

# Digital Evidence Handling

Photos , CCTV Footages &  
Audio



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# Current Digital Evidence Landscape



## In Indian Courts

Over 80% of serious criminal cases now involve some form of digital evidence in India.



## Trends & Developments

Law enforcement is prioritizing digital forensics training and cyber labs across states.



## Importance

Digital evidence has shifted investigation methodology from witness testimony-based approaches to evidence-based methods in criminal proceedings .



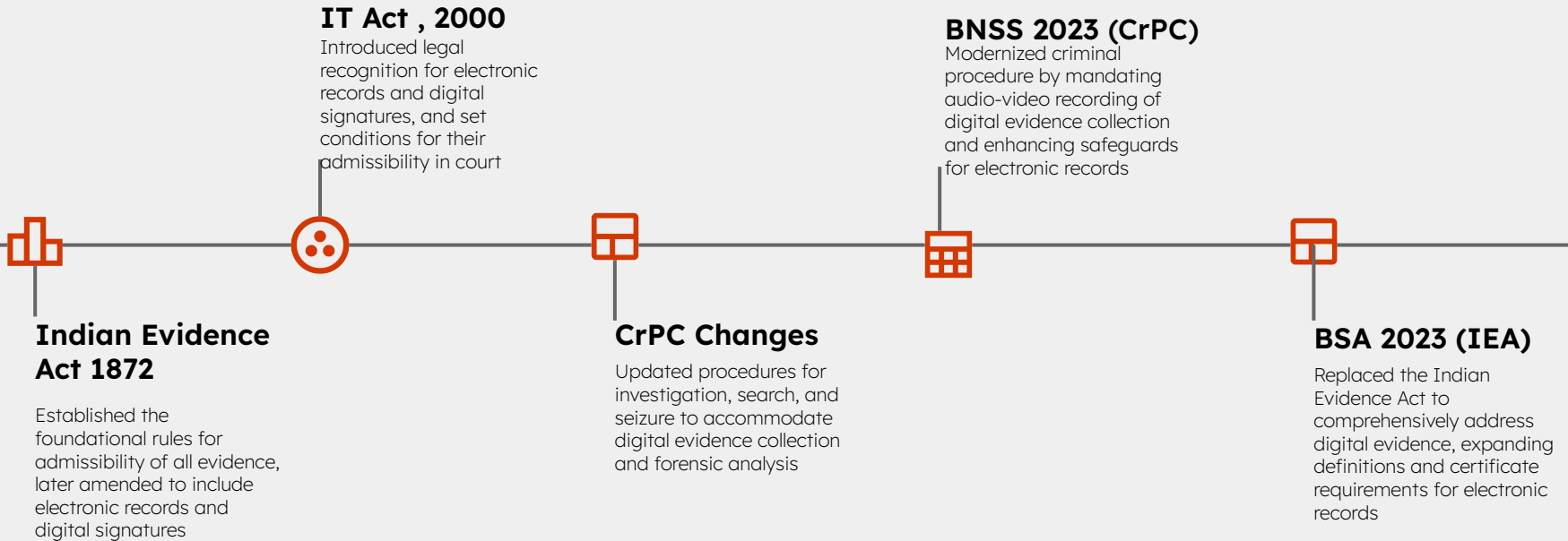
## Challenges

Authenticity and integrity verification remains challenging as digital evidence is vulnerable to tampering, alteration, or deletion

# Key Personnel in Evidence Chain

- 1** *Investigating Officer* Responsible for identifying, collecting, and ensuring the integrity of digital evidence at the crime scene.
- 2** *Forensic Examiners* Analyze, extract, and authenticate digital evidence using specialized forensic tools and techniques.
- 3** *System Admin* Facilitate secure access to digital systems and assist in preserving logs and relevant electronic records.
- 4** *Judicial Officer* Evaluate the admissibility, authenticity, and relevance of digital evidence during court proceedings.
- 5** *Defense Counsel* Scrutinize the digital evidence for procedural lapses, authenticity, and potential grounds for exclusion.
- 6** *Expert Witness* Provide specialized technical opinions and clarify complex digital evidence for the court.

# Evolution of Digital Evidence Laws



# Sec.65B

- **Purpose & Structure :** Section 65B enables computer-generated copies (like printouts or files on media) to be treated as documents and admitted as evidence if specific conditions are met
- **Primary vs. Secondary evidence distinction:** Primary evidence is the original electronic record, while secondary evidence is a computer output (copy or print out) that needs special compliance under Section 65B for admissibility
- **Condition for admissibility :** Electronic records are admissible only when the requirements of Section 65B(2) are satisfied, allowing the copy to be submitted without producing the original
- **Technical conditions under Section 65B(2):** The computer must be regularly used, information regularly fed in the ordinary course, and the device must be working properly during the relevant period, with all conditions met cumulatively
- **Certificate requirement under Section 65B(4):** A certificate from a responsible person must detail the device, extraction process, and affirm the record's authenticity and integrity for the copy to be admissible in court

## CERTIFICATE UNDER SECTION 65B OF INDIAN EVIDENCE

ACT, 1872

### (Authenticity of Electronic Records)

I ..... (name) state that I am employed in ..... (organization) as ..... (designation).

