

Evidence Handling Techniques

The Development of the Rules of Evidence

The evolution of the rules of evidence in legal proceedings has been a long journey from the medieval methods of “trial by ordeal” to the sophisticated systems in place today. Here’s a concise overview:

Historical Background

Trial by Ordeal (Fourteenth Century):

- **Method:** Used primitive and superstitious practices to determine guilt or innocence.
- **Example:** Suspects of witchcraft might be submerged in water. If they died, they were deemed guilty as “God” had allowed it. If they survived, they were considered innocent.

Transition to Jury System:

- **Change:** Juries were introduced, composed of individuals with no firsthand knowledge of the case facts.
- **Result:** A reliance on testimonies from others emerged, necessitating a more structured approach to evidence.

Emergence of the Rules of Evidence

Protection Against False Accusations:

- **Need:** As juries became the norm, protections against false accusations, prejudicial remarks, and unsupported conclusions became essential.
- **Development:** These protections evolved into what is now known as the “Rules of Evidence”.

Influence of English Common Law:

- **Foundation:** Canada adopted many principles from English common law, which consists of traditional actions and procedures governing daily life without being formally codified.
- **Examples:** Concepts like “a man’s home is his castle” and “everyone is innocent until proven guilty” are rooted in common law.

Modern Codification and Changes

1949 Onwards:

- **Supreme Court of Canada:** In 1949, the “Court of Final Jurisdiction for Civil and Criminal Cases” was renamed the “Supreme Court of Canada”, marking a significant point in judicial evolution.

Charter of Rights & Freedoms:

- **Impact:** Introduced in 1982, it further codified judicial procedures and rules of evidence, ensuring the protection of individual rights within the legal system.

Sources of Evidence Laws

1. **Canada Evidence Act:** The primary federal statute governing the admissibility of evidence in legal proceedings.
2. **Provincial Acts:** Various provincial laws complement the federal legislation.
3. **Provincial and Federal Statutes:** Other miscellaneous statutes contain provisions related to evidence.
4. **Legal Precedents:** Decisions from Canadian courts, British Commonwealth courts, and other democratic nations apply common law rules and influence current practices.

Purpose and Flexibility of Evidence Rules

- **Objective:** To ensure fairness in trials, balancing the rights of the defendant and the plaintiff.
- **Adaptability:** These rules are not static; they are flexible and subject to change as deemed necessary by civil and criminal courts to maintain justice and fairness.

By understanding the historical context and the current framework, we can appreciate the importance of the rules of evidence in providing a fair trial and protecting the rights of all parties involved.

What are the basic types of evidence?

Understanding the fundamental types of evidence is crucial in legal contexts. This section explores how security guards should gather and manage evidence, addressing key protocols and considerations.

Types of Evidence:

1. **Testimonial Evidence:** Testimonial evidence comprises verbal statements made by witnesses, often under oath, regarding their knowledge of the case. Witnesses may

affirm rather than swear on religious or personal grounds, a practice accepted in courts. Children's testimony may be accepted if deemed truthful, even if they don't comprehend swearing. Additionally, non-verbal witnesses, such as those using sign language, or non-English/French speakers with interpreters, can provide evidence.

2. **Direct Evidence:** Direct evidence is testimony given by a witness based on personal perception through one or more of their senses, directly relating to a fact in question. For instance, a witness observing an assault and identifying the perpetrator constitutes direct evidence.

This type of evidence is presented as a truthful account of what was perceived, serving as proof of a relevant fact. Among the various forms of evidence admissible in trials, direct testimony from witnesses holds significant preference. However, judges must assess its weight considering several factors affecting its reliability. These include the witness's ability to perceive, recall, and articulate what was observed, as well as their comprehension of the questions posed.

The reliability of direct evidence undergoes scrutiny through questioning, whether by the accused, the prosecution, or the judge. This process aims to evaluate not only the witness's credibility but also factors that might affect the reliability of their testimony, such as alcohol consumption or poor lighting conditions at the time of observation.

3. **Circumstantial Evidence:** Circumstantial evidence differs from direct evidence in that it supports facts or circumstances from which the existence or non-existence of a fact in question can be inferred. For instance, while a witness directly seeing the accused stab a victim constitutes direct evidence, circumstantial evidence includes facts like the accused owning a similar knife, possessing gloves found near the victim, and being observed near the scene before the incident.

