The Reality of Using Social Media for Investigating Suspected Insurance Fraud

Katie Andrews
Account Manager
G4S Compliance & Investigations
FRAUD FIGHTING WITH SOCIAL MEDIA

- Social Media
- Investigations & Litigation
- Using the Results
- Panel of Peers
- Questions for Medical Exams
- Privacy
- What to Do

Securing Your World
Social Networks

Asked why he robbed banks, Willie Sutton famously replied: "Because that’s where the money is."

Something similar can be said to explain why Investigators are paying more attention to social media these days — because that’s where the people are!
Social Media
Social Networks

**Facebook**: Founded by Mark Zuckerberg. Facebook was designed as a social networking site for Harvard Students. After spreading from Harvard through the university ranks and down into high schools, Facebook was opened to the public in 2006. [www.Facebook.com](http://www.Facebook.com)

**Twitter**: What started out as a micro blogging website has quickly grown into a social messaging platform and one of the top social networks in the world. Twitter is a phenomenon that transcends social networking to provide an outlet for news, trends, buzz, and chat among many other uses. [www.Twitter.com](http://www.Twitter.com)

**LinkedIn**: Is a business-oriented social network. Members invite people to be “connections” instead of “friends”. LinkedIn is a contact management system as well as a social network, and has a question-and-answer section similar to Yahoo! [www.LinkedIn.com](http://www.LinkedIn.com)

**Pinterest**: Started in March 2010. Pinterest is a free website that requires registration to use. It acts as a personalized media platform. People pin photos into collections, called Boards, which serve as big catalogs of objects. [www.Pinterest.com](http://www.Pinterest.com)
Social Media

Users join networks of communities of common interests or activities.

Users create a profile with personal information.

Privacy settings.

Most are free.
Social Media

Google+ has 540 million members worldwide. 10 million began after launch in 6/2011. India alone has 2 million users.

Google+ offering online games, such as Angry Birds and Bejeweled Blitz in order to compete.

Years to reach 50 million users of technology: RADIO-38 YEARS; TV-13 YEARS; INTERNET-4 YEARS; IPOD-3 YEARS

YouTube is the second-largest search engine in the world.

LinkedIn has over 300 million users worldwide, 2/3 are outside the US.

There are over 200,000,000 blogs.

Facebook began as the method of communication for college students.

Students and others have begun to create profile aliases to avoid being linked to indiscretions. 35% admit posting something they later regretted.

Fear of being left out and addiction is attributed to Social Media.
Who's Participating?

- Social Networks
  - Facebook, Myspace
- Technorati
- Blogs
- Podcasts
- Vlogs
- Social calendars
  - meetup, upcoming
- YouTube
- LinkedIn
- Comments
- RSS feeds
- Wiki
- New Media Releases
There are 6 reasons why you should be using Social Media as an investigative tool
As of 2015, 73% of US Americans had a social network profile.

BECAUSE 3 OUT OF 4 AMERICANS USE SOCIAL TECHNOLOGY.

Forrester, The Growth Of Social Technology Adoption, 2008
REASON #2

BECAUSE 2/3 OF THE GLOBAL INTERNET POPULATION VISIT SOCIAL NETWORKS.

Nielsen, Global Faces & Networked Places, 2009
Reason #3

Americans spend more time on social media than any other major Internet activity, including personal email.
Reason #4

Multi-platform use is on the rise: 52% of online adults now use two or more social media sites.
REASON #5

BECAUSE SOCIAL MEDIA IS DEMOCRATIZING COMMUNICATIONS. BIG TIME.

Technology is shifting the power away from the editors, the publishers, the establishment, the media elite. Now it’s the people who are in control.”

Rupert Murdoch, Global Media Entrepreneur
REASON #6

BECAUSE SOCIAL MEDIA IS LIKE WORD OF MOUTH ON STEROIDS.
72 HOURS

The amount of video uploaded to YouTube every minute.
1,000 YEARS — and counting

The length of time it would take to view every YouTube video.
6 Billion photos
500,000,000
The average number of Tweets per day on Twitter.com
13,000,000,000

The number of minutes spent on Facebook each day.
200,000 new uploads per day
Facebook

As of March 2015 Facebook had 1.4 billion registered Users!