2. I state that being employed in....., I have personally supervised in preparation on the following electronic records as noted below, through computer terminals in my/our office, by me/our staff under my direct supervision.

a. A DVD-R bearing no..... containing true copy of all electronic records pertaining to .....e-mail account, original of which are available in our computers. The hash value of the contents of the DVD-R is.....

b. A DVD-R bearing no..... containing true copy of all electronic records pertaining to.....email account original of which are available in our computers.

c. A computer printout numbering from page .....to.....marked as..... containing true copy of.....electronic records pertaining to.....original of which are available in our computers.

(Please note that print out of an electronic records stored in a computer is also an electronic record) (a,b,c,..... is the list all the electronic documents which are being certified and sent -under this certificate. It should be clearly identifiable and therefore the DVD-R or the printout should bear a seal / handwritten note/printed note/ signature, and which should be made note of in the certificate) (Each page of printout should be carrying a seal of the office / officer sending it) (Furnishing the hash value of the contents of the record furnished is not compulsory but desirable in the certificate)

3. I further state that all the electronic records contained in digital media / print outs as noted in para 2 above are true copies made of the original electronic records maintained in our computers, in our establishment and the same have been produced using the computers in our establishment under my command identifiable as noted below:-

a. Computer no./Computer series/Server no.....

b. Printer.....

c. ....

# Sec.65B[4]

- **Who can Issue :** A person in a responsible official position with control or knowledge of the relevant device or system may issue the certificate (e.g., system admin, IT officer, device operator)
- **Timing of Submission :** The certificate can be filed at any stage before the trial concludes, but ideally should be submitted along with the electronic evidence during the evidence stage
- **Contents of a Valid certificate :** It must identify the electronic record, describe how and by which device it was produced, confirm regular use and proper functioning, and be signed by the responsible person
- **Common Errors :** Frequent issues include missing technical details, improper signatory, vague process description, late filing, or inability to obtain the certificate when not in possession of the device

(Section 65B (4b) requires that the certificate should "give such particulars of any device involved in the production of that electronic record as may be appropriate for the purpose of showing that the electronic record was produced by the computer" and also "describing the manner in which the electronic records were produced")

4. In respect of the records provided above and the information contained therein, it is further certified that:-
  - a. The computer output containing the information was produced by our computers during the period .....over which computer was used regularly to store and/ or process information for the purposes of any activities regularly carried on over that period by our authorized employees.
  - b. During the said period the information of the kind contained in the electronic record or of the kind from which the information so contained is derived was regularly fed into the computer in the ordinary course of the said activities.
  - c. Throughout the material part of the said period, the computer was operating properly. In respect of period..... in which computer was not operating properly/ was out of operation, it was not such as to affect the electronic record or the accuracy of its contents.
  - d. The information contained in the electronic record reproduces or is derived from such information fed into computer in ordinary course of said activities.
5. This is stated to the best of my knowledge and belief.

Place.....

Date .....

Signature

Name & Designation

(with seal preferably)

(The marked text is only for guidance in making the certificate).

# Key Supreme Court Judgments

- **Anvar P.V. v. P.K. Basheer (2014)** : The Supreme Court held that electronic evidence (like CDs, emails, or computer printouts) is inadmissible as secondary evidence unless accompanied by a Section 65B certificate.
- **Shafhi Mohammad v. State of Himachal Pradesh (2018)** : The Court relaxed the certificate requirement, holding that if the party does not possess or control the device, the absence of a Section 65B certificate should not bar admissibility.
- **Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal (2020)** : The Supreme Court clarified that the Section 65B certificate is mandatory, but it can be filed at any stage before the conclusion of the trial. The Court overruled the relaxation allowed in Shafhi Mohammad, except in rare cases where the certificate truly cannot be obtained.
- **Chandrabhan Sudam Sanap v. State of Maharashtra (2025)** : In this murder case, the prosecution relied on CCTV footage to prove the accused was last seen with the victim. However, they failed to submit a Section 65B certificate for the CCTV footage (though they had one for call records).



