



October 17, 2014

The Honorable Michele M. Leonhart  
Administrator  
Drug Enforcement Administration  
8701 Morrisette Drive  
Springfield, VA 22152

Dear Administrator Leonhart,

We recently learned through media reports that the Drug Enforcement Administration (“DEA”) created fake Facebook accounts and impersonated a Facebook user as part of its investigation of alleged criminal conduct unrelated to Facebook. Although we understand that the U.S. Department of Justice is currently reviewing these enforcement practices, we write to express our deep concern about the DEA’s conduct and ask that the DEA cease all activities on Facebook that involve the impersonation of others.

Facebook is a community where people come to share and interact using their authentic identities. As our Chief Product Officer recently explained, this core principle is what differentiates Facebook from other services on the Internet. And requiring people to use their real identities on Facebook is “the primary mechanism we have to protect millions of people every day, all around the world, from real harm.”<sup>1</sup> The DEA’s deceptive actions violate the terms and policies that govern the use of the Facebook service and undermine trust in the Facebook community.

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As you know, Sondra Arquiett has sued the DEA and a DEA agent in the U.S. District Court for the Northern District of New York. Ms. Arquiett claims that she was arrested on drug charges in 2010, at which time her mobile telephone was seized. Soon thereafter, a DEA agent seized digital images stored on Ms. Arquiett’s telephone, including “revealing and/or suggestive photographs” of Ms. Arquiett “in her bra and panties.” The agent then created a fake Facebook profile in Ms. Arquiett’s name; posted “revealing and/or suggestive photographs” of her; and sent friend requests and communicated with other individuals pretending to be Ms. Arquiett through the fake account.

The DEA does not dispute Ms. Arquiett’s essential allegations. But the DEA claims that Ms. Arquiett “implicitly consented” to the agency’s conduct “by granting access to the information stored in her cell phone and by consenting to the use of that information to aid in

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<sup>1</sup> <https://www.facebook.com/chris.cox/posts/10101301777354543>.

# facebook

an ongoing criminal investigations [sic].” Facebook is deeply troubled by the DEA’s claims and legal position.

Most fundamentally, the DEA’s actions threaten the integrity of our community. Facebook strives to maintain a safe, trusted environment where people can engage in authentic interactions with the people they know and meet in real life. Using Facebook to impersonate others abuses that trust and makes people feel less safe and secure when using our service. Indeed, as we have observed at Facebook, such deceptive actions are often used to further harmful conduct, such as trolling, hate speech, scams, bullying, and even domestic violence. This impact is markedly different from undercover investigations conducted in the “real” world.

Moreover, our terms and Community Standards – which the DEA agent had to acknowledge and agree to when registering for a Facebook account – expressly prohibit the creation and use of fake accounts:

- “Claiming to be another person, creating a false presence for an organization, or creating multiple accounts undermines community and violates Facebook’s terms.”
- “You will not provide any false personal information on Facebook, or create an account for anyone other than yourself without permission.”
- “You will not post content or take any action on Facebook that infringes or violates someone else’s rights or otherwise violates the law.”
- “You will not use Facebook to do anything unlawful, misleading, malicious, or discriminatory.”<sup>2</sup>

Facebook has long made clear that law enforcement authorities are subject to these policies.<sup>3</sup> We regard the DEA’s conduct to be a knowing and serious breach of Facebook’s terms and policies, and the account created by the agent in the *Arquiett* matter has been disabled.

Accordingly, Facebook asks that the DEA immediately confirm that it has ceased all activities on Facebook that involve the impersonation of others or that otherwise violate our terms and policies.

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<sup>2</sup> <https://www.facebook.com/legal/terms>; <https://www.facebook.com/communitystandards>.

<sup>3</sup> See, e.g., Heather Kelly, *Police embrace social media as crime-fighting tool*, CNN.com, Aug. 30, 2012, available at: <http://www.cnn.com/2012/08/30/tech/social-media/fighting-crime-social-media> (“‘It just undermines the integrity of our whole service if we allow people to use false accounts,’ said Joe Sullivan, Facebook’s chief security officer[.] Creating a fake profile is against Facebook’s terms of service, even for law enforcement.”).

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We look forward to your response and confirmation that you have taken all necessary steps to prevent further unauthorized use of Facebook by the DEA and its agents.

Please contact us if you have any questions or concerns.

Sincerely,



Joe Sullivan  
Chief Security Officer