The reliability of circumstantial evidence hinges on its relevance to the fact it seeks to prove or disprove. Additionally, correct inference from the evidence is crucial. For example, wet grass may indicate rain, but other possibilities like dew or sprinklers also exist.

Each piece of circumstantial evidence need not conclusively prove guilt; it can stand alone or combine with other evidence to establish culpability or innocence. For instance, evidence that the victim was assaulted by someone in a red jacket with the number 23, coupled with the accused owning a similar jacket and being seen nearby wearing it, can collectively support a case.

4. **Hearsay Evidence.** Hearsay evidence is a statement originally made by someone other than a witness testifying at trial and which is submitted for the purpose of proving the

truth of the original statement. For example, if a witness gave evidence that at work on Tuesday, Mr. Jones told her he saw the accused hit the victim, and the purpose behind the witness's evidence is to prove that the accused assaulted the victim, then the statement of Mr. Jones is hearsay.

Hearsay evidence may be of questionable reliability because the person who made the original statement is not present to be questioned. That person's credibility and honesty cannot be tested and the truth of the statement cannot be assessed. The danger of unreliability increases each time a statement is repeated.

Hearsay evidence may be presented in the form of oral evidence given during the testimony of a witness, or in writing through a witness presenting a document for the truth of its contents. For example, if a witness submits a letter written by the victim detailing the events of an alleged assault, the contents of the letter is hearsay if it is being submitted to prove the circumstances of the assault.

Traditionally, hearsay evidence was excluded in courts because of its unreliability unless one of the exceptions applied. For example, statements made spontaneously and concurrently with an event are considered part of the event, such as if the victim of an assault is heard yelling "stop hitting me Bob" during an assault. A statement made by a dying individual is a further exception to the hearsay evidence rule. In these circumstances it is considered unlikely that the statement was concocted. This general exclusion of hearsay evidence has expanded and courts are now more open to accept hearsay evidence in circumstances where it is shown to be reliable and necessary.

5. Admissions:

Admissions made voluntarily by an accused and reported by another witness are exceptions to the hearsay rule and may be admissible in court.

6. Documentary Evidence:

Documentary evidence encompasses any written item capable of being used as evidence, regardless of the material on which it's inscribed. This includes documents, books, cards, photographs, sound recordings, films, videotapes, microfiche, computer records, and other forms of information stored electronically or by any other means.

To assess the reliability of documentary evidence, several factors related to the document's nature and quality should be considered by the presiding officer. For instance, video recordings or images may suffer from unclear audio or visual quality, while handwritten documents may have illegible writing. The condition of a document can also affect its readability and accuracy.

In the case of video recordings or photographs, the court must ascertain that they haven't been altered and accurately depict the intended content. Paper documents must be fully legible, and copies must faithfully reproduce the original without alterations.

Regardless of the document type, the judge must verify the accuracy of its contents before accepting it as evidence. For example, an accounting ledger might be genuine and unaltered but lacks evidentiary value if the entries are incorrect due to errors made by the person who recorded them.

Concerns about the reliability of certain documentary evidence can arise from potential tampering, highlighting the importance of careful examination and the availability of witnesses with personal knowledge to provide testimony and clarify any issues.

While an investigation report itself isn't admissible as evidence, the report's author can testify about the investigation's conduct, statements made by the accused to them, and other relevant contents within their personal knowledge. Attached documents such as statements by the accused or other witnesses can be accepted as evidence, ideally introduced by the person who wrote or received them.

7. Real Evidence:

Real (physical) evidence comprises items presented in court, including material objects such as weapons or clothing, as well as demonstrations or experiments conducted for judicial clarity.

When real evidence deemed relevant is admitted, the judge must assess its reliability and determine its evidential weight. This often revolves around establishing the identity of the object, especially if it's linked to the accused or the alleged offense. Typically, a witness is called to introduce the object, provide details on its discovery, location, and chain of custody since its discovery.

For instance, if an accused is charged with assaulting someone using a book found at the scene with the accused's name in it, a witness would verify its discovery, describe how it was found, and confirm its preservation to prevent tampering before trial.