# Legal Provisions for Evidence Collection



## **Sec 91 CrPC**

Summons to produce documents or things



## **Sec 92 CrPC**

Procedure for postal/telegraph items



## **Sec 100 CrPC**

Search procedures and witness requirements



## **Sec 165 CrPC**

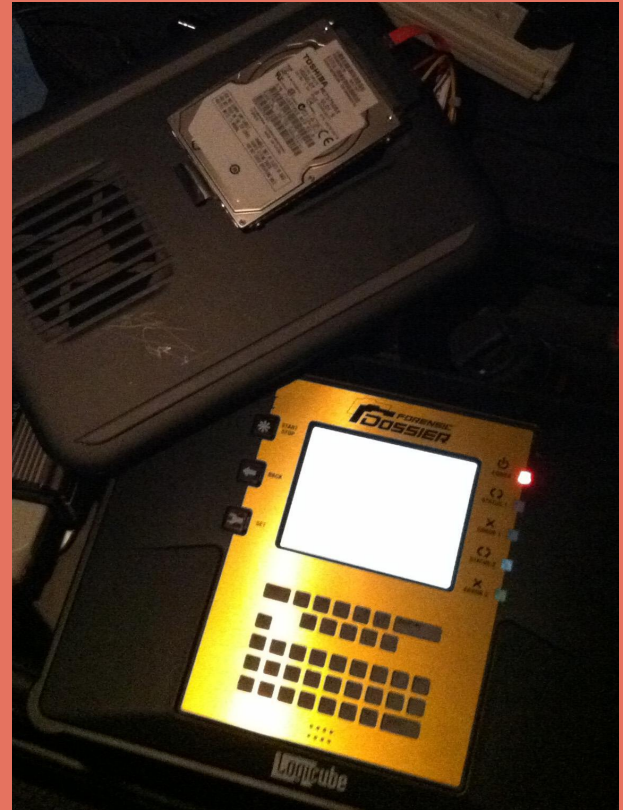
Emergency search by police

# Digital Evidence Collection

CrPC Sec 100& 165

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- > Recognize all devices, storage media, and data sources that may contain relevant electronic evidence at the scene.
- > Meticulously record every step, including device details, condition, location, and actions taken, to ensure transparency and traceability.
- > Utilize specialized forensic hardware and software such as write blockers, imaging tools, and hash generators for proper acquisition.
- > Implement measures like hashing, tamper-evident packaging, and secure storage to prevent alteration or loss of digital evidence.
- > Begin a formal log tracking each person who handles the evidence from the moment of collection to maintain admissibility in court.



# Documentation

BNSS Sec 105

**1** *Mahazar* an official, witnessed document recording what was observed, seized, or done during an investigation, signed by the investigating officer and independent witnesses

**2** *Technical Details* Include device descriptions, serial numbers, hash values, storage media details, extraction methods, packaging, and chain of custody entries for all digital items seized.

**3** *Witness* At least two impartial local witnesses must be present during the search and seizure, and their signatures are required on the mahazar.

**4** *Video Recording* Bharatiya Sakshya Adhiniyam, 2023, mandates video-recording of the mahazar process for digital evidence collection in serious cases.

# Forensic Imaging

- A **bit-by-bit** or bit-stream copy captures every sector of the storage device—including deleted, hidden, and unallocated space—ensuring a complete replica for forensic purposes

## Imaging vs. Copying:

- Regular copying: Regular copying transfers only active files and folders, missing deleted or hidden data.
- Forensic imaging: Forensic imaging duplicates the entire storage device bit-by-bit, preserving all data including deleted and hidden files.

## Write Blockers:

- Hardware write blockers: Hardware devices that prevent any write commands to the storage media, ensuring original data is not altered during imaging.
- Software write protection: Software tools that restrict write access to storage devices during forensic acquisition.
- One-way adapters: Adapters that allow data to flow only from the storage device to the forensic workstation, preventing writes back to the device.



Forensic imaging is the process of creating an exact, verifiable copy of digital storage media to preserve data for analysis without altering the original

# Forensic Imaging

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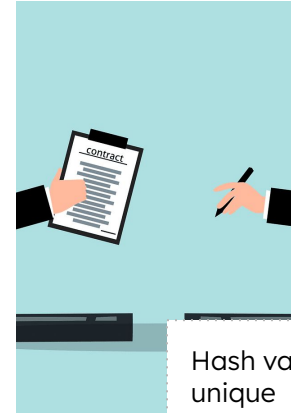
## Types of Acquisition:

- **Dead acquisition** (powered off): Imaging performed on powered-off devices to avoid data alteration during acquisition.
- **Live acquisition** (running system): Acquisition of data from a powered-on system, capturing volatile data like RAM and active processes.
- **Network acquisition**: Collecting data remotely over a network connection from a target device.
- **Memory acquisition**: Capturing volatile memory (RAM) contents to preserve data that would be lost on shutdown.

# Hash Value & Data Integrity

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- Hash algorithms process input data to produce a fixed-length output, where any change in the original data results in a completely different hash.
- Hash values are generated using forensic tools during acquisition and can be recalculated later to verify that the data remains unchanged.
- Hashing should be done before and after imaging, during transfers, and at every stage where evidence integrity needs to be confirmed.
- All generated hash values must be meticulously recorded in seizure memos, mahazars, and chain of custody forms for traceability.
- Presenting matching hash values in court demonstrates that the digital evidence has not been altered from collection to presentation.



Hash values are unique alphanumeric strings generated by algorithms (like MD5, SHA-1, SHA-256) that act as digital fingerprints for files or data sets.

# Handling Digital Image files



Monday 19 May, 2025 · 4:59 pm  
20250519\_165859.jpg  
/Internal storage/DCIM/Camera

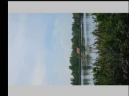
Edit

Galaxy S23 Motion photo  
8.15 MB | 3000x4000 | 12MP  
ISO 25 | 69mm | 0.0ev | F2.4 | 1/1667 s

# Add tag

## Embedded Information (EXIF)

ORIG 2.91 MB EXIF (N/A)



Color space	Uncalibrated
Orientation	Normal [0] [0]
Original time	2025:05:19 16:59:00:185 +05:30
Digitized time	2025:05:19 16:59:00:185
Time	2025:05:19 16:59:00:185 +05:30
File modified	2025:05:19 16:59:34
Software	S911BXXU8DYD9
Owner	com.sec.android.app.camera

## Types

Digital images can be stored in formats like JPEG, PNG, TIFF and RAW, each varying in compression, quality, and metadata support.

