children’s internet use, and called for the administrators of tribute pages to take responsibility for monitoring the sites. However, he also indicated that ‘Facebook [should] be able to remove material that was inappropriate in a more timely way’ (Hurst 2010). Facebook has since announced it is developing new security measures to address this issue that will result in the automatic removal of abusive posts (Hough 2010).

The presence of convicted offenders on Facebook is another hot topic in Australia and internationally. In Britain, prisoners have recently been accused of using Facebook to further harass their victims. Families of victims have requested Facebook and other SNSs to act and ‘take responsibility for what goes on their sites’ (Handley 2010a). Former British Justice Secretary Jack Straw requested that the company close down profiles of over 30 prisoners who were using the site to target their victims. Facebook obliged but also indicated that ‘this is a case of first impression’, and that the problem existed only in Britain (Handley 2010a). However, as the Herald Sun reported in June 2010, an intellectually impaired convicted sex offender in Victoria has created his own Facebook page, and three of his online friends have pictures of their children available online. While the newspaper conceded there was no law prohibiting him from using the site, they ‘messaged’ the man and asked for comment (Whinnett 2010). As it will be argued later, this debate needs to be contextualised within the broader context of law and order trends and the era of ‘the new punitiveness’ (Pratt et al 2005).

Serving justice: Facebook as Investigative Tool and Changing Nature of the Legal System
As Kim Arlington (2010) noted, it is difficult to keep a low profile if you have a Facebook account. Recently, Facebook was used to track down missing persons when a Florida mother found her two children who had been kidnapped by their father and missing for 15 years. She contacted her daughter but her profile disappeared shortly afterwards. The authorities were alerted and after they tracked down the profile the father was arrested (Feature 2010d).

On Facebook, you can find people, but you can also be easily found. In Adelaide, Facebook was used to serve a court order and legal documents in a child support dispute. The magistrate, Stewart Brown, said the case ‘was unusual but demonstrative of social movements and the currency of times’ (Arlington 2010). In the US, a Facebook post by an alleged killer in which he apologises to his victims will be used as evidence before the court (Unger 2010). Interpreted as an example of a creativity of the
legal system, this case highlights the potential role Facebook may play in the further development of our legal system which should be closely monitored by legal practitioners and criminologists.

**Facebook and Law and Order: The Villains of Cyberspace vs. the Elected ‘Good Guys’**

Facebook’s relationship with law enforcement and state agencies has been another point of interest in Australian media. As *The Sydney Morning Herald* reported on 26 May 2010, ‘Facebook (is) running out of friends as police seek co-operation’ (Feature 2010c). The Australian Federal Police (AFP) Assistant Commissioner and Head of High Tech Crime Operations, Neil Gaughan, is quoted as saying that ‘Facebook’s woeful relationship with law enforcement bodies is hampering police investigation and putting lives at risk’. Facebook is accused of not being willing to ‘provide police with the intelligence they need for investigations’ (Gray 2010). What is needed, police argue, is a ‘dedicated law enforcement liaison in Australia who can, for example, match user accounts to physical internet addresses’ (Feature 2010c; Gray 2010). Gaughan’s message was clear: ‘This situation could lead to loss of life, there’s no doubt about that at all. It is just a matter of time’ (Feature 2010c). Yet Facebook refused to appoint a liaison that would work with law enforcement. As one senior investigator commented, the company was ready to assist only when someone’s life was in danger, otherwise ‘they give you the bird’ (Feature 2010c). This, however, did not stop the NSW Police Force from opening its own Facebook page in March 2010, which as of February 2011, has over 30,000 people who ‘like’ their page. NSW Police Force Deputy Commissioner Catherine Burn argued that police are ‘embracing’ the website as a useful tool for police presence and exchanging information with the community (Robinson 2010).

This aspect of the debate contradicts above identified concerns of Facebook’s policy that reveals too much and the company’s lack of respect for privacy, safety and the wellbeing of its users. While it is early to say what is going to be the outcome of a recent ‘war’ between the internet industry and Federal government in relation to internet filtering (Feature 2010c), the context is more complex than it appears. Minister Conroy’s question to a Senate committee—‘What would you prefer - a corporate giant who is answerable to no one and motivated solely by profit or an elected government?’ (Sharp 2010) should serve as a starting point in our analysis. At the same time, in unpacking these issues we need to analyse the broader social context.