2.5 billion photos uploaded every month
Social Media

U.S. Internet Users Spend More Time on Facebook than Any Other Web Brand

- Social Networking now accounts for 28% of all time spent online.
- 60% accessing through cell phones. (90% of teens)
- 4/5 internet users visit social networks and blogs.
Social Media

Females, and 18 to 34 year olds are the most active social networkers.
Social Media

<table>
<thead>
<tr>
<th>Platform</th>
<th>Unique Visitors</th>
<th>Figure</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facebook</td>
<td>140,336</td>
<td>100%</td>
<td>Share of page views by female visitors on Facebook</td>
</tr>
<tr>
<td>LinkedIn</td>
<td>50,055</td>
<td>62%</td>
<td>Share of visitors by women who visit LinkedIn compared to average for men.</td>
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<tr>
<td>Wikia</td>
<td>7,601</td>
<td>18-34</td>
<td>Age group more represented on Wikia than any of the other top 9 social networks</td>
</tr>
<tr>
<td>Blogger</td>
<td>23,617</td>
<td>85%</td>
<td>Household income of 41% of Blogger's audience</td>
</tr>
<tr>
<td>Twitter</td>
<td>22,417</td>
<td>45%</td>
<td>Demographic more represented on Twitter than any of the 9 other social networks</td>
</tr>
<tr>
<td>Wordpress</td>
<td>19,250</td>
<td>25%</td>
<td>Share of visitors to Wordpress who have a Bachelor's degree</td>
</tr>
<tr>
<td>Myspace</td>
<td>17,786</td>
<td>3x</td>
<td>Likelihood internet users with a post graduate degree are to visit LinkedIn compared to average.</td>
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<td>Tumblr</td>
<td>11,870</td>
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<td>Demographic more represented on Tumblr than on any of the other 9 social networks</td>
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<tr>
<td>Six Apart</td>
<td>8,578</td>
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<td>Region with a higher concentration of Six Apart visitors than from any of the other top 9 social networks</td>
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<td>Typepad</td>
<td>8,397</td>
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<td>Region with the highest concentration of Pulse visitors versus any other part of the country</td>
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<tr>
<td>New England</td>
<td>7,601</td>
<td>18-34</td>
<td>Age group more represented on Wikia than any of the other top 9 social networks</td>
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</tbody>
</table>

Men are most likely to visit LinkedIn and Wikia.
Social Media

Okay I'm getting off Tumblr now

27 new posts? This will take 5 min

tumblr!

Glee
Lady Gaga!

8 hours later

Okay I'm getting off Tumblr now

41 new posts? This will take 5 min

tumblr!

Justin Bieber
Ray!
Facebook Timeline

- Timeline is Facebook feature released October 2011 that shows your life, as you have told it or Facebook recorded it, in a visual, scrolling, ordered timeline or a cross between a visual blog and online scrapbook.
- It shows status updates, photos, friendships, job history, marital changes, and other profile information.
- Timeline replaces your profile page and wall – if you opt in and publish it! And everyone can see it.
- There are privacy restriction filters that can be set.
- Back dated information is associated with a date and calendar.
Facebook Timeline

Transforms the Facebook user profile into a virtual scrapbook showing your digital history.
Passwords

The average user has 25 online accounts and 6.5 passwords.

Most users log in 8 times per day.

The average password length is 8 characters.

Nearly 55% use personal information to create a password.

15% use “Remember” as their password, and keep it for 31 months.

The hacking of Gawker’s databases this year revealed the most popular passwords were “password” or “123456.”
Category: Social Network Profiles
Relevance: High
Website Name: Facebook
Matched By: First Name, Last Name, Associated Persons
Investigator Remarks: The subject is listed as the general manager of Country Pancake House. The business joined Facebook on May 9, 2010.
Five Guys not the final word in burgers, readers say

Published: Tuesday, January 15, 2008 at 1:38 a.m.
Last Modified: Tuesday, January 15, 2008 at 12:00 a.m.

The Country Pancake House and Restaurant is opening Wednesday morning in Lakewood Ranch and to celebrate, owners Milan and Nada Pavlovic are offering free food -- a selection of some of the most popular menu items -- from 8 a.m. to 2 p.m.

“We wanted to open with an event that would get people in the door to see what we do,” Milan Pavlovic said. The couple also owns a Zagat-rated restaurant in Ridgewood, N.J.

The restaurant will be open from 7 a.m. to 10 p.m. daily beginning Thursday. The menu includes breakfast, lunch and dinner items, but the specialty is pancakes. The menu includes 112 pancake selections. There are also 25 types of French toasts and 50 styles of Belgian waffles.

For more information, call 361-1117.
This is the place where people meet and eat great country home-style flavors. Among typical family customers and locals, you will find celebrities, congressional representatives, senators, mayors, and elected governmental officials. This restaurant is known for its large portions of good quality food for moderate and reasonable prices. Country Pancake House and Restaurant offers food choices for everyone serving breakfast, lunch, and dinner daily. With daily lunch and dinner specials that include soup, salad, or fruit cup and often a dessert. Back in the late sixties, owners Milan and Nada Pavlovic looked for places to eat, were not satisfied, and were always underserved by the quantity and quality of the food choices around them. Soon enough they created their own restaurant with huge portions to satisfy any appetite; it is frequently said that if customers leave this restaurant hungry it is their own fault!

This family run restaurant always has a member of the Pavlovic family working inside. Despite going to high school, son Nikola works everyday alongside his parents Milan and Nada to help maintain the family feel to this country restaurant. Daughter Natalie can be seen during the hectic weekends helping run the restaurant with her brother and parents.

Over the many years, it is no wonder that this family run restaurant has continually been Zagat rated. It has been listed in Zagat as "Best Bang for your Dining Buck," and "Best Meal Deals." Not only this but the restaurant gets frequent write ups in local and state papers and magazines. It is no wonder their motto is "Home of the Hearty," just take a quick look at the menu or the long lines during the weekends to see why!

The Country Pancake House and Restaurant serves over 100 varieties of pancakes (Zagat rated as "pancakes the size of pizzas"), over 20 different types of French Toast, over 50 versions of Belgian Waffles, endless omelets and eggs benedict. Not only this but their own creation of an open-faced omelet which they have dubbed the ‘Country Egg Frittata’ also available on top of a waffle.

For lunch and dinner, the menu also consists of over 10 different selections of gourmet salads, diet delights, salad platters, fruit options for vegetarians and vegans among other delicious foods. There are crepes and triple decker club sandwiches, Heroes and traditional favorites. Burgers and chicken dishes can also be found on the menu, along with seafood and various "combo plates." Steaks and Chops are available and different "Pastabilities" and "Stir - Fry Suggestions" can be found. Not to mention the delectable "Eggplant Suggestions."

To drink, there is a fresh juice bar, which is a must! Any customer’s creation can be made along with the multiple choices on the menu. Frappes (fresh juices with a scoop of non-fat frozen yogurt) can be made also for those who want a quick cool down from their hectic days or a quick start can be made. Also made daily is the delicious, freshly brewed coffee. Homemade desserts are available every day and Jumbo Muffins are baked daily. Cheese blintzes and a creative children’s menu is also available.

The possibilities are endless and the appetites are always pleased. Milan and Nada have accomplished their dream of creating a restaurant where they do not leave hungry from but always pleasantly stuffed. Customers are frequently spotted leaving with large smiles on their faces and doggie bags in hand.
Country Pancake House

(201) 444-8395 | countrypancakehouse.ne...
140 E Ridgewood Ave, Ridgewood, NJ 07450

About: This is the place where people meet and eat great country home-style flavors. Among typical family customers and locals, you will find celebrities, congressional representatives, senators, mayors, and elected governmental officials. This restaurant is known for its large portions of good quality food for moderate and reasonable prices. Country Pancake House and Restaurant offers food choices for everyone serving breakfast, lunch, and dinner daily. With daily lunch and dinner specials that include soup, salad, or fruit cup and often a desert. Back in the late sixties, owners Milan and Nada Pavlovic looked for places to eat, were not satisfied, and were always underserved by the quantity and quality of the food choices around them. Soon enough they created their own restaurant with huge portions to satisfy any appetite; it is frequently said that if customers leave this restaurant hungry it is their own fault! This family run restaurant always has a member of the Pavlovic family working inside. Despite going to high school, son Nikola works everyday alongside his parents Milan and Nada to help maintain the family feel to this country restaurant. Daughter Natalie can be seen during the hectic weekends helping run the restaurant with her brother and parents.