## Metadata EXIF

EXIF metadata embedded in images records details such as camera model, date/time, GPS location, and device settings, aiding forensic analysis.

## Extraction

Images should be copied using forensic tools or write-protected devices to preserve both the file and its metadata without alteration.

## Avoid Alteration

Always work on forensic copies and avoid opening or editing original files to prevent accidental changes to EXIF or other metadata.

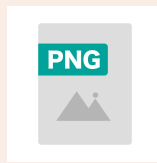
# File Types

## JPEG



This is the most widely used image format due to its efficient compression. JPEG is a lossy format, meaning some image data is discarded during compression, which can affect forensic analysis, especially if image authenticity or manipulation is in question.

## PNG



PNG uses lossless compression, preserving all original image data. It's commonly used for graphics and screenshots and is preferred when image quality and integrity are paramount.

## TIFF



TIFF files are often used in professional and forensic contexts because they support high-quality, lossless images and extensive metadata storage.

## RAW



RAW files are unprocessed sensor data from digital cameras. They retain the highest amount of detail and metadata, making them ideal for forensic analysis, but require specialized software for viewing and processing.



# Metadata

- 1 EXIF** metadata is embedded in most digital images and includes information about the camera make and model, date and time the photo was taken, exposure settings, and sometimes GPS coordinates if the device had location services enabled.
- 2 IPTC** metadata is used primarily by media organizations and includes fields for keywords, captions, copyright information, and creator details.
- 3 XMP** metadata, developed by Adobe, is often used by photo editing software to record editing history, tags, and additional descriptive information.

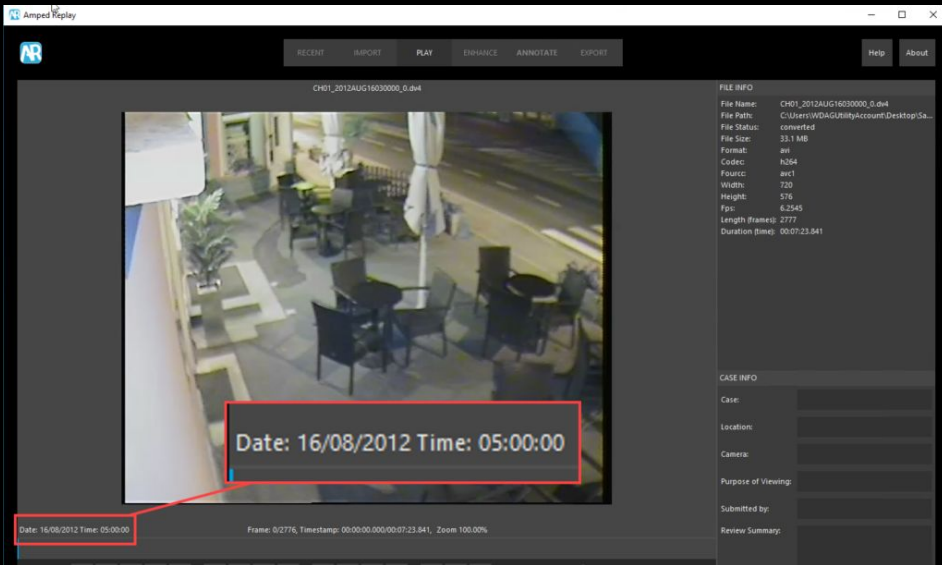
# Image Enhancements

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- Modifying contrast and brightness helps reveal hidden details in underexposed or overexposed images without altering the actual content.
- Applying filters or algorithms removes random speckles or grain from images, improving clarity, especially in low-light or compressed photos.
- Specialized tools can reduce compression artifacts, lens distortions, or motion blur, making key features more discernible for analysis.
- Techniques like interpolation or super-resolution can increase the apparent detail in an image, but must be used carefully to avoid introducing artifacts.



# Handling Digital Video files (CCTV)



## DVR/NVR

DVR systems record and store video from analog cameras by digitizing and compressing footage, while NVR systems work with IP cameras, capturing and storing video streams over a network

## File Formats

Many CCTV systems use proprietary video formats (like .XVC, .NVR, .HK, .DW, .264) that require specific manufacturer software or expert tools for playback and analysis.

