



EDMONTON POLICE SERVICE



REPORT TO THE EDMONTON POLICE COMMISSION

DATE: 2012 April 24

SUBJECT: Investigative Use of Social Media

RECOMMENDATION(S):

That this report be received for information.

INTRODUCTION:

This report will provide information in relation to a request from Commissioner McCUAIG on the jurisprudence in relation to how social media is being viewed by the courts which may be shaped by events in Vancouver (Stanley Cup Riot) and Toronto (G8/G20).

BACKGROUND:

Investigators in the Vancouver Police Department (VPD), involved in the 2011 Stanley Cup riot investigation, and the Toronto Police Service (TPS), involved in the 2010 G8/G20 civil disobedience investigation were contacted to determine if they had experienced any legal challenges or barriers in the gathering and presentation of evidence obtained via social media sources. They reported the following:

- Vancouver
 - Arrested and charged 67 persons with an additional 300 arrests anticipated.
 - Only 2 of the 67 files have gone to court. Both cases were guilty pleas.
 - Social media evidence has not been entered as an exhibit in any proceedings as of yet.
- Toronto
 - Arrested and charged 60 persons.
 - Only a few cases have gone to trial to date and social media evidence (considered open source) was entered without issue.

The Canadian Association of Chiefs of Police Law Amendments Committee's mandate is to improve the laws that affect policing, and to explore both legislative and non-legislative options for change. The Committee discusses the current legal issues impacting on policing at their regular meetings. Superintendent Greg PRESTON (EPS representative) has advised that the Committee will be discussing both the Toronto and Vancouver experiences relating to the gathering and presentation of social media evidence at their next meeting in early May 2012. Superintendent PRESTON is not aware of any new judicial announcements or proposed legislative changes regarding the use and presentation of social media evidence arising out of either investigation.

IMPACT:

Currently there is little or no impact on the EPS as the Courts in Ontario and British Columbia have not issued any decisions relating to the use or presentation of social media evidence. However, should the EPS be faced with a similar investigation, the following impacts have been identified:

- Resources: Specifically Technological Crimes Unit to manage and process the enormous amount of social media evidence. VPD required over 60 investigators and 7 full time Crown prosecutors.
- Training: VPD utilized the University of Indianapolis Law Enforcement Video Association (LEVA) lab. All images were converted to one format, AVID, which was easily viewed, searched and disclosed. Training of investigators and equipment purchase for this system was \$500,000.00. The EPS does not have members trained in the use of this system.
- Equipment: The EPS would need to purchase new equipment (AVID) and upgrade existing equipment to process the video evidence.
- Funds: The VPD investigation has exceeded one million dollars (incl. AVID purchase)

CONCLUSION:

The EPS will continue to monitor the court decisions in Toronto and Vancouver and will identify any potential impacts with the Edmonton Police Commission should they occur.

Written by: Staff Sergeant Dennis STOREY, Specialized Investigation Division

Reviewed By: Superintendent Ken MACKAY, Specialized Investigation Division 

Approved by: Deputy Chief Danielle CAMPBELL, Specialized Community Support Bureau 

Chief of Police: 

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