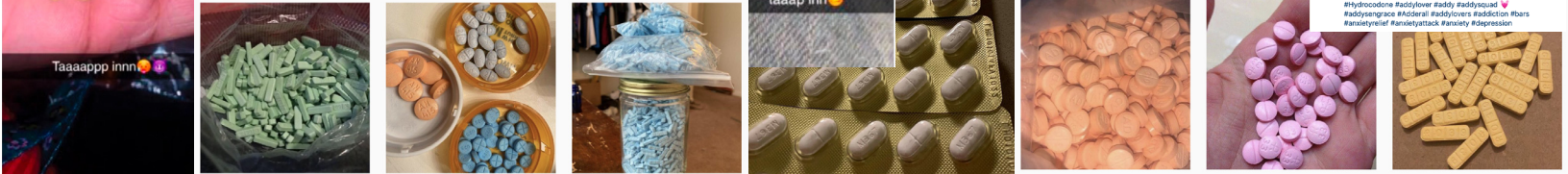
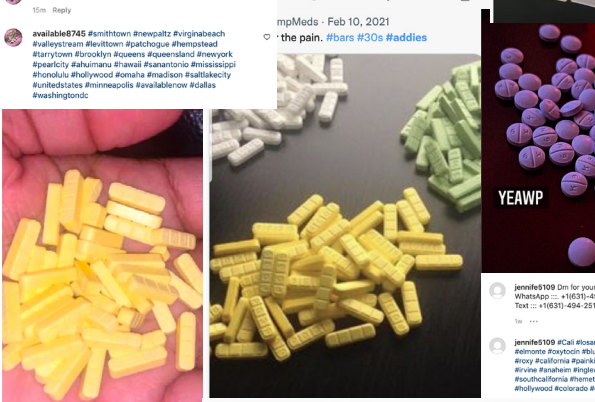
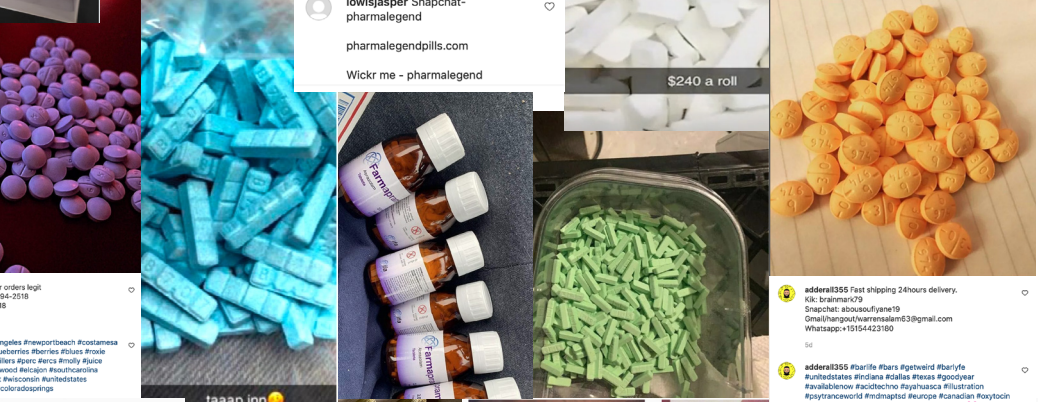
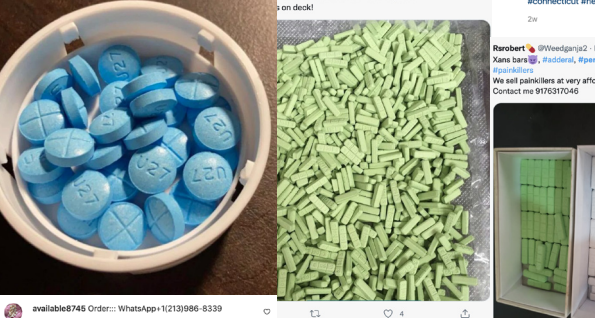
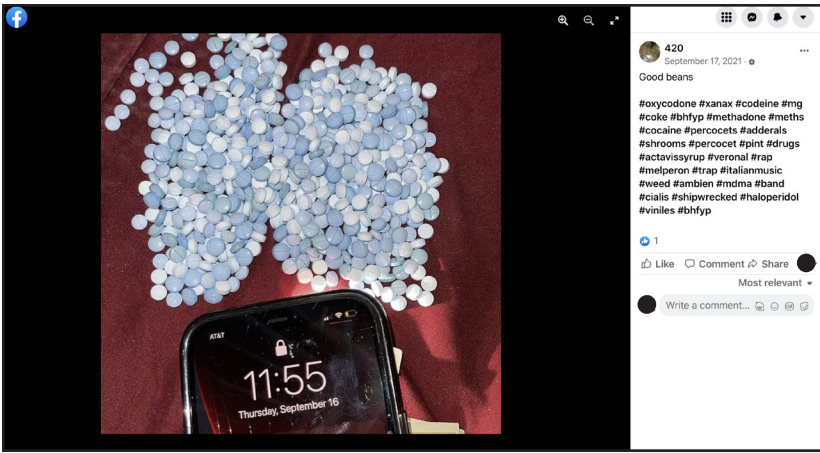




# Best Practices to Rid Social Media of Drug Trafficking





A Facebook user displayed their product for sale along with a phone with a date to show current availability. Commission members reported this account to in May 2022, and Facebook’s moderators responded twice that it did not violate community guidelines.



A TikTok user posts a video about their illegal drug availability. The products they sell are almost certainly deadly counterfeit versions of actual controlled substances.

