

INTERNET PRESENCE INVESTIGATIONS AND PRESERVATION

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The investigative industry has seen incredible advancements in technology over the last 30 years. These changes have transformed the way we communicate with each other and also how we investigate questionable claims. We still engage in putting individuals under surveillance to validate a claim however, in many cases, these individuals are doing all the work with their own cameras and willingly provide intimate details of their private lives for the world to see.

The evidence obtained through this investigative technique is usually more than what you could get conversing with neighbors and associates about a person. In many cases, our questioning has to be discrete and we can't just come out and say "What do you know about this person?" The Internet gives us anonymity while allowing us to locate Internet presence and content that we can later verify through investigative means. Proper collection and authentication of this evidence is critical in using it for litigation purposes.

Did you know in the 60 seconds it took you to read the first few paragraphs of this article?

293,000 Facebook profiles have been updated.

4,300 Twitter tweets have been posted.

67,000 photos have been posted on Instagram.

3,700 pins have been posted on Pinterest.

So how is this trivial information relevant to insurance defense? It is very simple. We, as humans, like to do what is in our best

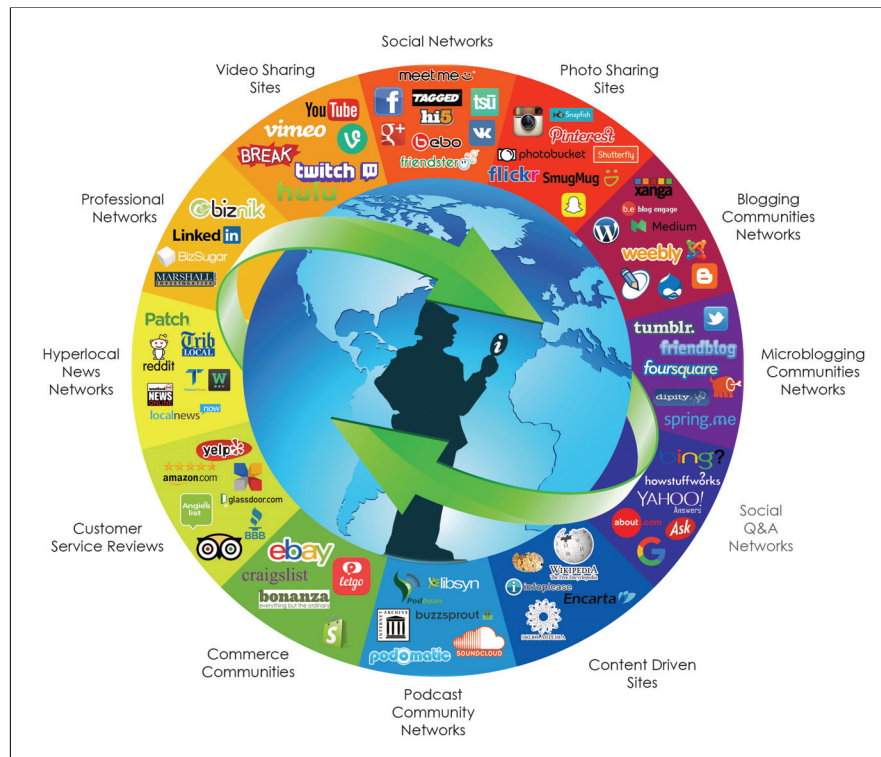
interest. That instinct works to our advantage in the investigative world and produces a constant stream of information to help determine the validity of a claim. Social networking and communicating on the Internet allows people to freely express

The combination of flaunting oneself and receiving positive feedback creates an ongoing cycle with the sole purpose of achieving self-satisfaction. Many people say they are active on social media sites to stay in touch with others, but more than 80% of social media posts are about the person posting. Talking about ourselves activates the regions of the brain associated with the sense of satisfaction – like how food or money does.

Did you know every minute of every day there are more photos taken than in the entire 19th century? It is now estimated that we as humans take almost one trillion photos every year. We have transformed our society to fixate on capturing every important moment of our lives. It is within our self-serving nature to do so. This behavior is everywhere we go in the ever increasing narcissistic world that we live in. Social media sites gives us a need to be recognized for both the good and the bad things we do. On Twitter we get excited if someone follows us. In real life we get really scared and run away.

The Internet is a very big place.

Facebook and Instagram are some of the first places to look, but when someone is from Eastern Europe or Asia and you may want to search social media sites in those



Marshall Investigative Group World of Internet Presence / Thom Kramer



AP photos taken in 2005 and 2013 of parishioners at the Vatican for an appearance of the Pope.

themselves without directly facing consequences. It gives people free reign to publicize how wonderful they are and outline the positive aspects of their lives.

countries like VK or Renren. In many cases, when seeking out an individual’s Internet presence we are required to go beyond the social media sites. This can include websites, academic sites, archive sites, community sites, event pages, professional licensing, news articles & online classifieds, non-profit organizations, park districts, political & special interest, sport activities and clubs.

