In Social Media Postings, a Trove for Investigators

By JOSEPH GOLDSTEIN

First, Facebook helped get Rodney Bradford out of jail; later, it threatened to send him back.

In 2009, the social networking site helped exonerate Mr. Bradford after prosecutors charged him with a robbery in Brooklyn. Mr. Bradford countered that he was at his father’s home in Manhattan at the time. He even had posted a joking complaint on Facebook about breakfast. Subpoenaed records from Facebook backed up Mr. Bradford’s alibi, and the charges against him were dropped.

But a year later, while Mr. Bradford, 20, was out on bail on a charge that he had assaulted a relative of his girlfriend, prosecutors hauled him back before a judge to explain a disturbing message that had appeared on the girlfriend’s Facebook account. The posting, written by a friend of the woman, warned her that Mr. Bradford had evil intentions.

“Word on the street is ya babyfather on facebook saying he gonna throw u off the roof,” the friend wrote, according to Robert Reuland, Mr. Bradford’s lawyer.

A judge ultimately found no evidence that Mr. Bradford had ever made such a threat, Mr. Reuland said, and let him remain free on bail.

As Twitter, Facebook and other forms of public electronic communication embed themselves in people’s lives, the postings, rants and messages that appear online are emerging as a new trove for the police and prosecutors to sift through after crimes. Such sites are often the first place they go.

The phenomenon arose again this week, when investigators went online to make sense of a stabbing in an East New York, Brooklyn, apartment. A few clicks away, some of the clues were there for the world to see.

In the hours leading up to the crime, Kayla Henriques, 18, was feuding on Facebook with a friend, Kamisha Richards, 22. The focal point of the argument was a misspent $20, which
Ms. Richards had apparently lent to Ms. Henriques for baby food and diapers. In a public exchange of messages on Facebook, Ms. Richards told Ms. Henriques at one point that she would have the last laugh. Ms. Henriques replied, “We will see.”

Ms. Henriques was later charged with murdering Ms. Richards.

Though social media postings have emerged only recently as an element of prosecutions, those in the legal arena are fast learning that Facebook, MySpace and Twitter can help to pin down the whereabouts of suspects and shed light on motives.

And online postings can help prosecutors establish a level of intent, or even premeditation, in sometimes crucial components of crimes. In Arizona, the man charged in a shooting rampage focused on Representative Gabrielle Giffords posted a message on his MySpace profile saying, “Goodbye friends,” hours before the shooting, a note that prosecutors may use as evidence of premeditation.

In a case two years ago, federal investigators learned that a suspect in a South Carolina bank robbery had logged on to his MySpace account to post that he was “On tha run for robbin a bank Love all of yall,” according to a statement from the Justice Department.

And defendants’ online personas can help prosecutors prove connections between people, offering the building blocks to build a case against members of gangs.

“Especially in gang cases, a criminal defendant will say, ‘How do you know that’s me?’ and prosecutors will say, ‘Here’s a photo of you throwing gang signs, and here’s a photo of you with known gang members, and here’s a photo of you holding up the very type of weapon you claim never to have seen before,’ ” said John Browning, a Dallas lawyer who has written a book about social media and the law.

In New York, Twitter is a common mode of communication between youth gangs, said a Harlem pastor, Vernon Williams, who monitors the online messages of various “crews” in an effort to head off potential wars. Twitter messages factored into the investigation of a Times Square shooting last April that left four people wounded, a law enforcement official said.

Still, there can be questions about the identity of a person posting under a given name.

“Authentication of social media evidence generally has a very low threshold,” said Mr. Browning, meaning that a defendant would have a hard time in court trying to disavow himself from his Facebook profile.
Mr. Reuland, the lawyer who represented Mr. Bradford, recalled that Brooklyn prosecutors were initially skeptical of his client’s Facebook alibi, and questioned if someone else had perhaps logged in to Mr. Bradford’s account.

Mr. Reuland recalled: “I said, ‘This is just a kid, and to suggest he was plotting and planning this as part of a way to establish an alibi before the fact supposes a level of criminal genius this kid was just not capable of.’”