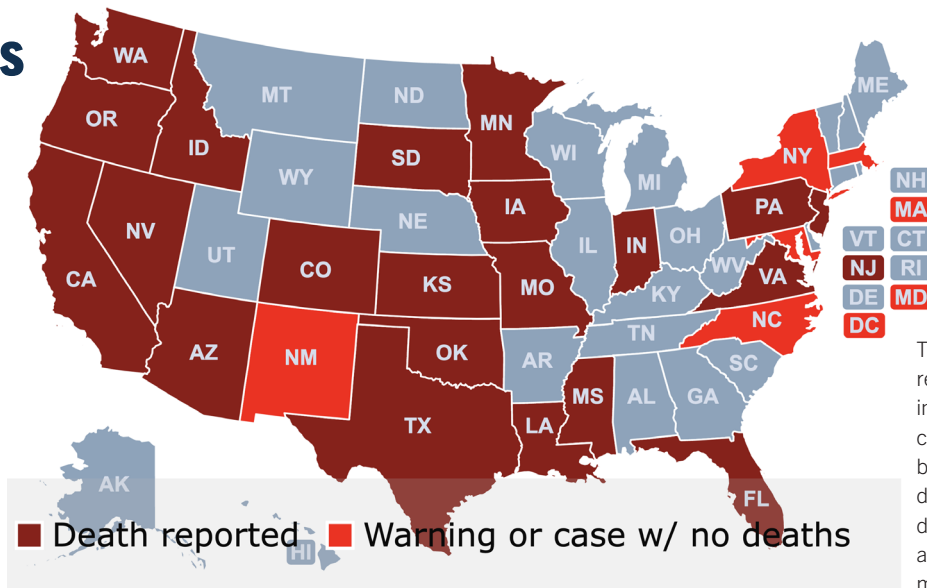


In drug slang, “bars” are Xanax pills, so named because they are shaped like a bar, not a round pill.



This trafficker has a presence on Snapchat, Wickr, Instagram, and a traditional website.

# Pill Deaths Linked to SnapChat



The Partnership for Safe Medicines reports that people have died in at least 21 states after buying counterfeit pills from Snapchat-based drug dealers. This map does not reflect the impact of drugs in other forms—particularly adulterated heroin, cocaine, and methamphetamine.

# A personal note from **Steve Filson and Amy Neville**

Every week we meet parents whose children, like ours, were murdered by drug sellers trafficking on social media. Social media has become a comfortable way for online traffickers to discover and market to new customers. Because social media users trend young, the victims of these traffickers are trending younger too.

Drug traffickers use all of the tools and platforms of social media, from still images to video, with the same ease that others use them to post adorable kitten videos. Like any other kind of business, dealers use social media to recruit customers, advertise products, and drive sales. Some traffickers run small, local operations. Others operate multistate rings and coordinate sales across multiple social media channels.

We thought that social media companies wouldn't stand for drug traffickers on their platforms killing our children—and dozens of others. Despite our pleas, and those of so many other victims' families, and despite the subsequent promises of almost every major social media platform, organizations who track these deaths report that the problem is still growing.

How many more grieving parents are enough? It's unclear when we will reach the threshold for social media giants to take meaningful action.

However, platforms could act today. From our research with law enforcement, parent safety groups, and anti-child pornography advocates, we have identified concrete changes social media companies can implement now to thwart illicit drug sales.

We are grateful for our fellow Commission members' participation in recruiting subject experts and developing recommendations. The Commission offers these recommendations for voluntary implementation or possibly new legislation to protect our children.



*Steven Filson*



Steve Filson's daughter Jessica died after a drug dealer sold her cocaine that she didn't know had been mixed with fentanyl.



*Amy Neville*



Amy Neville's 14-year-old son Alexander died of fentanyl poisoning after a dealer on Snapchat sold him a fake Oxycontin.

## Commission members

*All employers are listed for identification purposes only. The organizations named do not endorse the Commission or its report.*

**Steven L. Filson**, *Chair*

City of San Bernardino Police Department (Ret.)

**Amy Neville**, *Vice-Chair*

Founder, Alexander Neville Foundation

**Kathleen Miles**

Director of Analysis, Center on Illicit Networks and Organized Crime

**Shabbir Safdar**

Executive Director, Partnership for Safe Medicines

**Daniel Salter**

Director, Atlanta-Carolina High Intensity Drug

**Ashley Thompson**

Parent Advocate

Trafficking Area

**Jeanne Waggener**

Former Chair, National Association of Boards of Pharmacy; Former President, Texas State Board of Pharmacy

## Interviews

**Active duty sheriff**, County in the western U.S.

**Marc Berkman**, Executive Director, Organization for Social Media Safety

**Paul DelPonte**, Executive Director, National Crime Prevention Council

**Eric Feinberg**, Vice President of Content Moderation, Coalition for a Safer Web

**Nilda Garcia, PhD**, Assistant Professor, Political Science, Texas A&M International University

**Carrie Goldberg, Esq.**, Founder, C.A. Goldberg PLLC, Victim Rights Attorney

**Josh Golin**, Executive Director, Fairplay

**Sherri Hobson**, Retired Assistant U.S. Attorney, U.S. Attorney's Office, Southern District of California

**Lisa Honold**, Director, Center for Online Safety

**Niamh Lewis**, Digital Health Regulatory Expert, National Association of Boards of Pharmacy

**Justin Macy, PharmD, JD**, Digital Health Senior Manager, National Association of Boards of Pharmacy

**Jacques Marcoux**, Director of Research and Analytics, Canadian Centre for Child Protection

**Katey McPherson**, Director of Professional Development, Bark for Schools

**Gerard Olson**, Associate General Counsel, LegitScript

**Daniel Salter**, Director, Atlanta-Carolinas HIDTA and retired DEA, Special Agent in Charge

# BEST PRACTICE RECOMMENDATIONS

## 1. Establish strong, specific policies around advertising or selling illicit drugs, controlled substances, and prescription medicines.

### Research questions

*Does the platform have a policy against drug trafficking? Do they allow the illicit sale, advertising, or solicitation of illegal drugs or pharmaceuticals (without a valid pharmacy license)? Do they allow the sale, advertising, or solicitation of drug trafficking equipment such as pill presses, pill molds, and filler materials?*

### What we learned

**Policy enforcement is spotty.** Social media platforms generally have policies against drug trafficking that cover the illegal sale, advertising, or solicitation of pharmaceuticals and of illicit drugs. Enforcement, however, is spotty at best—likely because of the large volume of material posted to platforms.

