



CASE LAW RELATED TO UC SOCIAL MEDIA ACCOUNTS

✓ PEOPLE v. PRIDE, 2018 DJDAR 268 (San Diego, CA)

Summary: In this California case, San Diego police created an undercover Instagram account to monitor gang activity. The defendant accepted a follow request from the undercover account, allowing access to private posts showing gang affiliation and firearms.

Key Holding: Once the defendant voluntarily accepted the friend request, he had no reasonable expectation of privacy in the shared content. Law enforcement's use of a fake account was deemed lawful.

Significance: Supports that police may use fake profiles to access private content **with consent**, reinforcing that **Fourth Amendment protections don't apply when access is voluntarily granted**.

✓ Everett v. State, 186 A.3d 1224 (Del. 2018)

Summary: A Delaware officer used a fake Facebook persona to communicate with a suspect. The suspect accepted the friend request and posted incriminating content.

Key Holding: There is no reasonable expectation of privacy in information voluntarily shared with others—even fake online friends.

Significance: Upholds **law enforcement's ability to use fictitious social media profiles** to gather evidence.

✓ United States v. Meregildo, 883 F. Supp. 2d 523 (S.D.N.Y. 2012)

Summary: An associate of the defendant gave the government access to private Facebook posts.

Key Holding: If a user shares content with a "friend" and that friend shares it with law enforcement, the user **loses any reasonable expectation of privacy**.

Significance: Validates **use of informants or undercover agents** on social media who gain access via accepted friend requests.

✅ **United States v. White, 401 U.S. 745 (1971)**

Summary: Undercover agents wore wires and recorded conversations with the defendant.

Key Holding: The Court ruled that the **Fourth Amendment does not protect a wrongdoer's misplaced belief** that a person to whom he voluntarily confides won't reveal it to the authorities.

Significance: Although not about social media, it establishes the foundational principle that **using undercover operatives is constitutional**, even if the subject is unaware.

✅ **Harris v. State, 188 A.3d 700 (Del. 2018)**

Summary: In this companion case to *Everett*, the court found that the defendant's acceptance of a friend request from an undercover account undermined his claim to privacy.

Key Holding: Confirmed that **voluntary sharing with an undercover officer** forfeits Fourth Amendment protections.

Significance: Reinforces that police **do not need a warrant** to access content voluntarily shared with them via fake accounts.

✅ **United States v. Khan, No. 16-CR-00251 (N.D. Ill. 2017)**

Summary: Undercover agents posed as minors online to interact with Khan, who engaged in sexually explicit chats and sent illicit images.

Key Holding: No expectation of privacy exists when a suspect **voluntarily communicates with an undercover agent posing as a minor**.

Significance: Supports undercover operations targeting **online predators**, affirming the tactic's constitutionality.

✅ **United States v. Gatson, No. 13-705 (D.N.J. 2014)**

Summary: Investigators used Facebook to gather evidence about a burglary ring. Some of the defendant's content was obtained through an undercover profile.

Key Holding: Content shared with friends (including undercover agents) is **not protected under the Fourth Amendment**.

Significance: Validates undercover use of social media in **organized crime and property crime investigations**.

✓ **Hoffa v. United States, 385 U.S. 293 (1966)**

Summary: A government informant gathered information from Hoffa while pretending to be a trusted associate.

Key Holding: **Trusting the wrong person isn't constitutionally protected**—statements made to undercover informants are admissible.

Significance: Establishes precedent that **deception by law enforcement doesn't violate the Fourth or Fifth Amendments**, even when no warrant is used.

✓ **United States v. Tolbert, 2019 WL 2869112 (D. Kan. 2019)**

Summary: Police used a fake Facebook profile to observe the defendant's drug sales and social media bragging.

Significance: Court upheld that **observations made using a fake profile do not require a warrant** when access is voluntarily granted.

DISCLAIMER: The case law and legal summaries provided in this training are intended for educational and informational purposes only. They are not intended to constitute legal advice or establish legal authority. Law enforcement personnel should consult with their agency's legal advisor or a prosecuting attorney before taking investigative action based on any legal principle discussed herein. Jurisdictional laws and interpretations may vary.