

Policing Drug Trafficking on Social Media

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The drug overdose epidemic has continued to worsen in the United States over the last several years as [synthetic opioids](#), particularly illicit fentanyl, are [currently driving drug overdose deaths](#). Of specific concern to law enforcement is a primary method through which many individuals, especially teenagers, unlawfully purchase illicit fentanyl and other controlled substances—social media.

Drug Enforcement Administration (DEA) Administrator Anne Milgram [recently called](#) Snapchat and other social media platforms “the superhighway of drugs.” Individuals connect with drug dealers via social media and can quickly acquire illicit drugs, often with little evidence of the transaction.

Distributing and Acquiring Illicit Drugs Via Social Media

Drug traffickers solicit customers, and drug users seek to purchase drugs, via a range of online marketplaces both on the [surface web and the dark web](#). On the surface web, these [marketplaces include](#) e-commerce websites, mobile applications, online forums, and social media platforms such as Snapchat, Facebook, Instagram, Twitter, TikTok, and YouTube. Illicit drugs offered on these social media sites include, but are not limited to, methamphetamine, heroin, and fentanyl. In addition, fentanyl and other drugs are often falsely marketed as legitimate prescription pills, but instead are counterfeit pills that were illicitly manufactured and are illegally distributed. [According to the DEA](#), 6 out of 10 fentanyl-laced fake prescription pills contain a potentially lethal dose.

Traffickers and buyers make use of a host of social media features such as temporary or disappearing posts that help conceal their activities. In addition, [certain emojis](#) and their combinations are used to signal illicit drugs. After initial contact on social media sites, sellers and buyers may [move their communications](#) to encrypted messaging apps like WhatsApp, Signal, or Telegram to arrange the transactions.

Internal and External Policing of Social Media

Law enforcement and criminal justice officials [have noted](#) the evolving role that social media platforms play in the sale of illicit drugs. However, the portion of illicit drugs that are acquired, at least in part, using social media is unknown. Some companies have developed artificial intelligence [models](#) to detect online drug trafficking; one such company [reportedly detects](#) about 10,000 new drug-related accounts online each month.

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Law enforcement agencies [use social media](#) as a tool for information sharing (both with other agencies and the public) and as a source of information for active investigations. For example, the DEA has a “[One Pill Can Kill](#)” social media public awareness campaign and also investigates drug cases involving social media; the agency investigated [over 80 cases](#) involving drug trafficking on internet apps in 2021. There are no federal laws that specifically govern agencies’ use of information obtained from social media sites, but the ability to obtain or use certain information may be influenced by [social media companies’ policies](#) and law enforcement agencies’ own social media policies and [rules of criminal procedure](#). Technical factors, including [encrypted communications](#) and temporary or [disappearing content](#) and messages through which buyers and sellers exchange information also influence law enforcement’s ability to gather evidence from social media sites.

Criticism of Social Media Controls

The [DEA asserts](#) that social media sites are not taking sufficient actions to enforce their terms of service, which include prohibitions on drug dealing. Administrator Milgram [stated](#) that these companies have the means to stop illicit drug transactions via their platforms but choose not to: “Their entire model is based on leveraging user data. So they know what is happening.... They control their engineering, they control their artificial intelligence, they are driving people through algorithms to different pages on their platform.” She further stated that by allowing conversations to be erased after 24 hours, these companies are hindering DEA’s ability to do its job.

There are efforts on the part of social media companies and law enforcement to halt drug trafficking on social media. Social media companies generally have [policies prohibiting content](#) relating to buying, selling, or using illicit drugs and [policies prohibiting ads](#) that promote these activities. Their ability to enforce these policies depends on various factors including evolving means to conceal illicit behavior online and companies’ resources for [content moderation](#). [Meta, the parent company of Facebook and Instagram, notes](#) that, in the third quarter of 2022, it took action against 4.1 million violations of Facebook’s policies related to drugs—up from 3.9 million actions in the second quarter of 2022. It also notes that 98.3% of this content was flagged by Facebook before it was reported by users. Meta also has [similar reports](#) about content violations on Instagram, as do [Snap Inc.](#) and others for content violations on their platforms.

Congressional Considerations

Some policymakers [have expressed](#) concern about the availability of illicit drugs—particularly fentanyl-laced counterfeit prescription pills—sold via social media. Among the issues facing Congress are examination of (1) social media companies’ efforts to police content on their platforms, (2) the extent to which law enforcement is able to leverage public information on social media platforms, and (3) restricted information gleaned through lawful means to investigate drug trafficking.

Since its enactment in 1970, Congress has amended the Controlled Substances Act (CSA) to accommodate evolving drug threats. For example, in response to the threat presented by [ecstasy](#) and its [proliferation in illicit distribution and use at raves in the early 2000s](#), Congress [amended the CSA](#) to make it unlawful to lease, rent, or use a place for manufacturing, distributing, or using a controlled substance, or to manage or control a place for such use (referred to as “[maintaining drug-involved premises](#)”; previously it was only unlawful to open or maintain these places). The [DEA has given notice to social media companies](#) that it expects them to police their own platforms to protect users and prevent illicit drug sales. Congress might consider whether to amend the CSA to give the DEA additional enforcement tools in its efforts to prevent the illicit sale and distribution of drugs via social media. DEA and the Department of Justice have made it clear they intend to [hold companies and their executives responsible for enabling illicit drug marketplaces](#).

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