## Time Synchronization

CCTV devices often suffer from time drift or incorrect time settings, so it's crucial to check, document, and, if possible, synchronize device clocks using NTP servers to ensure accurate event timelines

## Documentation

Precisely recording camera placement and angles is essential for understanding the field of view, reconstructing events, and ensuring footage is actionable and legally admissible

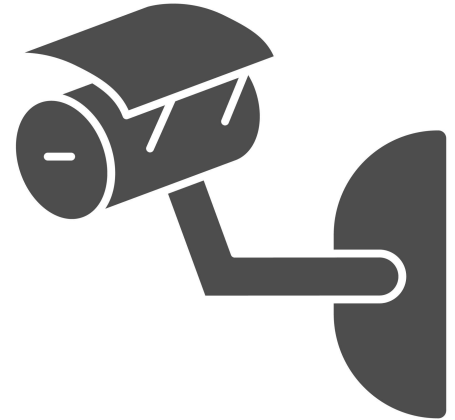
# CCTV TYPES

- 1** *Analog CCTV* systems use traditional cameras that transmit video signals over coaxial cables directly to a Digital Video Recorder (DVR). The DVR digitizes and stores the footage. These systems are cost-effective and simple but offer lower resolution and require direct cabling for each camera, making installation cumbersome in large premises.
- 2** *IP (Internet Protocol) CCTV* systems use digital cameras that connect via Ethernet or Wi-Fi to a Network Video Recorder (NVR) or cloud server. These systems offer high-resolution video (often up to 4K), remote access, smart features like motion detection, and easier scalability. IP systems allow for centralized management, remote monitoring, and advanced analytics, making them standard in modern surveillance.
- 3** *Cloud Based* These systems store footage directly on remote cloud servers, providing benefits like remote access, enhanced security, and virtually unlimited storage. Cloud-connected CCTV is increasingly popular for its scalability, tamper-resistance, and ease of sharing footage with authorities. However, it is dependent on stable internet connectivity and robust cybersecurity measures.

# Critical Informations to Document

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- Document the video resolution, frame rate, and compression codec (e.g., H.264, H.265, MJPEG) used by the system. These affect image quality, storage requirements, and compatibility with playback software
- Record the system's time zone, current date/time, and whether time synchronization (e.g., via NTP) is enabled. Accurate timekeeping is crucial for event correlation and legal proceedings, as time drift can undermine evidence reliability.
- Map and photograph the exact positions and angles of all cameras. This contextual information is vital for reconstructing events, understanding the field of view, and corroborating witness statements or other evidence
- Note the system's storage retention policy—how long footage is kept before being overwritten. Most systems retain footage for 30–90 days, but this can vary by configuration and storage capacity
- Collect and preserve logs showing who accessed, exported, or modified footage. Access logs are essential for maintaining chain of custody and detecting unauthorized access or tampering



# Video Analysis Pre- Processing



- Some CCTV cameras use non-standard aspect ratios (e.g., 4:3, 16:9, or even more unusual ones). If footage is viewed or exported without correcting the aspect ratio, objects and people may appear stretched or squashed, leading to misidentification. Aspect ratio correction restores the true proportions of the recorded scene, which is essential for reliable forensic interpretation.

- CCTV systems often store footage in proprietary formats (e.g., .h264, .dav, .dat) that may not be directly compatible with standard forensic tools or courtroom playback.
- Different CCTV systems may record at varying frame rates (frames per second, or fps), which can affect playback speed and event timing. Normalizing the frame rate—by converting all footage to a consistent fps—ensures accurate synchronization across multiple cameras



# Enhancement Techniques

**1** *Frame Stabilization* Many surveillance cameras are subject to vibrations or movement (e.g., wind, passing vehicles). Frame stabilization algorithms digitally compensate for this shake, producing smoother video that makes it easier to identify people or objects and track movement accurately.

**2** *Low-light Optimization* Nighttime or poorly lit footage is common in surveillance. Low-light enhancement techniques adjust brightness, contrast, and gamma, and sometimes use advanced algorithms to reveal details hidden in shadows or dark areas, making critical evidence visible.

**3** *Motion Blur Reduction* Fast-moving objects (like vehicles or people running) can appear blurred due to slow shutter speeds or low frame rates. Motion blur reduction uses deblurring algorithms to clarify these moving subjects, improving the chances of identification.