A significant concern regarding the reliability of real evidence is that it often provides circumstantial evidence, meaning its existence alone doesn't conclusively prove guilt. Therefore, judges must exercise caution not to infer too much solely from its presence. Real evidence can, however, corroborate direct witness testimony. For example, while the ownership of a book used in an assault by the accused isn't proof alone of guilt, it can support a witness's testimony that they saw the accused use the book to assault the victim.

8. **Trace Evidence:**

Trace evidence refers to very small or sometimes invisible physical evidence that can be crucial in investigations. This type of evidence includes fingerprints, footprints found at or near a crime scene, and tiny physical objects like hairs or fibers from clothing.

Collection or photography of trace evidence requires expertise to ensure its integrity and relevance in investigations. If you're the first responder to a crime scene, it's crucial to preserve the scene without altering anything until forensic experts arrive. This preservation helps maintain the integrity of trace evidence, allowing experts to gather accurate information vital to the investigation.

9. **Opinion Evidence:**

Opinion evidence differs from factual evidence based on a witness's personal knowledge. It pertains to what a witness thinks, believes, or infers regarding disputed facts, grounded in facts already accepted into evidence.

The reliability of opinion evidence doesn't necessarily hinge on the witness being an expert in the subject. Everyday experiences allow most people to form reliable opinions. For instance, determining if someone was intoxicated based on observed behaviors doesn't require medical expertise but draws on common knowledge.

At trial, the judge isn't obligated to automatically accept opinion evidence. Like all evidence, once deemed relevant and helpful, the judge must assess its weight. They may decide to disregard the opinion entirely if deemed unreliable. The presiding officer must be cautious not to let witness opinions override their role in determining the facts of a case.

10. **Unsworn Evidence.** Each witness called to give evidence at a trial, must do so under oath or solemn affirmation. In the event that a witness does not appear to understand the nature of an oath or a solemn affirmation, due to their age or apparent mental incapacity, the Crown should be consulted.

Admission of Evidence into Court:

The process of admitting evidence into Canadian courts follows specific procedures. Failure to adhere to these procedures can render the evidence inadmissible and potentially expose the Guard to liability. Below is an outline of how evidence is presented and challenged in court:

1. **Examination in Chief:** This is when a witness presents their account of events as they know them. Leading questions, except for introductory

ones like "Is your name so-and-so?", are generally not allowed. For instance, asking "Was it raining the night you took the pictures?" would be considered leading and not permissible.

2. **Cross-Examination:** Conducted by the opposing side, cross-examination aims to highlight inconsistencies in the witness's testimony. Leading questions are permitted with the court's approval. For example, questions about weather conditions could suggest that a camera malfunctioned due to rain.
3. **Re-examination:** This phase allows clarification of specific points raised during cross-examination. No new evidence can be introduced, and leading questions are prohibited.
4. **Rebuttal Evidence:** This type of evidence addresses new points raised by the defence that the Prosecution could not have anticipated. For instance, a weather expert might testify to refute claims about rainy weather on a particular night.
5. **Surrebuttal Evidence:** This evidence specifically addresses the rebuttal evidence presented by the opposing side. It cannot introduce new issues. For example, the defence might challenge the qualifications of the weather expert or the accuracy of their weather recording equipment.

The Basic Test: Reliability and Relevance

The rules of evidence serve to uphold the admissibility of reliable and relevant evidence in court. Lawyers must navigate these rules, which can sometimes be used strategically to either obscure or reveal the truth. Throughout a trial, objections from counsel often aim to ensure that testimony aligns with these rules of evidence. One such rule is the prohibition against hearsay.

Bad Character

Evidence intended to demonstrate the defendant's bad character cannot typically be presented by the Crown in order to establish guilt for the offense in question. Previous convictions or offenses are generally deemed irrelevant and are not typically mentioned during a trial. However, evidence may be introduced to establish a pattern of behavior, such as similar offenses committed in the past. Additionally, evidence of bad character may be presented as rebuttal if the defense introduces evidence of good character.

Burden of proof

In Canadian law, the principle of "burden of proof" dictates that the party making an allegation must substantiate it with evidence. In criminal trials, failure to provide such proof precludes a

conviction. In civil cases, there is more flexibility, allowing for shared responsibility among parties.

