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| Northumbria Uni  PANDON BUILDING  NEWCASTLE UPON TYNE  NE2 1XE  0191 227 4739 |

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| R v Defendant(s)  Digital Forensic Report |
| Prepared by: |
| Click here to enter text. |
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| Specialist field:  Click here to enter text. |
|  |
| On behalf of: |
| Click here to enter text. |
|  |
| Subject matter: |
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Table of Contents

[1 Introduction 2](#_Toc318375524)

[1.1 Qualifications and experience 2](#_Toc318375525)

[1.2 Summary of case and tasking 2](#_Toc318375526)

[1.3 Statement of compliance 2](#_Toc318375527)

[2 Forensic Examination 3](#_Toc318375528)

[2.1 Tools 3](#_Toc318375529)

[2.2 Evidence 3](#_Toc318375530)

[2.2.1 Evidence A 3](#_Toc318375531)

[2.3 Analysis 3](#_Toc318375532)

[2.3.1 Analysis Item 1 3](#_Toc318375533)

[2.4 Findings 3](#_Toc318375534)

[2.5 Summary of conclusions reached 3](#_Toc318375535)

[2.5.1 Opinion regarding findings 4](#_Toc318375536)

[3 Declaration of truth 4](#_Toc318375537)

[4 Literature 5](#_Toc318375538)

[5 List of exhibits 5](#_Toc318375539)

[6 Annex’s 5](#_Toc318375540)

[6.1 Annex 1 - Experts experience, qualifications and accreditations 5](#_Toc318375541)

[6.1.1 Imaging Officer – [[NAME]] 5](#_Toc318375542)

[6.2 Annex 2 – Seizure Witness Statement 6](#_Toc318375543)

[6.3 Annex 3 – Forensic Imaging Statement 7](#_Toc318375544)

Digital Forensic Report

# Introduction

**Criminal Procedure Rules Part 33.1 (1) (d)**

‘make clear which of the facts stated in the report are within the expert’s own knowledge;’

*[[In this section you will want to ensure the reader understands what the purpose of the report is and how it is structured. Looking at CPR 33.1 (1) (d) there is a requirement that you must make clear to the reader that the facts you have stated are within your own area of expertise and knowledge]]*

## Qualifications and experience

**Criminal Procedure Rules Part 33.1 (1) (a)**

‘Give details of the expert’s qualifications, relevant experience and accreditation;’

**R v Bowman paragraph 177**

‘Identify the range and extent of your expertise’

*[[Provide a short statement of why you should be considered and expert in a particular field. E.g. BSc (Hons) Forensic Computing, CISSP, EnCase, other case work.]]*

## Summary of case and tasking

**Criminal Procedure Rules Part 33.1 (1) (c)**

‘contain a statement setting out the substance of all facts given to the expert which are material to the opinions expressed in the report, or upon which those opinions are based;’

*[[Provide a summary of the case in question and what you have been instructed to do by the prosecution/defence.]]*

## Statement of compliance

**Criminal Procedure Rules Part 33.1 (1) (i)**

I understand my duty as an expert witness to the court to provide independent assistance by way of objective unbiased opinion in relation to matters within my expertise. I will inform all parties and where appropriate the court in the event that my opinion changes on any material issues.

*[[The above statement is mandatory in expert witness evidence, it infers that you understand you overriding duty is to the court and no other, and that you will continue to comply to with duty.]]*

# Forensic Examination

**Criminal Procedure Rules Part 33.1 (1) (e)**

‘say who carried out any examination, measurement, test or experiment which the expert has used for the report and - give the qualifications, relevant experience and accreditation of that person, say whether or not the examination, measurement, test or experiment was carried out under the expert’s supervision, and summarise the findings on which the expert relies;’

*[[It’s common in industry that different people will be responsible for the imaging and the analysis of the device, when this is the case it is important to comply with CPR Part 33.1 (1) (e).]]*

## Tools

*[[State which forensic tools where used during the examination, this includes software names and versions, hardware names and versions. Version is of particular importance as some versions of software have been found to be inadmissible in court due to software issues, which were rectified in later versions]]*

## Evidence

Table - Items of Evidence

*[[State the items of evidence that have been worked on and fill out the below table]]*

|  |  |  |  |
| --- | --- | --- | --- |
| Item | Serial Number | Description | Type |
|  |  |  |  |

Type Codes: S-System | H-Hard Drive | SD – Secure Digital Card | USB – USB Drive | CD-CD | D-DVD | P-PDA | CP-Cell Phone |

### Evidence A

*[[Provide information around how the evidence came to be in your possession, example below]]*

## Analysis

*[[In large reports it’s typically to have several subheadings under the analysis heading, such as OS Details, Time Zone, User Accounts and Internet history. This is typical with the examination of a complete system]]*

### 2.3.1 Analysis Evidence

### 2.3.2 Analysis Item 1

*[[Remember when using technical terms to provide simple explanations of their meaning so laymen can understand]]*

## Findings

*[[What are the facts/finds of the analysis]]*

## Summary of conclusions reached

**Criminal Procedure Rules Part 33.1 (1) (h)**

‘contain a summary of the conclusions reached;’

[[Is more analysis needed? Are you findings in line with what was expected to be there as per the initial request by the case team?]]