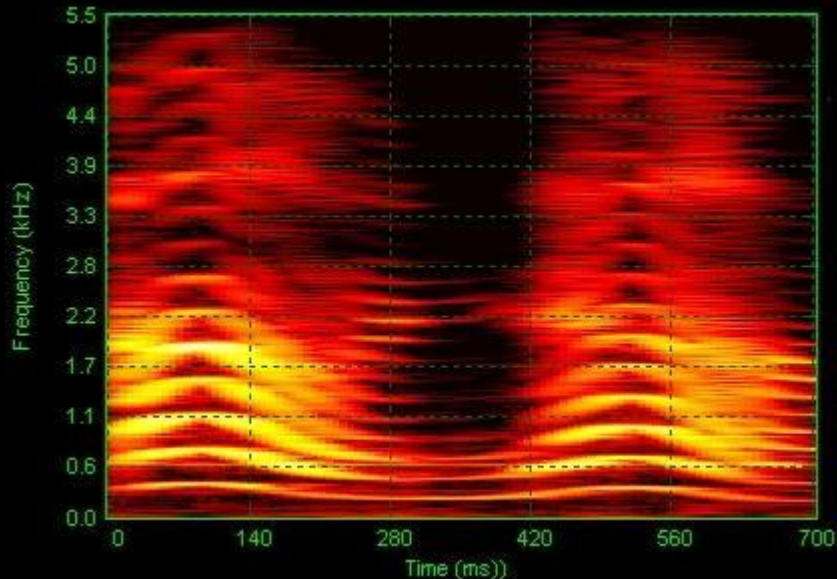
# Technical Boundaries

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- **Resolution Limitations:** No enhancement technique can create details that were never captured by the camera. If the original footage is low-resolution, pixelated, or heavily compressed, there is a hard limit to how much detail can be recovered. Over-enhancement may introduce artifacts or misleading features.
- **Original Quality Constraints:** The quality of the original recording—affected by camera sensor, lens, lighting, and recording settings—sets the ceiling for what enhancement can achieve. Poor focus, excessive compression, or physical damage to the recording media may permanently obscure information.
- **Scientific Acceptance Thresholds:** Forensic enhancement methods must be scientifically validated and widely accepted in the professional community. Over-processed or AI-generated enhancements that cannot be independently reproduced or explained may be challenged in court, and only transparent, well-documented techniques should be used for evidentiary purposes.



# Handling Digital Audio Files



## File Formats

Audio evidence may be stored in formats like WAV, MP3, AAC, AMR, WMA, and OGG, each differing in quality, compression, and metadata support

## Noise Factors

Background noise, echo, and overlapping sounds can obscure speech and complicate analysis, often requiring advanced noise reduction and filtering techniques

## Technical Challenges

Difficulties include dealing with poor-quality recordings, damaged files, variable device outputs, and ensuring the extraction process does not alter the original evidence

## Authentication

Authentication involves verifying file integrity, checking for edits or tampering, analyzing metadata and headers, and confirming the recording device and file continuity

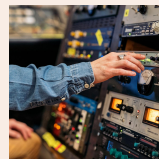
# Technical Considerations

## Sampling Rate and Bit Depth



Determines how many audio samples are captured per second (e.g., 44.1 kHz for music, 8 kHz for voice). Higher rates capture more high-frequency details but require more storage. Higher bit depths capture subtle sounds

## Compression Artifacts



Lossy formats (MP3, AAC) discard data to reduce file size, introducing artifacts like "warbling" or muffled speech. These distortions can obscure forensic details. AI-based codecs pose new challenges, as they use neural networks for compression, leaving unique traces that differ from traditional methods.

## Environmental Noise



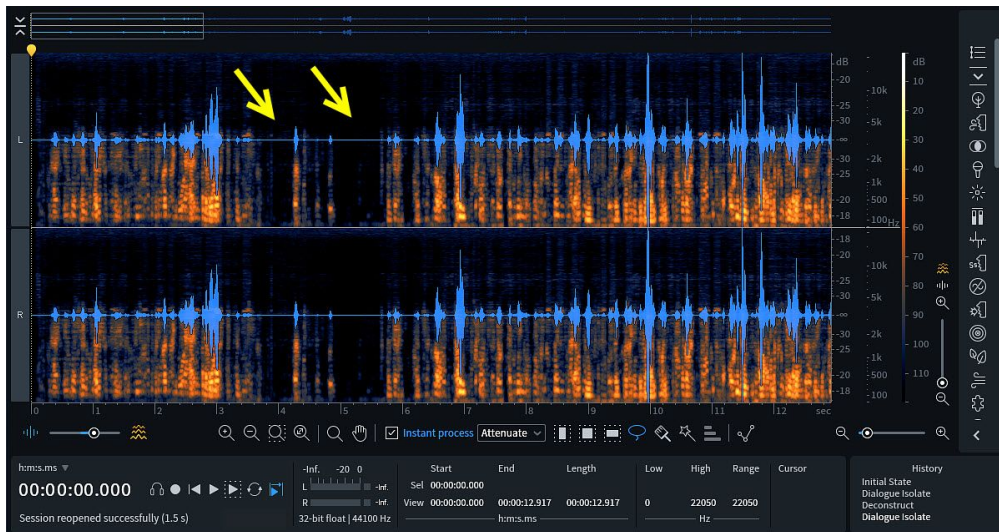
Background noise (traffic, machinery) can mask critical audio. Techniques like spectral subtraction or independent component analysis (ICA) isolate speech but risk removing contextual clues (e.g., ambient sounds that verify location).

## Multi-Channel vs. Mono



Mono: Single-channel recordings simplify analysis but lack spatial data.  
Multi-channel: Captures spatial information (e.g., stereo for directionality), aiding in isolating voices or events. Requires advanced tools to analyze individual channels.

# Audio Analysis



- Noise reduction algorithms:  
Advanced noise reduction uses spectral subtraction, adaptive filtering, and short-time spectral analysis to minimize background noise while preserving speech clarity.
- Frequency isolation methods:  
Techniques like bandpass filtering and equalization isolate speech or target frequencies from overlapping sounds, improving intelligibility in noisy recordings.
- Voice clarification techniques:  
Dynamic range compression, amplification, and spectral balancing enhance faint or muffled voices, making dialogue clearer and more discernible.