While the overall burden of proof remains with the prosecution in criminal cases, there are instances where the defense must present evidence, known as the burden of producing evidence. If the prosecution establishes a prima facie case beyond a reasonable doubt and the defense fails to rebut it, conviction may result. This places an obligation on the defense to introduce evidence that casts doubt on the prosecution's case.

The defense is not required to prove beyond a reasonable doubt but must present significant evidence challenging any part of the prosecution's case. It's important to note that a defense is unnecessary until the prosecution establishes a prima facie case. Throughout the trial, the burden of producing evidence may shift between the prosecution and defense.

Specific sections of the Criminal Code of Canada outline instances where the burden of proof shifts, such as requiring the accused to justify their actions or intent. For example, under S.351(1) C.C., the prosecution must prove possession of break-in instruments, after which the accused must provide a lawful excuse. Similarly, under S.349(1) C.C., proof of being unlawfully in a dwelling shifts the burden to the accused to justify their presence.

Corroboration

Corroboration in legal terms refers to independent evidence that not only confirms that an offense occurred but also identifies the accused as the perpetrator. This corroborative evidence must meet specific criteria to be admissible in court:

1. It must be independent of the original source of information.
2. It must be material, meaning it demonstrates that the offense took place.
3. It must implicate the accused in the commission of the offense.

Corroboration can be provided through various means, such as voluntary admissions by the accused, testimony from independent eyewitnesses, or a collection of circumstantial evidence that collectively supports the allegations. Security guards should be aware of situations where corroboration is legally mandated, such as in sexual offense cases where it often includes medical reports, eyewitness statements, or forensic evidence. Additionally, in cases where corroboration is required by practice, judges must caution themselves or the jury against convicting solely based on uncorroborated testimony.

In summary, while corroboration may not always be legally required, obtaining it strengthens the credibility of a case in court and reduces the risk of wrongful conviction.

Best Evidence Rule

The Best Evidence Rule mandates that the highest quality evidence available must be presented in court. This means that original documents, recordings, or witnesses should be used whenever possible. If originals are unavailable, secondary forms of evidence can be substituted, though they are increasingly less reliable.

For instance, if a witness who testified at a preliminary inquiry passes away, their testimony may be read from the transcript. Similarly, a lost or destroyed document can be evidenced by testimony from someone who read it or by presenting a photocopy if available. In cases where an outdoor accident scene cannot be preserved, testimony, photographs, or sketches may substitute for physical evidence.

Adherence to the Best Evidence Rule ensures that courts receive the most accurate and reliable information available, minimizing the risk of errors or misunderstandings in legal proceedings.

Judicial notice

Judicial notice allows courts to accept certain facts as indisputable without requiring formal proof during trial. This rule is rooted in the principle that some facts are universally known or easily verifiable through reliable sources.

There are two categories of judicial notice: Common Acceptance and Indisputable Sources. Facts under Common Acceptance are widely known and accepted, such as the natural laws of gravity or the behavior of common objects. Courts accept these without detailed explanation because they are universally recognized.

Indisputable Sources refer to concrete facts that are current and incontrovertible, like basic geographical or demographic information. Expert witnesses, for example, do not need to prove such facts as they are universally acknowledged.

However, not all facts fall under judicial notice. Matters that require specific evidence, like visibility during a traffic accident, must still be proven by the parties involved in the case.

In summary, judicial notice streamlines legal proceedings by acknowledging certain facts as beyond dispute, thus saving time and resources in court.

Prima facie

Presumptions in law play a crucial role in legal proceedings, assisting in establishing certain facts or legal conclusions without direct proof, unless rebutted by the defense.

1. **Presumption of Fact:** These presumptions infer certain facts based on circumstances. For instance, if someone is found in possession of recently stolen property, it's presumed they knew it was stolen unless proven otherwise. Similarly, possessing burglary tools in suspicious circumstances implies intent to commit a crime. These

presumptions are rebuttable; the defense can present evidence to disprove them, such as demonstrating innocence or lack of knowledge.

2. **Presumption of Law:** These presumptions are established by statute and are legal conclusions drawn from proven facts. For example, intentionally breaking and entering a place presumes intent to commit an offense unless proven otherwise. Another instance is in hit-and-run cases, where fleeing the scene presumes guilt unless justified by fear for one's safety. These presumptions, like those of fact, can be rebutted by evidence contradicting the presumption's legal implications.
3. **Conclusive Presumptions:** These presumptions are absolute and cannot be rebutted with evidence. For example, everyone is presumed to know the law ("ignorance of the law is no excuse"). Additionally, children under a certain age, historically 12 but potentially evolving, are presumed incapable of forming criminal intent. Another example is the presumption that a person who refuses to plead in court is entering a plea of "not guilty."

Understanding these presumptions helps clarify how legal cases are built and defended, ensuring fairness and adherence to legal standards in the judicial process.

Prima facie

Presumptions in law serve a critical role within legal proceedings, aiding in the establishment of certain facts or legal conclusions without direct proof, unless effectively challenged by the defense.

1. **Presumption of Fact:** These presumptions infer specific facts based on circumstantial evidence. For instance, if an individual is discovered in possession of recently stolen goods, it is presumed they were aware of the items' stolen nature unless proven otherwise. Similarly, possessing tools commonly used in burglaries under suspicious circumstances suggests an intent to commit a crime. These presumptions are rebuttable; the defense can introduce evidence that contradicts the presumption, such as demonstrating innocence or lack of knowledge regarding the items' origin.
2. **Presumption of Law:** These presumptions are established by statutory law and derive legal conclusions from proven factual scenarios. For example, breaking and entering a premises with intent to commit an offense presumes criminal intent unless evidence shows otherwise. Likewise, in hit-and-run incidents, leaving the scene implies guilt unless justified by a reasonable fear for personal safety. These legal presumptions, like those of fact, can be challenged through evidence that negates the legal implications drawn from the initial facts.
3. **Conclusive Presumptions:** Unlike other presumptions, these are absolute and cannot be rebutted with contrary evidence. For instance, the legal maxim that "ignorance of the law is no excuse" presumes that individuals are aware of the laws they are subject to. Similarly, children under a certain age threshold, traditionally considered 12 years but subject to evolving legal interpretations, are conclusively presumed incapable of

forming criminal intent. Another example is the presumption that a defendant who refuses to enter a plea in court is asserting a plea of "not guilty."

Understanding the nuances of these presumptions is essential for comprehending how legal cases are constructed and defended, ensuring fairness and adherence to legal standards throughout the judicial process.

Privilege

Privilege in legal contexts refers to certain relationships where individuals are protected from being compelled to testify about confidential communications.

1. **Doctor and Patient:** Unlike some jurisdictions, Canadian law does not recognize a privilege between doctors and patients. Both can be subpoenaed to testify regarding their private conversations.
2. **Minister and Client:** While no statutory privilege exists, policy often allows a minister to claim privilege unless there are compelling reasons against it.
3. **Lawyer and Client:** Communication between a lawyer and client is privileged if it involves legal advice. This privilege belongs to the client, who can waive it, but not the lawyer. This protection extends to clients who receive legal advice and can be formally documented with a "letter of privilege."
4. **Public Interest or National Security:** Government officials, such as Ministers of the Crown, may refuse to disclose information on grounds of public interest or national security. For instance, the Bank of Canada may withhold details on banknote production to protect against counterfeiting.
5. **Husband and Wife:** Under the Canada Evidence Act, spouses cannot be compelled to disclose communications made during their marriage, unless certain exemptions apply.
6. **Police Officer and Informant:** Police officers generally do not have to disclose their informants unless it is necessary to prove the accused's innocence or challenge police conduct.
7. **Juror's Privilege:** Communications during jury deliberations are confidential and cannot be scrutinized judicially, even during appeals. Disclosing such deliberations can lead to contempt of court.
8. **Diplomatic Privilege:** Diplomatic privilege typically shields diplomats from legal proceedings in host countries, though it may be overridden if the diplomat's actions jeopardize state security.

Understanding these privileges is crucial for legal professionals and anyone involved in legal proceedings, ensuring respect for confidentiality and maintaining the integrity of judicial processes.

Expert witness

An expert witness is someone who possesses specialized knowledge, acquired through education, training, or experience, regarding a particular subject on which they testify. This expertise can be derived from scientific study, practical experience, or a combination of both. When recognized as an expert by the court, they are permitted to provide opinion evidence based on their knowledge and understanding of the subject.

