

Current Trends of Social Network Sites in Forensic Psychological Evaluation

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Abstract

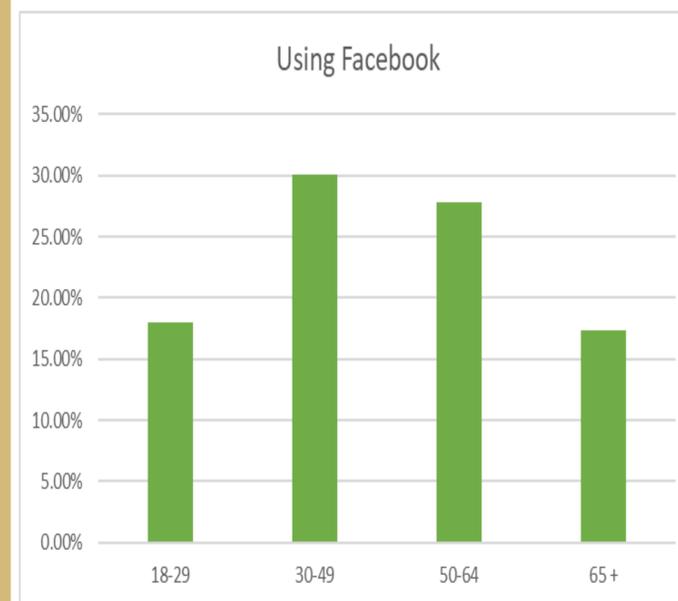
- ❖ Most individuals (86%) living in the US regularly use Internet search engines, social networking sites (SNS), or online commentary outlets (Pirelli et al., 2017)
- ❖ According to the Pew Research Center (2019), of these people, 69% use Facebook, 37% Instagram, 28% Pinterest, 27% LinkedIn, and 22% use Twitter (Perrin & Anderson, 2019).
- ❖ The professional literature in forensic assessment has newly begun an exploration into the uses of SNS data, especially regarding Forensic Mental Health Assessments (FMHA).
- ❖ According to Arshad, Jantan, and Omolara (2019), 689 state and federal court cases discussed social media evidence in their written decisions, and in many cases, outcomes have been influenced by the information obtained.
- ❖ Some researchers have made recommendations on how to handle SNS, whereas many professionals have expressed concerns about the authenticity and reliability of SNS data
- ❖ A review of the research to date highlights the need for continued discussion and research regarding best practices for acquiring, validating, and interpreting social media data in forensic assessment to aid professionals in recognizing and avoiding legal and ethical pitfalls.

Introduction

- ❖ Facebook demographics reveal 17.35% are age 65 and older, 27.82% are 50-64, 30.11% are 30-49, and 17.99% are 18-29 (see figure to the right).
- ❖ Most Instagram and Facebook users checked these sites daily (Perrin & Anderson, 2019).
- ❖ Perrin and Anderson found that the results were consistent across income, education, and residential locale.
- ❖ Use of SNS by law enforcement and attorneys has increased substantially in recent years (Arshad, Jantan, Hoon, & Butt, 2019; Coffey et al., 2018).

Ethics of Using SNS Data

- ❖ Information gleaned from social media is often included in discovery packets provided to forensic psychologists conducting evaluations (Coffey et al., 2018).
- ❖ The Specialty Guidelines for Forensic Psychology (2013) does not address SNS data collection and use
- ❖ The American Psychological Association's ethical codes do not address SNS data collection and use, although related literature has called for more research.
- ❖ The American Academy of Psychiatry and the Law (AAPL) recognizes the potential for use of SNS data in forensic evaluations, however, they have yet to offer clear guidelines (AAPL, 2015).



Forensic Implications

- ❖ Little is known about the frequency of SNS use in FMHAs or in the formation of professional opinions (Arshad et al., 2019).
- ❖ Coffey and colleagues (2018) surveyed 102 practicing forensic evaluators regarding the current use of SNS data in criminal and civil cases.
- ❖ The authors discovered that examiners used the SNS primarily in their search for signs of mental illness and to assess mental state at the time of the crime.
- ❖ The second use was an assessment of reported symptom validity related to the defendant's narrative.
- ❖ SNS posts were also searched for information directly related to the alleged crime.
- ❖ Another use involved observation and appraisal of the participant's self-portrait and the nature of their interactions with others.
- ❖ A fifth use was the gauging of psychological and forensically relevant skills — for example, levels of cognitive functioning, functional intelligence levels, and relevant competencies.
- ❖ The final use was the employment of SNS data in lieu of actual completion and scoring of psychological instruments.
- ❖ SNS data that characterized risk-related variables were considered of particular value.

Future Directions

- ❖ Clear ethical and professional practice guidelines are needed for the potential use of SNS data in forensic assessments.
- ❖ Research is needed to determine whether SNS data leads to accurate conclusions

Recommendations

- ❖ According to Pirelli and colleagues (2016), the forensic practitioner should:
 - ❖ (a) Conceptualize the SNS data as collateral information
 - ❖ (b) Conduct internet searches on a case-by-case basis based on potential utility versus potential prejudicial effects of the data
 - ❖ (c) Discuss the gathering of internet-based data during the informed-consent process, except in rare cases
 - ❖ (d) Allow the examinee to address any data gathered by the internet, again except in rare cases
 - ❖ (e) When reporting or giving testimony, the practitioner should be transparent about the gathering of the data via the internet and how the information was used (Pirelli, Otto, & Estoup, 2016).

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