



Social media (criminal law, evidence and procedure)

The criminal law and criminal rules of evidence and procedure may not have kept pace with the technological and social developments flowing from the rapid and widespread take-up of social media, such as Twitter and Facebook. For example:

- Those responsible for drafting criminal offences arising from communications under, for example, the Public Order Act 1986 could not have anticipated the circumstances in which an unimagined technology might be misused nearly 30 years later.
- There are evidential challenges, for example in proving authorship and in relation to the technology used to generate and communicate messages through these media.
- Messages generated through social media may present particular jurisdictional issues, given that the person sending the message, the person receiving it and the server through which it passes may all be in different countries.

While there have been a number of initiatives that have considered aspects of social media in the criminal process, such as the DPP's guidance on social media prosecutions and the Lord Chief Justice's guidance on the use of Twitter in Court, many aspects of this area have yet to be tackled.

We are interested to know whether consultees think that this would be a worthwhile project for the Commission to take on.