For instance, a psychiatrist, having established their credentials and experience in the field of psychiatry, may offer opinions regarding an individual's mental state. Similarly, a police officer extensively trained in accident reconstruction may provide opinions on how an accident occurred or the speed at which a vehicle was traveling.

It's crucial to note that the evidence provided by an expert witness is solely based on their opinion, informed by their expertise. This opinion can be challenged by other experts who may offer different interpretations or conclusions based on their own qualifications and understanding of the subject matter.

In summary, expert witnesses play a pivotal role in legal proceedings by offering specialized insights that aid the court in understanding complex matters. Their opinions, grounded in their unique knowledge and experience, contribute to the broader process of achieving justice and clarity in judicial decisions.

The continuity rule

The continuity rule is a fundamental principle in the admission of physical evidence in legal proceedings. It requires that the witness presenting an item as evidence must be able to establish a clear chain of custody for that item. This means they must be able to confirm that the item presented in court is the same one that was originally seized or obtained.

For example, if a security guard seizes a cassette tape believed to have been taken without payment or a weapon used in a threatening incident, they must demonstrate that they maintained control over the item from the moment of seizure until its presentation in court. This ensures that there was no opportunity for tampering that could alter the item's condition or substitute it with a different object.

There are several methods to maintain continuity and integrity of evidence. One approach is to keep the item physically in their possession or in a secure location, such as a locked locker, where access is restricted. Alternatively, the item can be placed in a sealed container with the witness's signature across the seal, ensuring that any tampering would be evident. In cases where physical possession is impractical, documenting the item through photographs and securely storing these records can also serve to establish continuity.

By adhering to the continuity rule, the court can be assured of the authenticity and reliability of the physical evidence presented, enhancing the credibility and probative value of such exhibits in the legal process.

Gathering and preserving evidence

Security guards assigned to site responsibilities often find themselves as initial responders to incidents. While they may not lead investigations, their role in protecting and preserving the scene is crucial. A poorly protected crime scene risks damage or loss of vital evidence, potentially hindering efforts to hold perpetrators accountable.

Crime scenes vary widely in size and complexity, from small, confined spaces to expansive areas like apartment complexes. Securing these scenes requires diverse methods tailored to each situation, all aimed at preserving evidence until authorities can conduct a thorough investigation.

Effective methods include assessing the scene comprehensively: identifying present evidence, evaluating vulnerabilities, and determining the best strategies for protection. For instance, environmental factors like rain or wind can compromise evidence such as fingerprints or footprints in dust. Sensibly, guards should request cessation of any activities that could disturb evidence and restrict access to unauthorized personnel until authorities arrive. Closing doors and windows, and using plastic sheeting to shield the scene from the elements, are practical measures to maintain integrity.

Creativity is key in preserving evidence. Guards should leverage available resources imaginatively to safeguard the scene effectively. This proactive approach not only aids in maintaining evidence but also enhances the likelihood of holding accountable those responsible for the incident.

What can I do to make sure the crime scene is protected?

Ensuring the protection of a crime scene is crucial, especially if you are the first responder. Your observations may be pivotal in court proceedings. Here are essential steps to follow while awaiting police arrival:

- Prioritize medical assistance for anyone in need.
- Take detailed notes of everything observed, including sights, sounds, and odors. Document the time of each observation.
- Create diagrams to visually clarify your notes.
- Collect names, addresses, and statements from witnesses, ensuring they remain on-site until police arrive.
- Note descriptions of any suspicious individuals near the scene.
- Prevent unauthorized access to the area to safeguard evidence. Use tape or other materials to create barriers, or secure entrances.
- Protect trace evidence like footprints or cigarette butts; in adverse weather, cover them with a plastic sheet.
- Accompany authorized personnel (e.g., fire or ambulance) to the scene.
- Document any alterations made to the original scene.

Upon police arrival:

- Identify and defer to the officer in charge to maintain the chain of custody.
- Finalize your notes, noting the name and badge number of the officer who assumes control and the time of handover.
- Assist police as necessary before resuming normal duties.