**Policies are vague and imprecise.** If a platform states that “no illegal conduct” is permitted, users and content moderators may not always understand what that includes. This is exacerbated when users and moderators are not in the same location. Drug trafficking laws vary by jurisdiction, and content moderators may not realize drug trafficking is a serious infraction. (Examples of current policies are shown below.)

**Rigorous enforcement of drug trafficking bans is possible.** Platforms have taken successful action to ban other illicit material, such as illegal and troubling child sexual abuse material (CSAM), which now appears to be less prevalent on the platforms.

April 2019

You may not use our service for any unlawful purpose or in furtherance of illegal activities. This includes selling, buying, or facilitating transactions in illegal goods or services, as well as certain types of regulated goods or services.

Twitter takes the safety of our users seriously. In an effort to address the potential for real-world harm, we do not allow the use of Twitter for any unlawful behavior or to further illegal activities. This includes selling, buying, or facilitating transactions in illegal goods or services, as well as certain types of regulated goods or services. In some cases, we may ask you to contact a law enforcement agency and have them contact us via our law enforcement request page to ensure we have enough context to enforce this policy. In addition to reports received, we proactively surface activity that may violate this policy for human review.

Goods or services covered under this policy include, but are not limited to:

- counterfeit goods and services\*;
- drugs and controlled substances;
- human trafficking;
- products made from endangered or protected species;
- sexual services;
- stolen goods; and
- weapons, including firearms, ammunition, and explosives, and instructions on making weapons (e.g. bombs, 3D printed guns, etc.)

\*Learn more about our [counterfeit](#) policy.

Twitter’s policy broadly defines illegal content and provides specific examples for its users.

- **Do not use Discord to spam, manipulate engagement, or disrupt other people’s experience.** including trying to influence or disrupt conversations using bots, fake accounts, multiple accounts, or other automation. This includes purchasing or selling methods of artificially increasing membership, such as via advertisements or botting.
- **Do not organize, promote, or engage in any illegal or dangerous behavior,** such as sexual solicitation, human trafficking, and selling or facilitating the sale of prohibited or potentially dangerous goods (firearms, ammunition, drugs, and controlled substances). These activities are likely to get you kicked off Discord, and may get you reported to law enforcement.
- **Do not abuse Discord products in any way,** such as selling or purchasing an account or server, or participating in fraudulent Nitro incentives or Boosting activities.
- **Do not use self-bots or user-bots.** Each account must be associated with a human, not a bot. Self-bots put strain on Discord’s infrastructure and our ability to run our services. For more information, you can read our [Developer Policies](#) [here](#).
- **Do not mislead Discord’s support teams.** Do not make false or malicious reports to Trust & Safety or Customer Support; send multiple reports about the same issue; or ask a group of users to report the same content or issue. These behaviors may result in action being taken on your account.

Discord’s policy prohibits selling “drugs, and controlled substances.” The sale of non-controlled prescription medications is not specifically addressed.

# BEST PRACTICE RECOMMENDATIONS

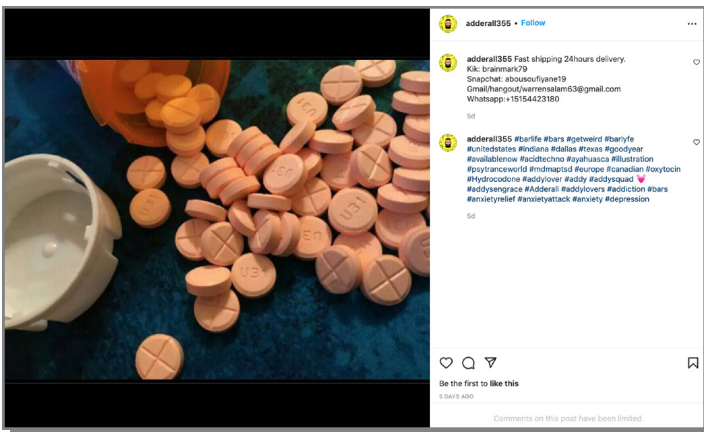
## Standards for social media platforms

Because it's impossible to stop drug sales without clear articulation of what is and is not permitted, the Commission recommends that policies:

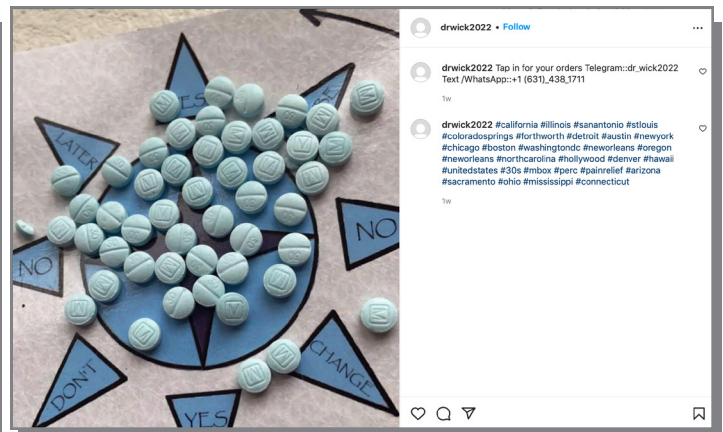
**Explicitly mention and prohibit solicitation of controlled substances**, both directly (“I have M30’s for sale”) or through implication (“M30’s, Percs, Xannie bars, hit me up”).

**Cover both paid content and organic content posted by users.**

**Require anyone selling prescription medicines or advertising online pharmacies to U.S.-based users to have a U.S. pharmacy license.** There is a large ecosystem of illegal, unlicensed online pharmacies that dispense substandard and outright counterfeit therapeutic medications for HIV, blood clots, cancer, and many other diseases. These businesses are illegal, in the real world and online.



Screenshot of a drug seller displaying pills on Instagram, February 2022



Instagram post with explicit instructions to order, February 2022

## Evaluating platform policies

The most straightforward way to assess these policies is to read them on platforms' websites.

