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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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June 9, 2016

VIA ELECTRONIC TRANSMISSION

Mr. Kevin Systrom
Chief Executive Officer
Instagram
1 Hacker Way
Menlo Park, CA 94025

Dear Mr. Systrom:

Earlier this year, a judge in Champaign County Illinois issued a warrant for the arrest of Channing J. Butler who was accused of soliciting men to have sex with elderly women at Bickford Cottage – a memory care facility for seniors – where Butler was an employee.¹ During their investigation, police learned that Butler recruited these men so that he could videotape them having sex with the elderly women aged 88, 90, and 95 whose memories were failing.² Butler has since been charged with solicitation to commit aggravated criminal sexual assault, a Class 1 felony.³

Additionally, a news outlet published a story in December 2015 outlining 36 instances of elder abuse beginning in 2012 perpetrated through the use of cell phone technology like Snapchat.⁴ For example, at a nursing home in New Jersey, a nursing assistant photographed a resident's genitals and sent it to a friend.⁵ The friend then uploaded the picture to Facebook. In Wisconsin, two workers took photos and videos of nude or partially nude elderly residents and shared them on Snapchat.⁶ And a similar abuse occurred in New York.⁷

¹ Mary Schenk, *Man arrested over alleged plot to videorecord sex with memory-care patients*, THE NEWS GAZETTE (Jan. 19, 2016), <http://www.news-gazette.com/news/local/2016-01-19/man-arrested-over-alleged-plot-videorecord-sex-memory-care-patients.html>.

² *Id.*

³ *Id.*

⁴ See Charles Ornstein, *Inappropriate Social Media Posts by Nursing Home Workers, Detailed*, Pro Publica (Dec. 21, 2015), <https://www.propublica.org/article/inappropriate-social-media-posts-by-nursing-home-workers-detailed>.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

In particular, Instagram has been used in four different instances of elder abuse since 2012, the most recent involving a photo and video of a resident being taken and posted on Instagram without the resident's consent or knowledge.⁸ Other incidents included posted photos of a resident on the toilet in the bathroom and an Alzheimer's patient's name and picture appearing on Instagram.⁹

Although many offenders have been fired and prosecuted by state authorities, there may be many more unreported incidents of abuse. The Centers for Disease Control and Prevention (CDC) reports that the "physical and psychosocial consequences of elder abuse are numerous and varied."¹⁰ It is unclear what is being done to ensure that these consequences are avoided. But, what is clear is that we must use all the tools at our disposal to protect the elderly in this country. For example, if Instagram has restrictions or policies in place to protect the vulnerable, this Committee would appreciate an update with respect to Instagram's ongoing role in that regard.

The National Center on Elder Abuse (NCEA), a program directed by the U.S. Administration on Aging (AOA) under the purview of the Department of Health and Human Services (HHS), prominently displays this definition on its website: "[e]lder abuse is a violation of human rights and a significant cause of illness, injury, loss of productivity, isolation and despair."¹¹ Simply acknowledging this truth, however, is not enough. As technology and social media expand, we owe it to our nation's elderly population to ensure quality nursing home care, which debasement of patients does not fulfill. Therefore, I would like to know more about what Instagram is doing to protect the elderly in nursing homes in from those that utilize its website and app to perpetuate abuse. Please answer the following questions and provide the requested information.

1. With respect to the apparent increase in the use of social media and electronic devices to record elderly residents in compromising situations, what steps has Instagram taken, or intends to take, to prevent the abuse of its platform to exploit the elderly? Please explain in detail.
2. Please advise on any actions Instagram takes when its application is used for abusive or criminal acts.
3. Does Instagram have a plan in place to detect and combat the apparent growing number of instances of elder abuse? If so, what is the plan? If not, why not?

⁸ *Id.*

⁹ *Id.*

¹⁰ *Elder Abuse: Consequences*, Centers for Disease Control and Prevention, Injury Prevention & Control: Division of Violence Prevention, <http://www.cdc.gov/violenceprevention/elderabuse/consequences.html> (last visited Jan. 28, 2016).

¹¹ *Id.*

Thank you in advance for your cooperation with this request. Please number your responses according to their corresponding questions and respond no later than June 23, 2016. If you have questions, please contact Josh Flynn-Brown or Paul Junge of my Judiciary Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary