

Social Media Evidence: Towards a Unified Legal and Forensic Perspective on Presenting Online Content in Court Proceedings

In our digitally connected world, social media platforms have become integral to daily life. With over 5 billion social media users—more than 60% of the global population—we share photos, opinions, and moments online without a second thought. But what happens when these online interactions become important in legal cases? Social media content is increasingly used as evidence in courtrooms worldwide. It's critical in criminal cases involving terrorism, homicide, domestic violence, fraud, cyberbullying, stalking, and gang activity. In civil disputes, it plays a role in divorce proceedings, child custody battles, financial support cases, personal injury claims, insurance disputes, and employment disagreements.

Despite its importance, there's uncertainty about the best ways to collect and present social media evidence in court. Traditionally, gathering digital evidence requires specialized tools and expert consultation to meet strict forensic standards. While reliable, this approach is often costly, complex, and time-consuming—impractical for everyday cases. In routine legal matters like simple frauds or divorce proceedings, social media evidence is typically introduced as printed screenshots. This method is cost-effective but fails to verify technical authenticity, leaving room for manipulation. Our justice systems would benefit from a clear set of high-level principles for handling social media evidence—guidelines that ensure evidence is both reliable and practical to use in court. We aim to develop interdisciplinary principles that harmonize the practical needs of legal practitioners with the technical guidelines of digital forensic experts. Simply put, we want to find a middle ground where social media evidence can be collected and presented in a way that is both trustworthy and feasible for everyday legal practice.

Our research involves two main phases. First, we'll conduct in-depth interviews with two groups: legal practitioners (lawyers, judges, and prosecutors) and digital forensic experts (specialists who analyze and authenticate digital evidence). These conversations will uncover their experiences, expectations, and challenges regarding social media evidence in the courtroom. Second, we'll use the Delphi method, a structured communication technique that gathers input from experts through a series of questionnaires. This process helps build consensus without the need for face-to-face meetings. Experts will provide feedback, see the collective responses, and refine their views over multiple rounds.

By combining insights from both legal and technical experts, we would like to create a coherent set of principles for handling social media evidence. These guidelines will ensure the authenticity and integrity of the evidence, be practical for use in everyday legal cases, and help bridge the gap between legal professionals and forensic experts. As social media continues to permeate every aspect of our lives, its role in legal matters will only grow. Establishing clear, practical guidelines for handling social media evidence is crucial for fairness in the legal system, efficiency in legal proceedings, and the overall integrity of justice. Our project isn't about comparing different legal systems or delving into specific legal issues. Instead, we're focusing on the forensic soundness of online evidence. We aim to redesign some basic principles for digital evidence handling in today's online contexts, benefiting the legal community and society at large. By bringing together the worlds of law and digital forensics, we hope to support the proper administration of justice in the digital age.