## 2. Practice proactive monitoring and remove drug dealers from the platform.

### Research questions

*What steps does the platform take to seek out drug traffickers? Do they work with other platforms to identify dealers that use handles on both platforms? Are the staff that make the decision to remove policy violators from the platforms provided significant materials? Do their decisions get reviewed? Are these instances tracked so that speed of removal can be measured? How are individuals who are removed from the platform detected if they attempt to rejoin?*

### What we learned

**Even with tools to proactively detect drug-related content, platforms aren't sufficiently impacting the problem.** Interviewees showed us offending accounts openly posting drug content. Without an inside view, it is difficult to determine what is impeding the effectiveness of these programs.

**Platforms have successfully stopped similar content problems before.** Detecting and removing this material might be difficult, but they have successfully done so for other problematic topics. For example, Facebook's efforts to remove recruiting content and propaganda posted by terrorist groups suggest that the focused removal of specific kinds of prohibited content is possible.<sup>1</sup>

### Standards for social media platforms

The goal of this best practice is to ensure that every platform has a clear program in place. The Commission recommends that platforms:

**Use automated tools to identify accounts engaged in drug trafficking.**

**Hire and train an adequate staff to review the content flagged by the program and take appropriate action.**

**Review accounts that are posting this content and remove them in ten days or less.**

**Prevent offenders from opening new accounts to continue their drug activity.**

**Clearly describe removal criteria and the procedure for appeals in help documentation.**

### Evaluating the monitoring and removal of dealers

Ideally, a platform would publish sufficient details about such a program without revealing details that allow criminals to adapt their strategies. A transparency report is where most platforms do this.

Information should be broken down by area of harm AND country. Few consumers of a transparency report are interested in information aggregated across regions or the globe.

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1. Seth Fiegerman, "Facebook Grows Its Counterterrorism Team," *CNN Business*, June 15, 2017, [money.cnn.com/2017/06/15/technology/business/facebook-terrorism-content/index.html](http://money.cnn.com/2017/06/15/technology/business/facebook-terrorism-content/index.html).

# BEST PRACTICE RECOMMENDATIONS

When a platform does not act on a notable number of reported items, a third party should review the materials to see whether the platform's content moderators are enforcing policies correctly. For example, Snapchat's July–December 2021 transparency report lists more than 98,000 incidents in the drugs category that saw no enforcement.<sup>2</sup>

## 3. Manage data to support potential law enforcement investigations.

### Research question

*When evidence of drug trafficking is found on a platform what is the procedure for referring such evidence to law enforcement?*

### What we learned

**It will not be effective for platforms to refer all drug trafficking-related content to legal authorities** because law enforcement does not have the resources to investigate or the capacity to follow up on tips from social media platforms.

**Drug traffickers avoid detection by breaking up transactions across platforms.** Drug traffickers often break transactions up between multiple platforms to avoid attention, advertising on platforms such as Instagram or Snapchat and encouraging prospective customers to contact them via messaging platforms like Telegram or Wickr. A data sharing arrangement between social media platforms would allow one platform to share information about a user who is selling drugs with other platforms.<sup>3</sup>

**Criminal data vanishes from the platforms.** Parents of teens murdered by fentanyl pills sold on social media reported that content related to their child's death was no longer available when investigators asked for it. Experts suggested that this issue might be addressed by (1) allowing parents to submit preservation notices which would require social media platforms to retain custody of the content for future investigators, or (2) establishing an independent archive of drug trafficking content that has been removed from social media platforms.

### Standards for social media platforms

There is no way for law enforcement to initiate investigations for all of the drug activity found on social media platforms. That sentence alone is highly disturbing to the commission. Platforms must acknowledge that they are being used in an ecology of drug trafficking and take cooperative steps together to disrupt it. Given the

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2. Snap Inc. Overview of Content and Account Violations, *Transparency Report*, July 1, 2021–December 31, 2021, Released: April 1, 2022: <https://www.snap.com/en-US/privacy/transparency>.

3. Initiatives such as [Project Arachnid](#) and the Global Internet Forum to Counter Terrorism's [hash-sharing database](#), which detect online child sexual abuse and terrorist content, respectively, demonstrate possible approaches.



# BEST PRACTICE RECOMMENDATIONS

tremendous resources of corporations like Meta and Snap and the examples of efforts to remove CSAM and terrorist content from the web, we are confident that they can do better than they are doing now.

**The commission recommends that once a piece of content is verified as being related to drug trafficking, platforms archive a copy of the content to allow law enforcement access if it comes up in an investigation.**

## Evaluating compliance by the platform

Confirming that companies are preserving drug trafficking content they have found for future access by law enforcement should be done by a financially independent third party.

## 4. Promptly comply with and clearly report on court-authorized requests for information.

### Research questions

*How are court-authorized requests for information processed by the platform? Are requests tracked to allow measurement of response time? Does the platform have enough staff dedicated to responding to law enforcement requests to be a timely partner?*

### What we learned

**Companies are not responding to law enforcement inquiries in requisite time.** Law enforcement shared frustrations about their difficulty getting relevant information from social media platforms. Many interviewees told us that platforms ignored warrants (and deadlines) for months at a time, or even indefinitely, regardless of legal requirements. Investigators need information in days or weeks, not months. “Thirty-five days to answer a warrant is useless to us, we need access to this information in seven to ten days,” said one law enforcement official interviewed by the Commission.

**Platforms are not answering all subpoenas and court orders.** Transparency reports from [Snap](#) in 2021 showed that the company produced no data for as many as 20% of subpoenas and court orders. [Meta’s](#) response rate over the same period was higher, but the company still left 15% of subpoenas unanswered. Neither platform reported how long it took them to respond to a request or offered reasons why it might not have responded.

### Standards for social media platforms

Law enforcement officers and a financial executive we interviewed indicated that this lack of accountability to the court system was unique to social media platforms. The commission recommends that companies address these errors by:

**Responding to every legally authorized request for information from authorized requestors within their jurisdiction within ten days.**

# BEST PRACTICE RECOMMENDATIONS

**Publishing aggregated data about their response to law enforcement requests broken down by country and type of request.** For each country/type, they should report the number of requests, the number satisfied, the number of accounts and posts affected, and aggregated information about how long it took to fulfill the request in its entirety.

