

MEMO

OFFICE OF THE DISTRICT ATTORNEY
AND PUBLIC ADMINISTRATOR
TODD SPITZER



March 24, 2023

TO: Orange County Chiefs of Police

FROM: Todd Spitzer, Orange County District Attorney

SUBJECT: Cyber-Vigilante Case Handling

PURPOSE

The purpose of this memo is to present our law enforcement partners with some background on cyber-vigilante operations and provide clarity on how the Orange County District Attorney's Office will be handling these cases.

BACKGROUND

In recent months Orange County has seen a spike in the number of online sexual predator-related investigations by members of the public. These citizen vigilante groups make a practice of communicating with potential online predators and then attempting to meet up with them in what often becomes an ambush-style public confrontation. These encounters are typically live-streamed or video-recorded and uploaded to social media. The vigilante will then report the incident to police and may choose to share information such as their communications with the suspect. Common potential charges are violations of California Penal Code sections 288.2, 288.3, and 288.4.

Cyber-vigilantes, even when well-intentioned, lack the training necessary to properly and safely investigate these cases. As a result, some of the actions taken by cyber-vigilantes have been reckless or even endangered public safety.

The Orange County District Attorney's Office does not condone or endorse this behavior and encourages anyone who believes criminal activity has taken place to report it to law enforcement and avoid direct confrontation.

POLICY

For these reasons, the Orange County District Attorney's Office will not file a case initiated by one of these citizen groups unless it has been fully investigated by a law enforcement agency and can be independently proven beyond a reasonable doubt without reliance on anything provided by or witnessed by these civilian vigilantes.

Investigative steps that may help establish independent proof of the applicable crimes include but are not limited to: a search or forensic evaluation of the electronic device(s) used by the suspect to communicate with the cyber-vigilante; admissions by the suspect to a law enforcement officer; observations made or evidence collected by law enforcement officers who respond to a vigilante call where the suspect is still present.

Even when provable through independent evidence, the Orange County District Attorney's Office retains the discretion to make filing decisions on a case-by-case basis. The threat to public safety will be considered along with other factors such as whether the vigilante engaged in egregious behavior in making that determination. Law enforcement is encouraged to contact one of the Sexual Assault Unit's Internet Crimes deputies with any case-specific questions.