Hours: Sun: 8:30 am - 9:00 pm, Mon: 8:30 am - 9:00 pm, Tue: 8:30 am - 9:00 pm, Wed: 8:30 am - 9:00 pm, Thu: 8:30 am - 9:00 pm, Fri: 8:30 am - 10:00 pm, Sat: 8:30 am - 11:00 pm

Categories: Restaurants, American Restaurants

Further Investigation Reveals…
Privacy - Is There Truly A Way To Delete Junk?

- Messages are never deleted, including chat and emails. Deleting is only invisible to the user.
- Check-ins are never deleted. (User reveals where they are located, which includes author, date and time, other tagged users, latitude, longitude, and altitude).
- Only credit card and passwords are encrypted.
- Stores every Friend request, even those you rejected
- Pokes are never deleted
- Un-friends either way are always in the database
- The IP address used each and every time you’ve logged in
- Camera metadata including time stamps and latitude/longitude of picture location
“We believe that every Facebook user owns his or her own data and should have simple and easy access to it. That is why we’ve built an easy way for people to download everything they have ever posted on Facebook, including all of their messages, posts, photos, status updates and profile information.

People who want a copy of the information they have put on Facebook can click a link located in ‘Account Settings’ and easily get a copy of all of it in a single download. To protect the information, this feature is only available after the person confirms his or her password and answers appropriate security questions.”
Privacy

To what extent can a defendant gain access to information on the opposing party’s social networking sites?

**Plaintiff Argues:** Can’t have access as the postings are protected by an expectation of privacy!

**Defense Asserts:** Must have because such postings are made with the knowledge that they may not necessarily be private and are needed to determine the truth of the matter asserted and the defense presented.

Social Networking sites resist subpoenas by invoking protection of the Stored Communications Act. The SCA is the framework by which the Courts use to protect Social Networks from disclosing their users’ communications.
Privacy

Discovery of Plaintiff’s MySpace and Facebook accounts was material and relevant to claim that she could no longer participate in certain activities as a result of injuries sustained in an accident. *Romano v. Steelcase Inc.*, 30 Misc. 3d 426, 907 N.Y.S.2d 650 (S. Ct. Suff. Cty.) 2010

Wedding video relevant to claims that Plaintiff could no longer engage in activities such as running or horseback riding, due to permanent injuries resulting from MVA which contradicted claims of inability to work due to accident, rarely leaves home, and socializes once per month. *Sgambelluri v. Recinos*, 192 Misc 2d 777, 747 N.Y.S.2d 330 (S.Ct., Nass.Cty.)
Privacy

Do You Know What Your File Contains?

Download Your Information
Get a copy of what you’ve shared on Facebook.

Easily download and browse through a personal archive of your Facebook photos, posts and messages. Learn more about downloading a copy of your information. Start My Archive

What’s in your archive?
- Any photos or videos you’ve shared on Facebook
- Your Wall posts, messages and chat conversations
- Your friends’ names and some of their email addresses
- (Note: We’ll only include email addresses for friends who’ve allowed this in their account settings.)

What’s not in your archive?
- Your friends’ photos and status updates
- Other people’s personal info
- Comments you’ve made on other people’s posts

Caution: Protect your archive

Your Facebook archive includes sensitive info like your private Wall posts, photos and profile information. Please keep this in mind before storing, sending or uploading your archive to any other site or service.
Fraud Fighting With Social Media

- Investigations & Litigation
- Using the Results
- Panel of Peers
- Social Media
- What to Do
- Privacy
- Questions for Medical Exam

Securing Your World
Investigation & Litigation

People now write things on the internet that they would not state in person believing that their thoughts are anonymous.

People do not reflect on how others may perceive their comments, photographs, or other information.
Investigation & Litigation

Insurers are scouring social media for evidence of fraud

- If someone receiving disability benefits for a bad back brags on Facebook or Twitter about finishing a marathon, chances are their insurance company will find out and stop the checks. LA TIMES – Shan Li, January 25, 2011

Social media tools cut claims

- “…business of protecting their organizations’ assets … are using sites such as Twitter, Facebook and LinkedIn as real-time tools for crisis management, filling consulting needs on the cheap, and investigating claims.”
- BUSINESS INSURANCE – Matt Dunning, April 3, 2011

Insurers Using Social Media to Investigate Claims

- “The up-and-coming investigators are using [social media] as an investigative tool.” Ron Poindexter, National Insurance Crime Bureau
- OrlandoSentinel.com – Julie Patel, Sun Sentinel, October 9, 2011

Using Social Media in Claim Investigations – You’ve Got A “Friend”

- “In the best case, you might find the incriminating photo or other information that completely contradicts the claims being presented before a settlement is reached.”
- CLAIMS MAGAZINE – Wayne Partenheimer, February 2011
Investigation & Litigation

Impeach Credibility – critical character evidence

Investigate fraudulent or exaggerated claims

Reason to suspect there are incriminating photos, videos, messages, blogs on person’s web or social networking sites: 1) Co-defendant grants access to information; 2) Find Fact Witnesses; and 3) Non-party Depositions.
Fraud Fighting With Social Media

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Securing Your World
Panel Of Peers

Case in Point

AND HOW DO YOU FIND THE DEFENDANT?
“Hey, I don’t know you very well. But I think you could use some advice! I haven’t been in your shoes for a long time but I can tell ya that God has a plan for you and your life. You might not understand why you are hurting right now but when you look back on it, it will make perfect sense. I know it is hard but just remember that God is perfect and has the most perfect plan for your life. Talk soon!”

Foreman blogs about the trial, cynical attitude about the judge and the process. Told his audience that he became the Foreman in order to expedite trial. Other jurors were not aware of the blog. Motion for new trial denied as the jury was not “substantially biased and the foreman’s conduct was not prejudicial.” *People v. Ortiz*, Crim. No. B205674, 2009 WL 3211030 (Cal. App., 2d Dist. 2009) (unreported).
Panel Of Peers

Juror blogs about murder trial and posts photo of the 15-inch, double-edge knife used as the murder weapon. Court found juror in contempt but posed no penalty as the blogging did not result in unfair trial.  

_Raul Hernandez_, Ventura County California, 1/23/2008.
Panel Of Peers

California adopts law clarifying that jurors cannot use social media (Facebook, Twitter, LinkedIn, Blog, and the Internet of any kind) to research or disseminate information about cases - and if they do - can be held in criminal or civil contempt.

• 2011 California Laws, Chapter 181, effective 1/1/2012
Fraud Fighting With Social Media

- What to Do
- Investigations & Litigation
- Social Media
- Panel of Peers
- Privacy
- Questions for Medical Exam
- Using the Results

Securing Your World
What to do

1. The claimant and his friends will update their page regularly
2. Check back about once a week
3. Save the photos and try to identify the individuals in the photos for later depositions
4. Send the photos to your IME prior to the exam
5. Keep in mind that the claimant and their friends may delete photos and video from their page
6. Take statements of the friends
7. Refer to SIU, Law Enforcement or NICB
Fraud Fighting With Social Media

- Investigations & Litigation
- Using the Results
- Panel of Peers
- Social Media
- What to Do
- Privacy
- Questions for Medical Exam

Securing Your World
How to use the results

1. Impeach credibility
2. Display behavior that will shock the court
3. Shows the claimant bending and reaching
4. Confront the claimant
5. Show the video to the doctor
6. Motivate a voluntary “Return to Work”?
How to use the results

1. Remember the web is an investigative tool not an investigation. Any information that you obtain on social media sites needs to be verified by a field investigation.