- Technical limitations:  
Severe distortion, overlapping speech, or extremely poor-quality recordings can limit enhancement effectiveness and risk unintentionally altering the original content.
- Documenting enhancement steps:  
Every processing step, tool, and parameter must be meticulously logged, with before/after samples and preserved originals to ensure transparency and reproducibility in court.

# Legal Considerations

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## **Consent Requirements :**

One-party consent is legal for recordings where the recorder is a participant (e.g., phone calls). Recording third-party conversations without consent violates privacy laws.

**Exceptions:** Law enforcement may intercept communications under the Indian Telegraph Act, 1885 (Section 5(2)) with authorization.

## **Privacy Laws :**

Recognized under Article 21 of the Constitution (K.S. Puttaswamy v. Union of India, 2017). Illegally obtained recordings (e.g., secret recordings in private spaces) are inadmissible and may lead to penalties under Section 66E, IT Act.

# Key Cases

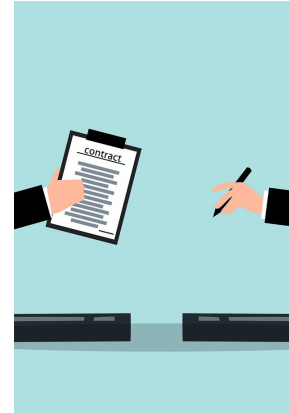
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- R.M. Malkani v. State of Maharashtra (1973):  
Supreme Court upheld the admissibility of tape-recorded conversations if they are relevant and authentic, even if obtained without the subject's consent, provided there is no coercion or unfairness.
- Ram Singh v. Colonel Ram Singh (1986):  
Court emphasized that audio recordings must be clear, authentic, and properly handled; rejected unclear or potentially tampered recordings, setting a high standard for reliability and chain of custody.
- Ritesh Sinha v. State of U.P. (2013/2019):  
Court held that compelled voice samples do not violate self-incrimination or privacy rights, and magistrates can order voice samples for investigations, filling a legislative gap for forensic voice analysis.

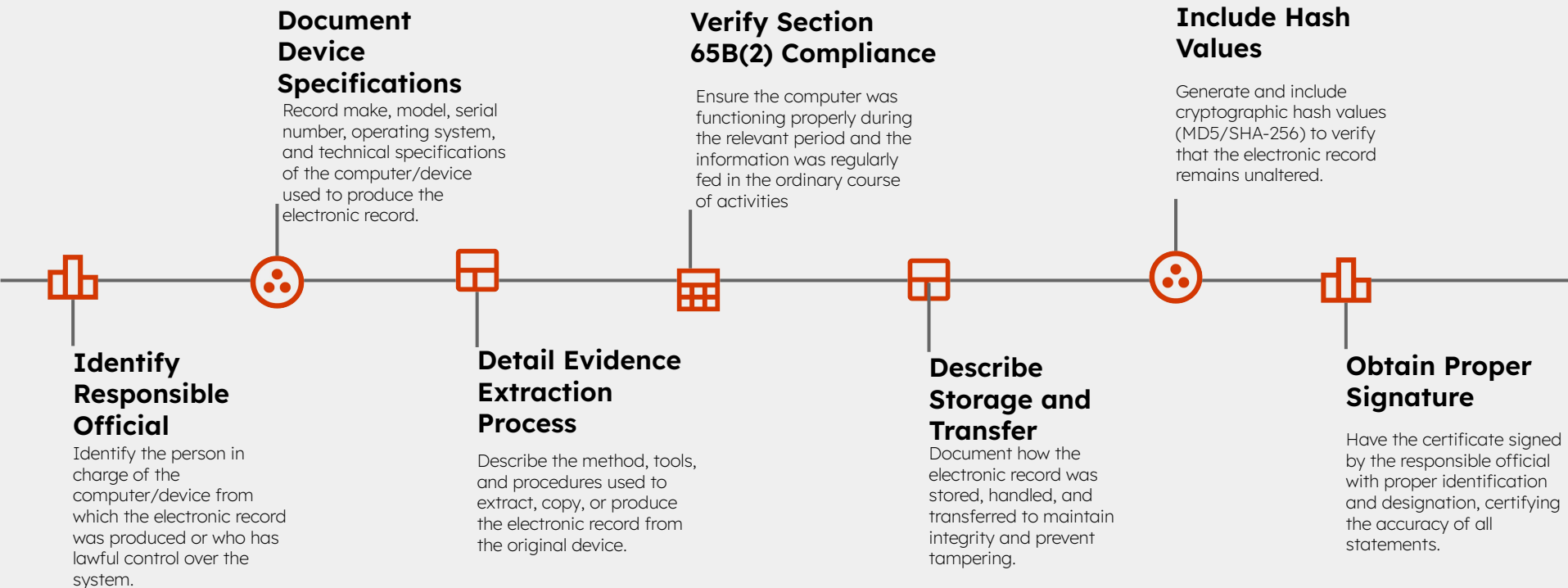
# Technical Difficulties & Ethical Boundaries

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- Enhancement crosses into manipulation when it adds, removes, or alters substantive content—rather than merely clarifying existing details—thus violating forensic integrity and risking inadmissibility.
- Enhancement is constrained by the original evidence's resolution, noise, compression, and the scientific validity of applied techniques—no method can create details that never existed in the source.
- Every enhancement action, tool, and parameter must be meticulously documented, ensuring transparency, reproducibility, and the ability for independent verification in court.
- Forensic analysts must use validated methods, avoid bias, maintain objectivity, and act transparently to preserve the integrity and reliability of digital evidence throughout the process.
- Analysts must clearly disclose the limitations of enhancement techniques, potential errors, and any uncertainties in their reports to maintain credibility and fairness.