**For requests that cannot be answered, an aggregate report showing the reasons with the same breakdowns as above should be published.**

**Providing staff to advise an agency or court on the best methods to elicit the correct data, if a legal request is formed in a way that cannot be answered.**

## How to audit or evaluate compliance by the platform

There is no easy way to evaluate the veracity of a platform's transparency on this topic without compromising the confidentiality of investigations. Advocates should work directly with law enforcement, who have no reason to obscure the existence of unanswered warrants, to identify failures to respond to legally authorized requests.

## 5. Strengthen users' ability to report drug content.

### Research questions

*Do users of the platform have easy access to report content that violates the policies against drug trafficking and solicitation? Are users able to see the results of their reports? Are user reports tracked to allow analysis of how fast the policy team response time is?*

### What we learned

**Reporting drug trafficking on platforms is difficult for users.** A review of apps showed that platforms do not consistently provide users the ability to report drug trafficking. Snapchat, for example, allows a user to report a post for the sale or use of drugs. In a situation where a post has expired, however, there is no way to report the user who posted it for drug sales. That's true whether or not the user is a "friend" in the app. (See appendix for screenshots of Snapchat's reporting flow).

**Blocking search terms isn't stopping drug sales.** In addition, staff working with non-governmental organizations, "NGOs," informed us that the practice of blocking searches for words like "fentanyl" impedes their ability to find and report illicit activity, while traffickers evade these blocks by turning to novel slang. Continued drug trafficking on these platforms demonstrates that blocking search terms does not deter drug sellers, and it impedes third parties that assist platforms in identifying and reporting prohibited content.

# BEST PRACTICE RECOMMENDATIONS

## Standards for social media platforms

The commission recommends that platforms improve the user experience by:

**Ensuring that reporting functions allow a user to indicate that a post is trafficking prescription medicine or illicit drugs.**

**Allowing users to report drug traffickers.** On platforms where content expires, there should be a permanent option to allow users to report another user for drug trafficking, instead of limiting reporting to user posts.

**Allowing access to search terms for drugs.** Platforms should not block access to search terms for illicit substances or prescription medications. It only obscures the problem and makes it difficult for NGOs to find offending content.

## How to audit or evaluate compliance by the platform

All of these elements should be assessed through an independent third-party audit.

## 6. Implement APIs that allow independent parental control software.

### Research questions

*How are parents allowed to restrict what access minors have to the service? Can parents control who minors are allowed to communicate with and who can communicate with them?*

### What we learned

**Parental controls are weak and a low priority to platforms.** Interviewees expressed frustration that platforms did not provide robust tools to allow them to supervise their children's social media use. Parental control experts told us that platform-based parental controls are weak because they are lower priority than other platform innovations for their development teams. Independent parental control software relies on platforms providing third party programming interfaces (APIs) to allow software developers to build tools that parents can use. One expert told the commission that their company had made progress with Twitter, but several other platforms do not offer this access, which hampers the effectiveness of their software. In addition, the tension between preserving user privacy and offering parents access is substantial.

## Standards for social media platforms

The commission recommends that platforms:

**Implement APIs for their content using Twitter as a model.** Such access should allow parental control vendors to implement their tools for these platforms.

## 7. Establish third party assessment of social media platforms' transparency reports.

### Research questions

*Are the measurable elements of these programs tracked and published (redacted) in a way that allows the public to know the platform is making best efforts? Are the program elements reviewed by disinterested outside parties who have no ties to the platform?*

### What we learned

**Transparency reports aren't transparent.** Our primary interest in transparency reporting was to be able to hold platforms accountable for the poor speed with which they respond to warrants. Interviewees watching Facebook's transparency process suggested that social media platforms carefully curate their transparency reports to overstate their success. Without an expectation of timely or honest answers from the platforms, it may be easier to get this information from law enforcement than from social media platforms.

A third-party assessment of both transparency reporting and enforcement rates might lead to better results from social media platforms.

### Standards for social media platforms

The committee recommends that platforms take calls for increased transparency seriously by:

**Platforms should publish clear information about policies, access to parental control, and responsiveness to law enforcement and user reporting.**

**We strongly advocate that every social media platform hires an outside auditor to study the platform's transparency report looking for problems.**

**We strongly advocate that social media platforms have a third party that reports on compliance with request for information from law enforcement and reports that compliance to the public.** Both a regulating agency such as the Federal Trade Commission (FTC), or a truly independent third party auditor, could fulfill this role with trade-offs for each one. Either third party auditor would be an improvement over the current situation.

# ADDITIONAL STRATEGIES THAT EMERGED DURING INTERVIEWS

## Gathering data on unanswered subpoenas

Many law enforcement agencies around the country are frustrated with the poor and delayed responses of social media platforms to court-ordered requests for information. An interested party could conduct a joint effort to study all the subpoenas issued to social media platforms for a twelve-month period and analyze the results. Law enforcement agencies have this data, and have no incentive to conceal it.

## Federal Trade Commission involvement

One interviewee pointed out that if a platform stated that they were making safety improvements, and then the FTC found later that these improvements did not take place, then the FTC could take action against the platform. It might be possible to make this case by juxtaposing confirmed deaths with a platform's claims about safety improvements.

## Independent NGO enforcement

Project Arachnid is an NGO-led online effort that searches the Internet for CSAM content and then sends takedown notices to companies involved in hosting. Their primary emphasis is not law enforcement referrals, though they do them.

There are a number of possible roles for an NGO that wished to conduct a similar effort to find and report drug trafficking to social media platforms. The key here is that Project Arachnid is assisted by the universal disdain (and sometimes liability exceptions) for CSAM content. No such exception to the liability shield (Section 230) exists for drug trafficking. One approach would be to advocate for an exception in the European Union for drug trafficking and use that to leverage business practice change by the platforms in the U.S.