Authentication is everything. As the Internet becomes more influential in combating fraudulent claims, the plaintiff’s side will look for ways to have this evidence declared inadmissible. Properly preserving data obtained from the Internet will become more important in the future.

You would think it is as easy as locating an individual’s Internet presence, taking a screen shot of a page, placing it in a report and bingo... you’re done. As time has progressed, we have learned this may be a good way to review an individual’s presence, but not always the best way to preserve this information for litigation.

Information captured online must only be obtained from publically viewable content and posts. Information cannot be obtained through false pretense. Investigators cannot obtain information through “friending” an individual to see private information. Facebook’s Statement of Rights and Responsibilities prohibit providing any false personal information and creating an ac-

count for anyone other than yourself without permission.

In the case *Commonwealth v. Banas*, 2014 WL 1096140, in 2014, a Massachusetts Appellate Court ruled that a screen print of a Facebook post submitted by the prosecution in a criminal case was inadmissible on authentication grounds.

In another case, *Moroccanoil vs. Marc Anthony Cosmetics*, in 2014, a federal district court explicitly ruled that Facebook screenshots were inadmissible, because the defendant in a trademark infringement action merely offered the screenshots without supporting circumstantial information, which is difficult to obtain when mere screenshots are relied upon.

Obtaining screen shots from the Internet may not be enough to adequately prove you obtained this information untainted from the Internet. You need the embedded information in the page to confirm its origin. Posts and blogs have metadata, which is found in most common document types posted on the Internet and embedded within a file typically hidden from casual viewing. This information is what confirms that you obtained a page from Facebook, Google +, Twitter and other sites. It produces two types of metadata: structural metadata and descriptive metadata.

Structural metadata describes the intellectual or physical elements of a digital object. Descriptive metadata uses individual instances of application data or the data content and supports specific user tasks, such as discovery and identification of content.

This hidden data is used by the computer programs to provide accurate processing information, such as which version of software was used to create the document, how the file is encoded, and often, who created it. The illustrations below are examples of what is needed to properly preserve a page, especially when the case is going to trial.

Geotag information has some of the greatest value to a claims case. This data usually consists of both latitude and longitude coordinates, although it can also include altitude, bearing, distance, accuracy data, and location names. It is commonly used for photographs but can also provide the location where someone may be standing when they post to a social media site.

GPS enabled smartphones and digital cameras will geotag photos and videos taken with those devices. Geotag information can also be found on many digital cameras. Location services can be disabled in GPS-capable smartphones and cameras.

Photos can have EXIF (Exchangeable Image File Format) information. This information is just as important as the page that is

preserved. This information provides what type of equipment took the photo and where.

There are many metadata and EXIF file extractor tools you can find in Google shop and on the web, but most of them can only do one page at a time. For cases that produce a large amount of data, trying to pull page by page is neither cost nor time effective. When extracting large amounts of data, you need sophisticated software to pull the necessary metadata, video, EXIF, downloadable PDF and Geotag information. This type of software is extremely expensive and at that point you will need to hire a company that has the tools and expertise to pull such information.

In conclusion, the Internet is an endless source of information and extremely effective in helping mitigate potential fraudulent claims. Care and ethical investigative standards must be taken into account to validate and authenticate Internet presence evidence. As musician Axel Rose was quoted saying “Regarding social media, I really don’t understand what appears to be the general population’s lack of concern over privacy issues in publicizing their entire lives on the Internet for others to see to such an extent... but hey it’s them, not me, so whatever.”



Field Name	Value
Location Geo Longitude	
Location Geo Latitude	
Location Description	
Location Geo	
Scan Stamp	20151019174229926
Collection Type	PublicInformationAccount
UpdateTime	10/5/2013
CreatedTime	10/4/2013 9:41:00 PM
UserName	
Scan Target Id	3155948710
Account Id	10001048282528472PublicInformation
UserID	100001292290337
UserImage	https://fbcdn-profile-a.akamaihd.net/profile-ak-sta1A/110-1/p/74k/17221_874986935887741_2139956742780336188_n.jpg?efg=eyJpbnV198toh=FB3348289096762e9f6d4ab9374a5538;oe=56D352D6B_gda=-1455811928_99856942818d;beec77D94e1f1f
PostLink	https://www.facebook.com/100001292290337/posts/554904687895969
PostID	554904687895969

Metadata content for the above Facebook post



Doug is president of Marshall Investigative Group and has been involved in claims investigations for the last 30 years. Doug’s philosophy in creating the highest-quality investigative techniques is to employ people not just from criminal justice backgrounds but various fields such as IT, Engineering, Marketing, Sociology and Psychology. Doug’s degree is in Industrial Design and that background has helped him see the value of bringing people from various specialties to make a stronger company.



Thom Kramer is director of marketing and business development at Marshall Investigative Group and has been involved in the insurance investigative industry for more than 25 years. Thom has been a featured subject matter expert at trade conferences, association meetings and on national and syndication television shows including CBS’s *The Early Show* and *Real TV*. Thom is also a professional photographer and his client list includes many Hollywood celebrities and studios.