**Where to Go From Here: Critical Criminology and SNSs**

As Beck (1992) has noted, we live in a risk society. Fear of crime and managing risk associated with it has long been our obsession; it can be argued that virtual reality is quickly catching up. It has been estimated that Facebook users spend 8 billion minutes on the site each day (Harkin 2010). With a tiny staff to monitor 500 million active users (Rohrer 2010), Facebook was perceived to be paying the price for ‘being too popular’. The key to crime prevention in cyber-world, according to Facebook officials, should be the dialogue between Facebook and police (Handley 2010a). Facebook also claimed to be fully prepared to cooperate with law enforcement when specific harassment comes up (Handley 2010a). Yet, although the company refurbished its privacy policy and introduced simplified settings for privacy options, the company maintains that ‘users use the service because they love sharing information’ (Timson 2010b).

In this debate, however, similar the discussion around pre-emptive justice and indefinite detention for sex offenders, we have seen underpinning issues that arguably have very little to do with crime management. Instead, they serve the agendas of those who claim the ‘hierarchy of credibility’ (Becker 1967) in the debate. In an age of digital media, when our every activity is recorded, taped, screened and analysed, do we have any privacy at all? It seems that ‘[t]he more you know about how corporations and governments collect data, the more you realise that privacy is already dead’ (Farrer 2010). As Barnes (2006) notes, ‘the 21st century Panopticon’ is in place, where we are exposed and controlled by the state agencies, online predators and even our own friends. By focusing on the lack of protection of our private data by Google and Facebook, we are creating what
Pickering (2004) calls a ‘fog of deviancy’ that has the potential to hide ‘great harms’ (Michalowski 2009). Instead, our gaze should be fixed on supposedly benevolent actions of state actors that have already been ‘acting zealously in collecting and using personal information’ (Nissenbaum 2004:107). As Cohen (1993:101-2) notes: ‘[F]or large parts of the world’s population, state agents...are the normal violators of your “legally protected rights”’. The pursuit for privacy and security already costs us too much (Zedner 2007).

The notion that SNSs have to cooperate with law enforcement is another layer of debate that requires careful criminological inquiry. In addition, while victimisation—both primary and secondary—does occur in a virtual world, we need to engage in the debate more critically instead of creating moral panics and banning our children from using the site. More research and education is needed to better comprehend our vulnerability in a virtual world, and to assist us in addressing the threat with minimum ‘collateral damage’. Recent engagement with these issues in Australia, detailed in this paper, is destined to fail and is unlikely to produce any tangible outcomes.

The starting point in our inquiry should be the role of the state in the cyber world, and the threat of censorship represented in the mandatory internet filtering plan. The Federal Government is still trying to implement this plan, although a recent change of leadership might have a further impact on already delayed legislation (Riley 2010). This inquiry needs to expand to other practices of infringing civil liberties in Australia today—from censoring ‘controversial’ and ‘pornographic’ art and business (Moses 2010) to pre-emptive justice and indefinite detention of the ‘worst offenders’ (McSherry and Keyzer 2010). New cyber-punitiveness and the removal of cyber liberties is arguably just an extension of policies we have seen in the ‘real world’. Such analysis might assist us to engage with these issues in a more comprehensive and productive way.

What is certain is that Facebook is here to stay: ‘Quit Facebook Day’ on May 31st attracted only 14,000 quitters (Hunter 2010). As the Deputy Commissioner Burns recently noted: ‘Facebook is ... here with us now and it’s probably going to have some longevity’ (Robinson 2010). SNSs are blending physical and virtual: you can now send real gifts to your online friends (Fletcher 2010a). On SNSs, you can find everyone but you can also be found. And when you die, your profile is ‘memorialised’ and goes off the public search (Fletcher 2009). Issues that SNSs and their rapid expansion bring to criminology—privacy, primary and secondary victimisation and the relationship with law enforcement—require careful and in-depth criminological inquiry. It is time we started to engage with all the social actors who use and abuse Facebook, My Space, Twitter, Bebo and other SNSs, whether they are potential or convicted offenders, victims of crime or the state. In this engagement we need to start unpacking the most concerning issue of all: what is the price we might need to pay to be protected in cyber-space, even if we do not seek such protection?

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ANZCCC: The Australian and New Zealand Critical Criminology Conference 2010
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