**Section 230** is a section of Title 47 of the United States Code enacted as part of the United States Communications Decency Act, that generally provides immunity for website platforms with respect to third-party content. This means that social media platforms are not liable for the content of third parties posted on their platforms, such as drug trafficking solicitations. It also makes them immune for any efforts taken to moderate that content.

## Raising the age limit for legal social media access

Many advocates said that thirteen was too young to use today's dangerous social media world. Such efforts are in their infancy and unlikely to gain momentum in the short term.

## Adopt emerging standards for content moderation and data sharing

There are emerging standards that address content moderation, data sharing, and consumer protection. Adopting any of these standards would improve the current situation of social media dangers for teens. Examples include:

- The United Kingdom's Age [Appropriate Design Code](#)
- [Santa Clara Principles on Transparency and Accountability in Content Moderation](#)

## Conclusion

Drug trafficking isn't the only problem social media platforms are dealing with. Advocates have raised concerns about cyberbullying, human trafficking, disinformation, child sexual abuse material, and many other issues. Social media platforms are relatively immune to public pressure and simultaneously seem incapable of making the changes required.

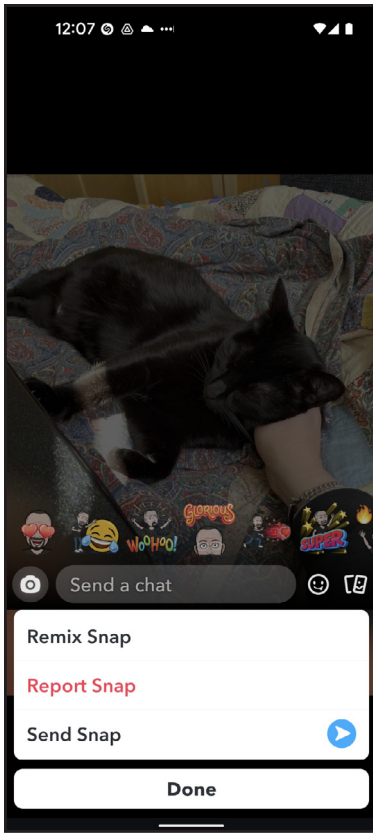
We understand that the social media giants that exist today won't be halting all their operations to immediately implement our recommendations. In fact, we acknowledge that many of them will simply ignore them.

However it's critical that we show current and future social media platforms what we expect of them. We hope that others will use these guidelines to make report cards to assess social media platforms and will continue to lobby them to be safer participants in our children's lives.

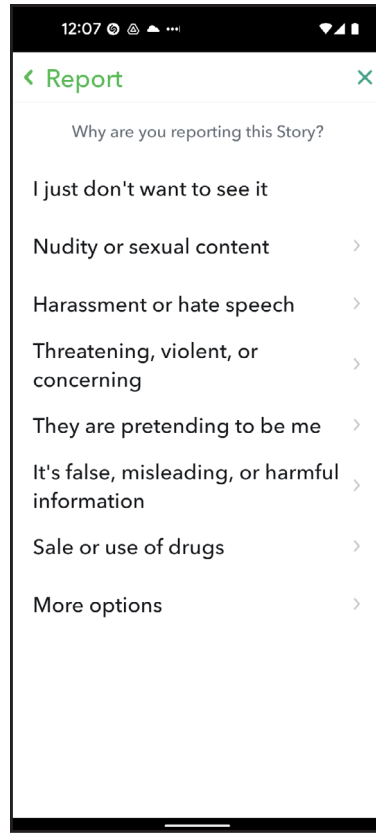
# Appendix: User reporting flow for Snapchat