Collecting Evidence – Six Core Steps

The meticulous collection and accurate logging of evidence are pivotal in determining its admissibility and credibility in court proceedings. Security guards tasked with this responsibility must adhere to a comprehensive approach encompassing six fundamental steps:

1. **Evacuate and Restrict Access** Ensuring the integrity of the crime scene begins with promptly evacuating unauthorized individuals and cordoning off the area with caution tape. This initial step is critical in preventing contamination and unauthorized interference with potential evidence. Contacting law enforcement promptly and conducting a systematic, thorough inspection of every inch of the scene are paramount. Each piece of evidence discovered must be meticulously documented, detailing the precise time, location, discoverer, and a meticulous description to ensure comprehensive and accurate records.
2. **Secure** The secure storage of evidence is a non-negotiable aspect of maintaining its integrity. Whether safeguarding items within a vehicle or a designated storage room, it is imperative that all evidence remains securely locked and accessible solely to authorized personnel. A crucial component of this step involves documenting the precise method used to secure each piece of evidence, often confirmed by the placement of a signed security seal, which acts as a tangible indication of any potential tampering attempts.
3. **Preserve** Preserving the condition of evidence is essential to its validity and admissibility in court. Guards must adhere to meticulous protocols, including the use of protective clothing such as gloves to prevent contamination that could compromise fingerprints or DNA evidence. Contrary to media portrayals, plastic baggies are discouraged due to their potential to trap moisture and compromise the structural integrity of evidence over time. Instead, opting for suitable alternatives like paper bags or other specified containers is advised. Additionally, capturing comprehensive photographs of each piece of evidence not only provides visual documentation of its condition and context within the crime scene but also serves as a vital backup in cases of loss, damage, or theft of the original item. Each photograph should include a reference object, such as a coin or pen, to accurately convey the size and spatial relationship of the evidence.
4. **Identify** Properly identifying evidence involves providing a detailed description of each item's characteristics and its relevance to the case at hand. Accuracy in this stage is paramount, as any discrepancies in identification can potentially jeopardize the admissibility of evidence during legal proceedings. For instance, labeling a recovered

ring as a “gold ring” necessitates subsequent verification to confirm its composition through appropriate testing methods.

5. **Continuity** The establishment and meticulous maintenance of the chain of custody are fundamental to substantiating that evidence has remained intact and unaltered from its initial collection through to its presentation in court. Guards must rigorously track the movement and handling of each piece of evidence, ensuring it remains inaccessible to any unauthorized parties. Any breach in this continuity may render the evidence inadmissible, highlighting the critical importance of adhering to stringent procedural protocols.
6. **Log** Comprehensive documentation is key to corroborating the integrity and continuity of evidence throughout its journey from the scene of the offense to its eventual presentation in court. A detailed log should meticulously record every instance of evidence handling, encompassing names, dates, and specific reasons for any interactions with the evidence. Furthermore, the use of seals on evidence packaging serves as a visual indicator of any potential tampering attempts since its last documented handling.

In situations where immediate police intervention is not feasible, security guards must exercise utmost diligence in the collection and preservation of evidence until professional law enforcement personnel assume responsibility. The meticulous adherence to these detailed steps not only ensures the integrity and admissibility of evidence in legal proceedings but also underscores the critical role of security guards in upholding the rule of law and facilitating justice.

Collecting evidence – audio and video materials

The collection of audio and video materials introduces unique challenges due to stringent privacy laws governing their acquisition and use. Security guards must navigate these legal considerations carefully:

1. **Single Party Consent** Audio recordings can be legally obtained under the principle of Single Party Consent, which mandates that at least one participant in the conversation must be aware of and consent to its recording. This regulation prevents unauthorized recording of private conversations between unsuspecting individuals.
2. **Reasonable Expectation of Privacy** Certain locations, such as washrooms, changing areas, or private bedrooms, are legally designated as areas where individuals maintain a reasonable expectation of privacy. Placing electronic recording devices in these spaces without explicit consent is strictly prohibited under privacy laws.
3. **CCTV Systems** Security guards monitoring CCTV systems should be aware of potential sightlines into residential areas adjacent to client properties. Viewing private residential areas without homeowner consent violates privacy laws, emphasizing the need for guards to maintain ethical surveillance practices.

Navigating these legal frameworks ensures that security guards uphold legal standards while fulfilling their responsibilities in evidence collection and surveillance operations. Understanding and adhering to these guidelines is essential to mitigate legal risks and ensure the admissibility of evidence in judicial proceedings.