2. Use all the tools in your toolbox and do not rely on only one aspect of the investigation.
How to use the results

1. Conduct Pre-surveillance and detailed background
2. Obtain e-mail addresses
3. Document your findings and save them
4. Telephone interviews and canvasses with neighbors can be very helpful and save time
5. Over 900+ Million people are on the internet social networking sites, Are you?
Fraud Fighting With Social Media

Investigations & Litigation

Questions for Medical Exam

Using the Results

Social Media

Panel of Peers

Privacy

What to Do

Securing Your World
Provide Questions for Medical Exam

1. Have you had a change in your lifestyle, habits, schedule or activities because of your injury?
2. Are you participating in any work, organized sports or recreational activities, exercise or strenuous activity?
3. What is the longest period of sustained activity you can perform in a day?
4. From the date of injury until today have you had any sporadic or sustained improvement in your condition?
5. What do you do when you do not go to work?
6. Do you feel any need to seek additional medical care of your injury?
7. Where you ever given any medication or prescription? If so, why?
Combating Fraud

• Accident Investigation
• Reactive Surveillance
• Social Media Checks
• Background Checks
• Recorded Statements
• Medical Canvas
• ISO Checks
Social Network Test

• A friend tested how people with Social Network links would react to a “friend request” on Facebook. They created a pseudonym name, Freddi Staur” and created a FB page. They randomly selected 200 recipients and sent the “Friend” request.

• These are the results....
Freddi Staur

- 200 random Facebook members friend requested
- 87 (41%) accepted

- 72% divulged one or more email address
- 84% listed their full date of birth
- 87% gave details about their education or workplace
- 78% listed their current address or location
- 23% listed their current phone number
- 26% provided their instant-messaging screen name
Unscrambled and Revealed

- Freddi Staur is
- Fraudster ID
Pretexting

The use of impersonation or fraud to trick another person into releasing personal information.

An effort or strategy intended to conceal something.
Is Pretexting Permitted?

**NO** – The **Gramm-Leach-Bliley Act** prohibits pretexting [defined in the Act as the use of false pretenses, including fraudulent statements and impersonation] to obtain consumers’ personal financial information.

**NO** – Similarly, under the **Fair Debt Collection Practices Act** (15 USC 1692e(10)) “the use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer” is violative of the Act.

Some states prohibit investigative pretexting. Be aware of your company’s policy on pretexting in investigations.
Is Pretexting Permitted? (cont.)

**NO** – Facebook’s Terms of Service prohibit providing any false personal information, create an account for anyone other than yourself without permission, or creating more than one personal profile.

**NO** – MySpace’s Terms of Service prohibit impersonating or attempting to impersonate any person or entity.
Pretexting by Insurance Investigators

The National Association of Insurance Commissioner’s Insurance Information and Privacy Protection Model Act (NAIC 670-1) states:

No insurance institution, agent or insurance support organization shall use or authorize the use of pretext interviews to obtain information in connection with an insurance transaction; provided, however, a pretext interview may be undertaken to obtain information from a person or institution that does not have a generally or statutorily recognized privileged relationship with the person about whom the information relates for the purpose of investigating a claim where, based upon specific information available for review by the commissioner, there is a reasonable basis for suspecting criminal activity, fraud, material misrepresentation or material non-disclosure in connection with the claim.
Pretexting by Attorneys

NO – New York Attorney Rules of Professional Conduct, Rule 4.1 (“In the course of representing a client, a lawyer shall not knowingly make a false statement of fact or law to a third person.”), Rule 8.4(a) (“A lawyer or law firm shall not ... violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.”), and Rule 8.4(c) (“A lawyer or law firm shall not ... engage in conduct involving dishonesty, fraud, deceit or misrepresentation.”)

NO – New York City Bar Association Committee on Professional Ethics, Formal Opinion 2010-2 (9/2010)
Is Honest Friending Permitted?


**NO** – NYS Bar Assn. Committee on Professional Ethics *Opinion 843* (9/10/10): A lawyer may not “friend” the party to gain access to private pages or direct another person to do so. However, accessing the public pages of another party’s social networking websites for the purpose of obtaining possible impeachment material for use in the litigation is okay.