## REPORTING A POST

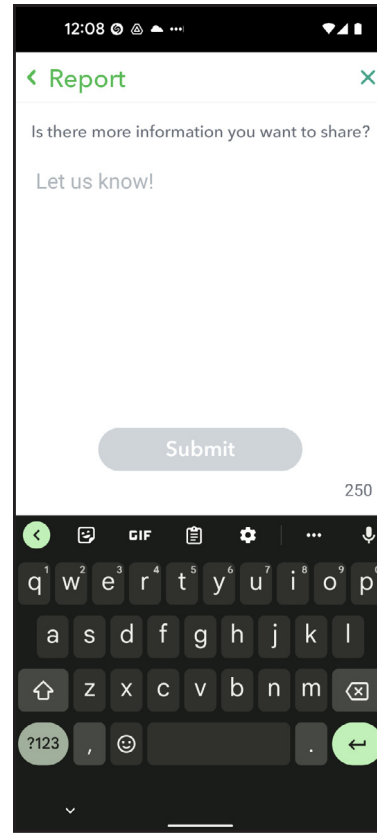
STEP 1



STEP 2

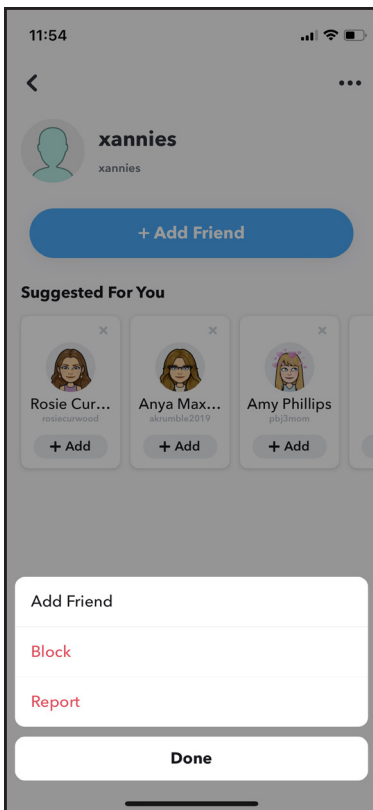


STEP 3

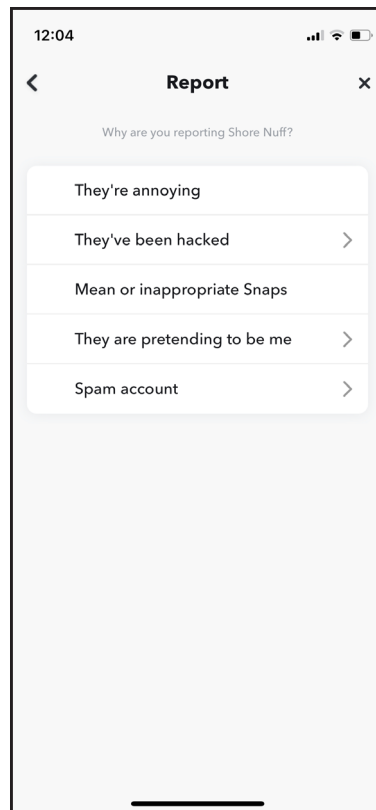


## REPORTING AN ACCOUNT

STEP 1



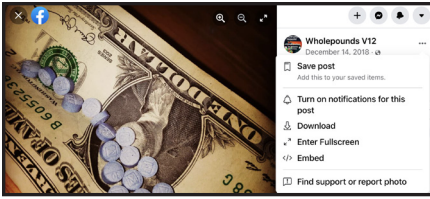
STEP 2



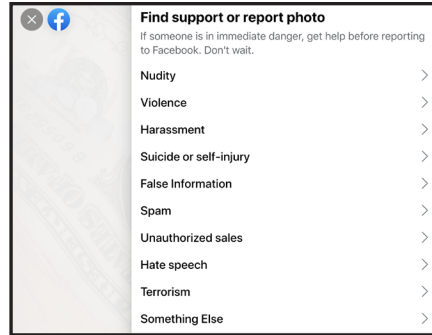
# Appendix: Reporting flow for Facebook

## REPORTING A POST

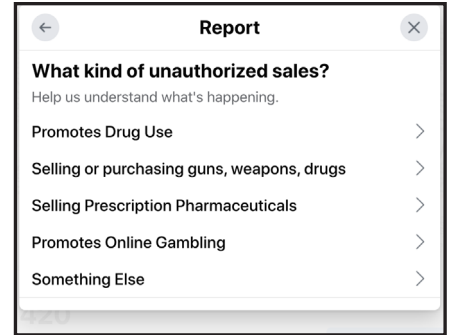
### STEP 1



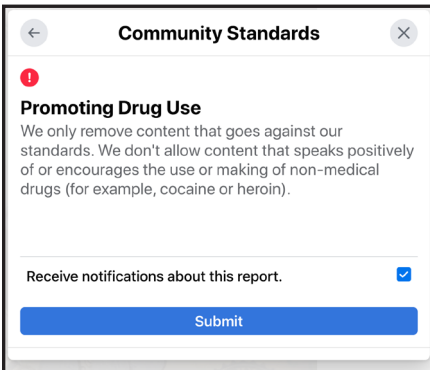
### STEP 2



### STEP 3



### STEP 4

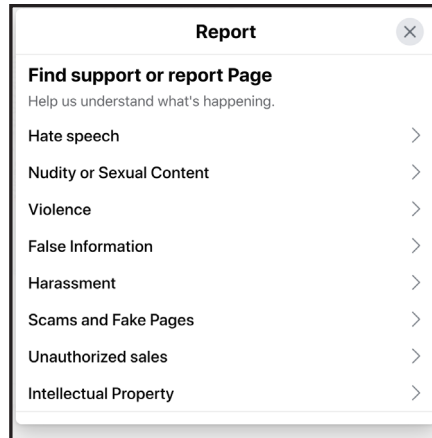


## REPORTING AN ACCOUNT

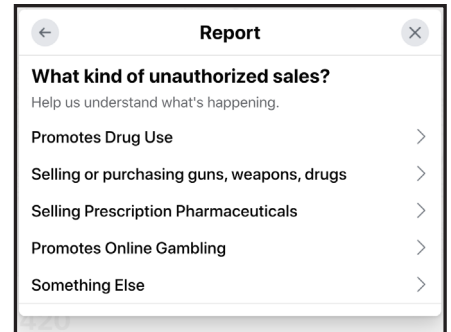
### STEP 1



### STEP 2



### STEP 3

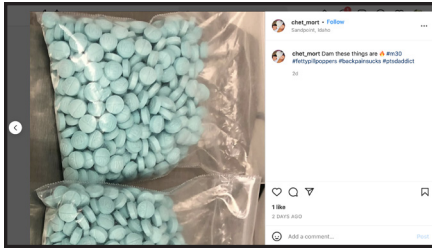




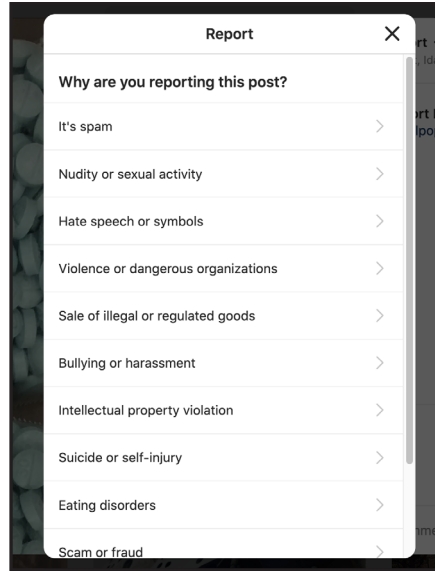
# Appendix: Reporting flow for Instagram

