



Social Networking: Information relating to the law

Reports of online offences to the Police are on the increase; these commonly include acts of bullying, harassment and posting/sending of indecent images. Often people are not aware of this until an offence has already been committed; therefore the information in this document informs young people, parents and professionals about the laws and criminal consequences associated to common behaviours online.

Social Media and Instant Messaging are the common platforms to which many online offences are committed; most often a result of sending texts/tweets/messages/images through Facebook, Twitter and other networking sites. **Below are common examples and related laws to highlight offences.**

Threatening, offensive, indecent, false information (Bullying)

Paul and Ben were friends who had a disagreement and fell out. Paul logged on to his Facebook and saw messages from Ben saying that he was going to stab him. Paul asked Ben to leave him alone and stop sending nasty messages; Ben did not stop and continued to sending Paul threatening and mean messages. Paul reported this to Police as he felt very distressed and frightened that Ben may carry out the threats. Ben was arrested and interviewed by police; he was charged for his actions under the **Malicious Communications Act 1988**.

Lisa sent a number of text messages to Phil threatening to have someone "JUMP" him and beat him up; she also called him several times to leave abusive messages, withholding her number or using a phone number unknown to Phil to send abusive text messages. Phil reported this to the Police as he was worried and distressed. As part of the investigation, the caller number and messages were traced to Lisa; she was arrested, interviewed and charged for her actions under the **Malicious Communications Act 1988**.

In both cases, the offender (Ben and Lisa) sent offensive and threatening messages; whether caller numbers are withheld or messages deleted, the Police can retrieve this evidence. People often think that by deleting or withholding information that they will not be caught or traced; almost all online data has a digital footprint.

Malicious Communications Act 1988 makes it an offence to send indecent, offensive or threatening letters, **electronic communications** or articles with the intent to cause the recipient distress or anxiety.

Any letter, **electronic communication** or article of any description which conveys:

- a message which is indecent or grossly offensive
- a threat
- information which is false and known or believed to be false by the sender

Electronic communication is referred to as an email/text/tweet/instant message

Sentence: Maximum 6 months Imprisonment and/or a fine

Harassment (Bullying)

Janet found a message in her school bag which stated that she should watch her back; she didn't know who the message was from at the time, but it worried her. At the end of the school, a girl called Clare was waiting at the school gate; as Janet walked passed her, Clare said "I'M WATCHING YOU", which made Janet think that Clare may be the person who left her note. Janet was getting more worried and distressed having seen a message on Facebook from Clare saying that Janet should look over her shoulder as she was going to get her. Janet tried to ignore this but Clare continued to follow Janet around and stare at her, making Janet very distressed and in fear. This was reported to Police as Clare's behaviour amounted to Harassment.

Megan received a huge number of text messages from her ex-boyfriend Tony demanding to know where she was, what she was doing and who she was with. She replied asking Tony to leave her alone, but he got angry and began sending her abusive and nasty texts which upset and distressed her. Megan ignored the messages, so Tony began calling her. She didn't answer the calls but they became persistent so she decided to answer; Tony shouted and verbally abused her, she told him to leave her alone and ended the call. She blocked all calls and messages from Tony, which led to him calling her landline which she also ignored. Tony resorted to Facebook, posting abusive messages to Megan; she became distressed and worried by his behaviour and called the Police.

Internet Law Awareness

Tony was arrested, interviewed and charged under the Protection from Harassment Act 1997.

Megan applied for a restraining order to prevent Tony from continuing his behaviour.



Protection from Harassment Act 1997 makes any form of harassment an offence.

A person must not carry out a **course of conduct** which leads to harassment of another, of which he/she knows or ought to know would amount to harassment.

If aimed at one person, the offence is complete when 2 incidents have taken place

If aimed at more than one person, the offence is complete when each person has been subject to one incident.

Course of conduct: any act that can cause another person alarm or distress whether it is carried out electronic/written/spoken/physical

Sentence: Maximum 6 months Imprisonment and/or a fine

Victims can apply for a restraining order following conviction as protection from further harassment

Indecent Images & Selfies

Incidents of young people, taking, sharing, and possessing photographs and content of a sexual/indecent nature of themselves or others has significantly increased; commonly happening through Facebook, Twitter and other social networking sites. Many of these self-generated images are classified as indecent images of a child; young people need to be aware that this serious offence can be committed by a child (10-17yrs) which they may not know.

Doris (aged 15yrs) takes a photograph of herself stood naked in the mirror and sends the photograph using Whatsapp to Albert (also 15yrs). Albert then shares the photograph to his friends (Bert & Ernie) in a text message. Ernie deletes the text message straight away however Bert saves it on his phone so he can show it to his friend Barry.

- Doris has committed an offence by taking the photograph in the first place and then sharing it with Albert: **she has created, possessed and distributed an indecent image of a child**
- Albert has committed an offence by sharing the photograph with Bert & Ernie: **he has possessed and distributed an indecent image of a child.**
- Bert has committed an offence by keeping the image saved on his phone to show to Barry: **he has possessed an indecent image of a child**

Protection of Children Act 1978 covers various offences relating to taking, making or distributing indecent photographs of a child* U18 years.

It is an offence for a person (includes 10 -17 years)

- to **take, or permit to be taken, or to make**, any indecent photograph of a child*
- to **distribute or show** such indecent photographs*
- to **have in his/her possession** such indecent photographs*, with a view to them being **distributed or shown by himself or others**

Sentence: Up to 10 years imprisonment and / or a fine.

Convictions can result in being added to the Sex Offenders Register from 2 years to Life

*includes pseudo-photographs

Criminal Justice Act 1988 covers the offence of **possessing** indecent photographs of children* U18 years.

It is an offence for a person to have any indecent photograph of a child* in their possession.

Possession does not just mean being in a person's immediate reach; can also mean held at another location.

Sentence: Up to 5 years imprisonment and / or a fine.

Convictions can result in being added to the Sex Offenders Register from 2 years to Life

*includes pseudo-photographs