# Section 65B Certificate Preparation Process



# Technical Mistakes

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**Breaking Chain of Custody** : Failing to meticulously document every transfer, handling, and access event for digital evidence can lead to questions about its authenticity and admissibility in court. Even minor lapses or undocumented actions can break the chain, risking exclusion of critical evidence

**Altering Original Evidence** : Accessing, copying, or analyzing evidence without proper write protection or forensic imaging can modify timestamps, metadata, or even the content itself. This compromises the integrity of the evidence and may render it inadmissible

**Inadequate Documentation** : Poor or incomplete documentation of the evidence collection, analysis process, and findings makes it difficult to defend the evidence in court and undermines the credibility of the investigation

**Improper Imaging Techniques** : Using non-forensic or incomplete imaging methods (e.g., simple file copying instead of bit-by-bit imaging) can result in loss of hidden, deleted, or system files, and may fail to preserve evidence in its entirety

**Neglecting Hash Verification** : Not generating or verifying cryptographic hash values (MD5, SHA-256) for evidence before and after acquisition means you cannot prove the evidence hasn't been altered, undermining its reliability and authenticity

**Incomplete Metadata Analysis** : Overlooking or failing to extract and analyze metadata (timestamps, device info, GPS, etc.) can result in missed clues about authenticity, timeline, or manipulation of digital files

**Over-enhancement of Evidence** : Excessive application of enhancement techniques (e.g., sharpening, noise reduction) can introduce artifacts, distort original content, and cross the line from legitimate clarification to manipulation, risking evidence exclusion

**Insufficient Section 65B Compliance** : Failing to produce a proper Section 65B certificate (with all required technical and procedural details) for electronic evidence leads to its rejection in Indian courts, regardless of its relevance or importance



# Legal Requirement Checklist

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-> Section 65B Compliance

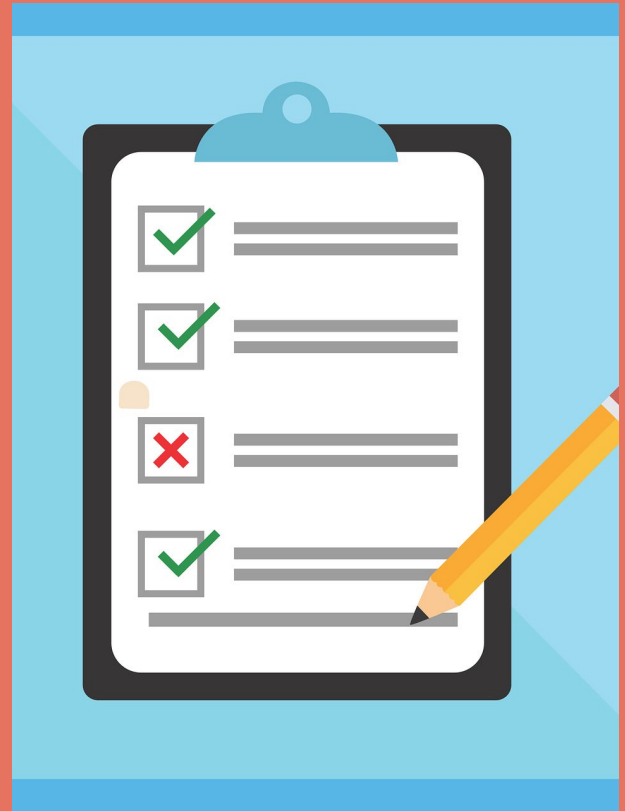
Certificate Preparation, Technical Conditions  
Verification , Proper Signatory Identification ,Timely  
Submission

-> Chain of Custody

Continuous Documentation , Transfer Records  
Access Control Logs Secure Storage Verification.

-> Court Presentation

Expert Qualification Documentation , Technical  
Report Preparation , Visual Aids Development ,  
Testimony Preparation



# Resources & Learning

## Technical Training

Certified Computer Forensic Examiner (CCFE)  
EnCase Certified Examiner (EnCE)  
Certified Forensic Video Analyst (CFVA)  
AccessData Certified Examiner (ACE)

## Legal Resource

National Judicial Academy materials  
CDAC training programs  
Digital Evidence Manual (NCRB)

## Professional Organizations

Digital Forensics Association of India  
International Association of Computer Investigative Specialists

## Reference Materials

"Digital Evidence and Computer Crime" by Eoghan Casey  
"Handbook of Digital Forensics and Investigation" by Eoghan Casey  
"Digital Evidence in Court: A Guide for Police, Prosecutors and Defense Attorneys" by Bureau of Justice Assistance



Thank You!