**NO** – Philadelphia Bar Association Professional Guidance Committee *Opinion 2009-02* (March 2009)
I. Members will at all times act with integrity, trustworthiness and honesty, modeling the behavior exemplary of our profession.
Potential Consequences of Info Obtained by Pretextual Means

1. Exclusion of Evidence
2. Invalidation of Fraud Defense
3. Bad Faith Lawsuit/Liability
4. Extracontractual or punitive $$
5. Bad Press
What You’ll Need

- High-speed Internet connection
- Good working browser
- Anonymizing browser or website
- Google Desktop
- Search engine bookmarks
- Google alerts
- Screen shot/capture software
- Video capture & converter software
- RSS Reader (e.g., Google Reader)
- Alternate email address(es)
- Social network profile(s)
Who’s Looking at Me?

Can users see who’s been looking at their profiles?

- Facebook: NO
- MySpace: NO
- LinkedIn: DEPENDS
Anonymous Web Surfing

- Anonymous
- the Cloak
- Ninja Proxy
- HideMyAss
- Tor
People Finders

- 123people.com
- pipl.com
- spokeo.com
- WebMii.com
- zabasearch.com
- zuula.com
Find all online public information about you (and other people) and get your PeopleRank: your visibility score on the web.

First name  Last name  Region

Search

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Securing Your World
Social Network Search Engines

- blogsearch.google.com
- namechk.com
- slangwho.com (launch 05.15.10)
- socialmention.com
- whoozy.com
- whostalkin.com
- yoname.com
Check to see if your desired username or vanity url is still available at dozens of popular Social Networking and Social Bookmarking websites. Promote your brand consistently by registering a username that is still available on the majority of the most popular sites. Find the best username with namechk.

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Securing Your World
Mentions about "roy mura"

Sort By: | Date | Results: Anytime
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Results 1 - 15 of 61 mentions.

- **Coverage Counsel: Effective and Ethical Use of Social Network**
  Coverage Counsel is brought to you by the law firm of MURA & STORM, PLLC with offices in Buffalo and Garden City, New York. To contact us, call (716) 655-2800 or...
  [Read more](http://roycoveragecounsel.blogspot.com/2010/05/effective-and-ethical-use-of-social-network.html)

- **Robert Moses | Facebook**
  Roy Mura
  [www.facebook.com](http://www.facebook.com/profile.php?id=1140994257&ref=mf)
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- **Roy Mura is researching and drafting a presentation on the effective and ethical use of social network sites, like... [bit.ly/1THP]**
  twitter.com/MuraStorm/statuses/1325637996
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eBay & Craigslist Searches

eBay Advanced Search

searchtempest.com – Craigslist
Public Records

[www.blackbookonline.info]

[www.publicrecordsources.com]

[www.verifyprolicense.com]
News Databases

www.thepaperboy.com

news.google.com/archivesearch
Obtaining Records from SN Sites

- Screen print-outs
- Screen shot & video captures
- Requests from/by insured/claimant

Subpoenas
  - Facebook
  - MySpace

Download Your Information
Get a copy of the data you’ve put on Facebook.

http://www.facebook.com/help/?safety=law
http://lawyerist.com/subpoena-myspace-information/
The **Electronic Communications Privacy Act, 18 USC 2702**, limits the legal authority of "a person or entity providing an electronic communication service to the public" to disclose either the contents of electronic communications (e-mail or IM) or subscriber information, noting “… a provider of remote computing service or electronic communication service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to or customer of such service … to any governmental entity.”

The statute contains certain relevant exceptions, including when the police are armed with a subpoena, search warrant or administrative subpoena or when “… the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information[.]”
Stored Communications Act of 1986

Prevents “providers” of communication services from divulging content of private communications, such as electronic messages, to certain entities and individuals.