## REPORTING A POST

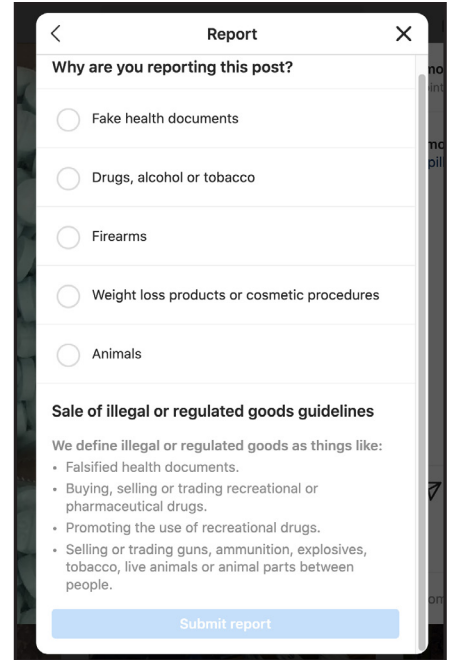
### STEP 1



### STEP 2



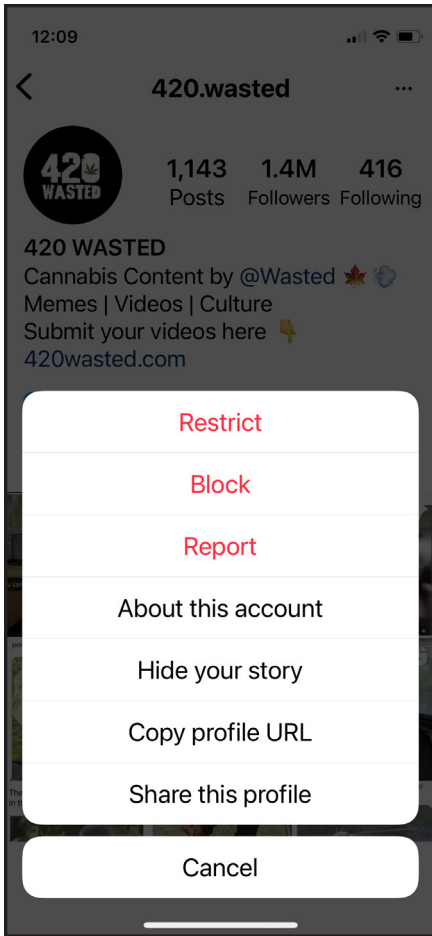
### STEP 3



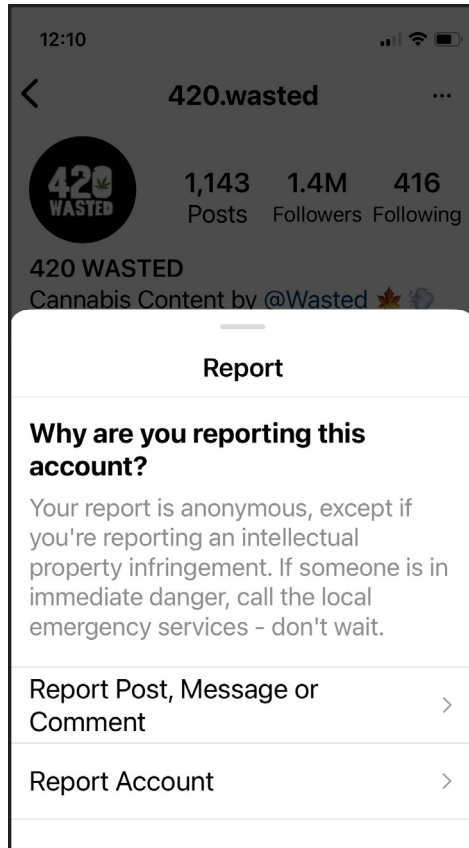
# Appendix: Reporting flow for Instagram

## REPORTING AN ACCOUNT

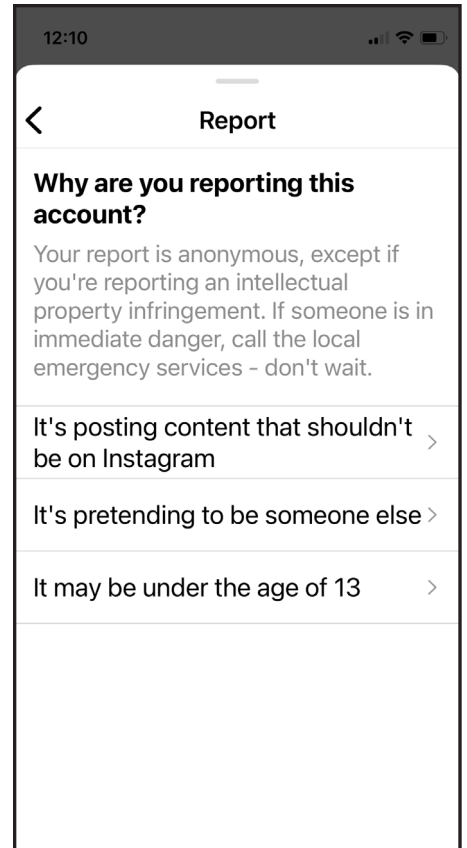
### STEP 1



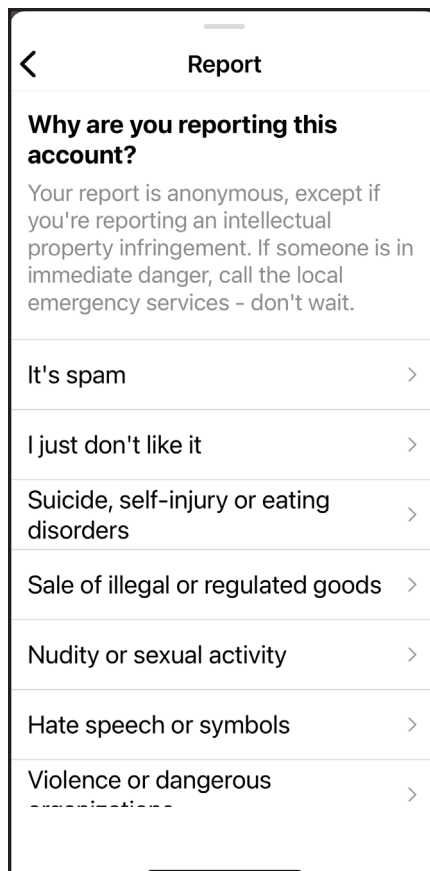
### STEP 2



### STEP 3



### STEP 4



### STEP 5