### Opinion regarding findings

*\*Remember to only give opinion when requested!\**

**Criminal Procedure Rules Part 33.1 (1) (f)**

‘where there is a range of opinion on the matters dealt with in the report— summarise the range of opinion, and

give reasons for his own opinion;’

**Criminal Procedure Rules Part 33.1 (1) (g)**

‘if the expert is not able to give his opinion without qualification, state the qualification’

# Declaration of truth

**Criminal Procedure Rules Part 33.1 (1) (j)**

‘contain the same declaration of truth as a witness statement.’

This statement consisting of Click here to enter text. page(s) each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

**Signature……………………………….................................... Date…………………………………………………………**

# Literature

**Criminal Procedure Rules Part 33.1 (1) (b)**

‘give details of any literature or other information which the expert has relied on in making the report;’

# List of exhibits

Table - Listing of Exhibits

|  |  |
| --- | --- |
| Exhibit A |  |
| Exhibit B |  |
| Exhibit D |  |
| Exhibit E |  |

# Annex’s

## Annex 1 - Experts experience, qualifications and accreditations

### Imaging Officer – [[NAME]]

*[[If you have relied on another examiner for image acquisition you must state this in the Forensic Examination section above. This is a section where the experience, qualifications and accreditations]]*

## Annex 2 – Seizure Witness Statement

|  |
| --- |
| **WITNESS STATEMENT**  ENGLAND AND WALES ONLY  Statement of:  Age if under 18: Over 18 (if over 18 insert ‘over 18’) Occupation: Student |
| This statement (consisting of 1 pages signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.  Signature………..………………. Date: 16/02/2012  I am part of the **[[DEPARTMENT/COMPANY]]** that specialises in the **[[AREA OF SPECIALISM]]**. I am based in **[[FULL ADDRESS]]**. I hold **[[RELEVANT TRAINING]]** and am accredited **[[VENDOR SPECIFIC SKILLS]]**.  On **[[FULL DATE]]** I was on duty at **[[ADDRESS]].** At **[[TIME]]** I entered the premises and took part in a search of the property. I identified **[[ITEMS]]** in **[[LOCATION]].** This **[[ITEM NAME]]** contained a **[[CAPACITY]] [[MANUFACTURER]] [[STORAGE DEVICE]]**.  The **[[ITEM NAME]]** was sealed under reference **[[12345]]** and marked **[[UNIQUE REF]]**. This was handed to **[[EVIDENCE OFFICER]]** to be transported to the forensic laboratory. |

Date: \_\_\_\_\_16/02/2012\_\_\_\_\_\_

Signature:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature:\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(signature of witness) (signature witnessed by)

|  |
| --- |
| **WITNESS STATEMENT**  ENGLAND AND WALES ONLY  Statement of:  Age if under 18: Over 18 (if over 18 insert ‘over 18’) Occupation: Student |
| This statement (consisting of 1 pages signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.  Signature………..………………. Date: 16/02/2012  I am part of the **[[DEPARTMENT/COMPANY]]** that specialises in the **[[AREA OF SPECIALISM]]**. I am based in **[[FULL ADDRESS]]**. I hold **[[RELEVANT TRAINING]]** and am accredited **[[VENDOR SPECIFIC SKILLS]]**.  On **[[FULL DATE]]** I opened an evidence bag identified as **[[UNIQUE ID]]** which was sealed under **[[UNIQUE ID]]**. This bag contained a **[[ITEM NAME]]**.  This **[[ITEM NAME]]** contained a **[[CAPACITY]] [[MANUFACTURER]] [[STORAGE DEVICE]]**. A forensic image of this **[[STORAGE DEVICE]]** was captured using **[[IMAGING SOFTWARE]]**.  A master copy of this image was created on a **[[DEVICE NAME]],** serial number **[[12345]]** and marked **[[XXX-MASTER]].** This **[[DEVICE NAME]]** was sealed under reference **[[REFERENCE]].**  A working copy of this image was created on a **[[DEVICE NAME]],** serial number **[[12345]]** and marked **[[XXX-WORKING]].** This **[[DEVICE NAME]]** was sealed under reference **[[REFERENCE]].**  The **[[ITEM NAME]]** was re-sealed under reference **[[12345]]**.  An image is an accurate copy of the contents of a device’s data storage area. The imaging process does not alter the contents of the data storage area. The image includes all areas of the data storage area, both that allocated to files and the unallocated area. |

## Annex 3 – Forensic Imaging Statement

Date: \_\_\_\_\_16/02/2012\_\_\_\_\_\_

Signature:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature:\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(signature of witness) (signature witnessed by)