Crispin v. Christian Audigier, Inc.
(C.D. Cal. May 26, 2010)
Subpoena for Facebook and MySpace private messages quashed. Remanded to determine whether wall postings and comments were public or private.
“[W]hen Plaintiff created her Facebook and MySpace accounts, she consented to the fact that her personal information would be shared with others, notwithstanding her privacy settings. Indeed, that is the very nature and purpose of these social networking sites else they would cease to exist. Since Plaintiff knew that her information may become publicly available, she cannot now claim that she had a reasonable expectation of privacy.”
Romano v. Steelcase Inc.
2010 NY Slip Op 20388 (Sup. Ct., Suffolk Co., 09.21.10)

Romano’s attorney: “We feel that there is a huge difference between what an individual puts on the electronic media for public consumption and what you put on the media that is designated [as] private.”

He said what occurred here was equivalent to tearing down curtains blocking the view into an individual’s home.
Mother sought appellate review of the lower court’s order that awarded primary physical custody of her daughter to the child’s father. The mother argued, among other things, that the court improperly considered Facebook photos showing her drinking. This was not good because her psychologist had testified that alcohol would have an adverse effect on the medication she was taking for bipolar disorder.

Court rejected mother’s argument that the photos should not be considered as evidence because she had not given her permission for them to be tagged and published in that manner.
Additional Resources

List of social networking websites
http://en.wikipedia.org/wiki/List_of_social_networking_websites

Use of social network websites in investigations

Web Searches Serve as a Litigation Tool
http://www.law.com/jsp/lawtechnologynews/PubArticleLTN.jsp?id=1202443215385

Social Networking Sites Carry Ethics Traps and Reminders
http://www.abanet.org/litigation/litigationnews/top_stories/social-networking-ethics.html
Additional Resources

Savvy Use of Social Networking Sites
http://www.law.com/jsp/nylj/PubArticleNY.jsp?id=1202433578539&font_colorredFree_With_Registrationfont_Savvy_Use_of_Social_Networking_Sites&hbxlogin=1

Finding Treasures for Cases on Facebook
http://www.law.com/jsp/lawtechnologynews/PubArticleLTN.jsp?id=900005493439

Pretexting, Legal Ethics and Social Networking Sites
http://www.llrx.com/features/pretexting.htm

Is the CIA Following You on Twitter?
http://mashable.com/2009/12/02/eff-government-lawsuit/
Additional Resources

Facebook’s Eroding Privacy Policy: A Timeline
http://www.eff.org/deeplinks/2010/04/facebook-timeline

Facebook GC Tells Lawyers He’s Looking for a Fight
http://www.law.com/jsp/article.jsp?id=1202441887703

His Facebook Status Now? ‘Charges Dropped’

“Saving Facebook”, James Grimmelmann
Additional Resources

**Social Media And Claims Investigation: Do You Know About Foursquare?**

**Divorce attorneys catching cheaters on Facebook**
CNN Tech, June 1, 2010

**Ethics of “Pretexting” in a Cyber World**
http://www.mcgeorge.edu/documents/publications/mlr/Vol_41_2/03_Bennett_ver_07_-_FINAL.pdf
Additional Resources

The law and ethics of ‘pretexting’

Social Networks in Personal Injury Litigation
http://www.law.com/jsp/law/sfb/lawArticleSFB.jsp?id=1202476339032

‘Friending’ Adverse Witnesses: When Does It Cross The Line Into Unethical Conduct?
Additional Resources

Electronic Discovery and Social Networking Sites (The Bencher—November/December 2010)

Quick Facts about Legal Ethics and Social Networking (VA State Bar)
http://www.vsb.org/site/regulation/facts-ethics-social-networking

Locational Privacy and Wholesale Surveillance via Photo Services
Additional Resources

*Exchangeable image file format (EXIF)*

Remember, the glass is half full, not half empty.

Always seek to determine whether payment can be made, rather than denied.
Remember

All actions of the investigator and all aspects of the investigation must be:

- REASONABLE
- ETHICAL
- LEGAL
Taking it to the next level...

- Early detection and recognition of suspect claims
- Utilization of historical data to educate on potential red flags
- Dedicated SIU experts
- Fully utilizing the results of investigation
- Compliance with regulatory requirements
- Measuring performance of investigation services
  - ROI for added expense