

# Forensics and Investigations

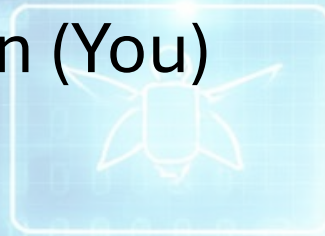




# Criminal Investigations

## Roles and Duties at the Crime Scene

- First Responders
- Investigators
- Crime Scene Technician (You)





# First Responders

- Secure the Scene
- Identify Witnesses
- Identify Victims
- Identify Suspects
- Control the Situation
- Establish a Barrier
- Avoid Contamination of Evidence





# Investigators

- Communicate with the First Responder
- Gather Who, What, Where, When, How
- Was anything tampered with
- Failure to report actions by the First Responders
- Take Charge of the Scene
- Ensure all Documentation and Evidence Collection is done properly.
- Ensure the Chain of Custody is started

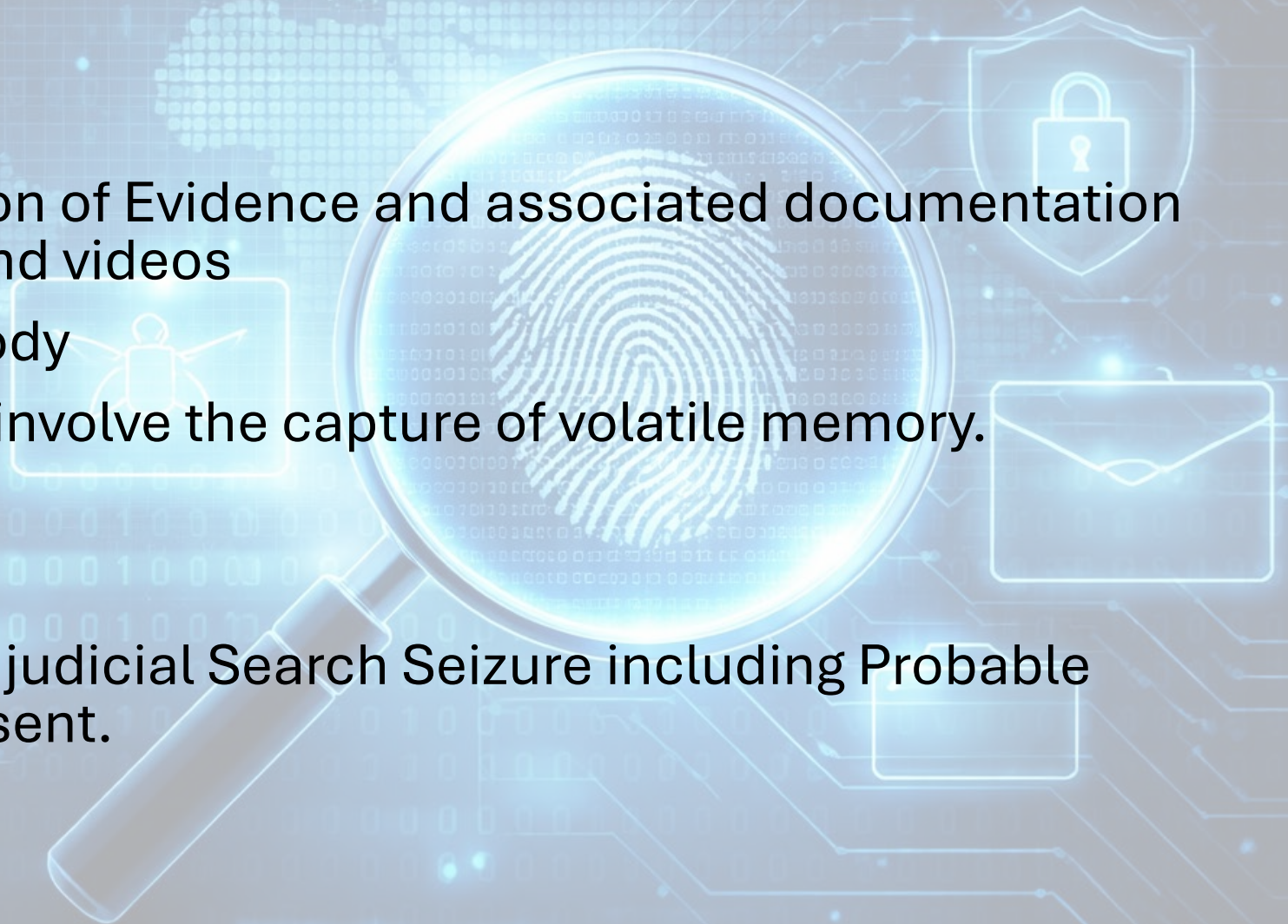




# Crime Scene Technician (sworn or unsworn)

- Specialized Training
- Responsible for Collection of Evidence and associated documentation including photographs and videos
- Starts the Chain of Custody
- Action at the scene may involve the capture of volatile memory.
- Bag & Tag

Note: Be aware of allowed judicial Search Seizure including Probable Cause (PC), Warrant, Consent.



# Example Evidence Tag

<b>EVIDENCE</b>	CASE # _____	ITEM _____
	DATE _____	TIME _____
	DESCRIPTION _____ _____	
	LOCATION _____	
	AGENCY _____	





# Corporate Investigations

- No search warrant required
- Cannot seize or analyse private property
- Collect evidence in a forensically sound manner and maintain the Chain of Custody





# Evidence

## Digital Evidence/Electronic Documents

- Any information in electronic form (phones, computers, clouds, social media) including printouts.
- Devices
- Pin Codes, Passwords, Dongles etc.
- Chargers, Cables, Peripherals
- Manuals
- Faraday Bags
- Digital Evidence Management System and Evidence lockers





# Evidence Canada

- Canada Evidence Act (Only Federal cases)
- Competence vs Credibility
- Neither side may call more than five 4 expert witnesses.





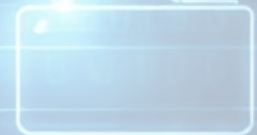
Canada

# Admissibility of Evidence from an Expert Witness

Precedent - R. v. Mohan

Test for admissibility:

1. Relevance
2. Necessity in assisting the trier of fact
3. The absence of any exclusionary rule
4. A properly qualified expert.





# United States

## Admissibility of Evidence from an Expert Witness

1. Frye Standard
2. The Daubert Standard
3. United States Federal Rules of Evidence, Article X: Contents of Writings, Recordings and Photographs
4. Also, Article VIII Hearsay



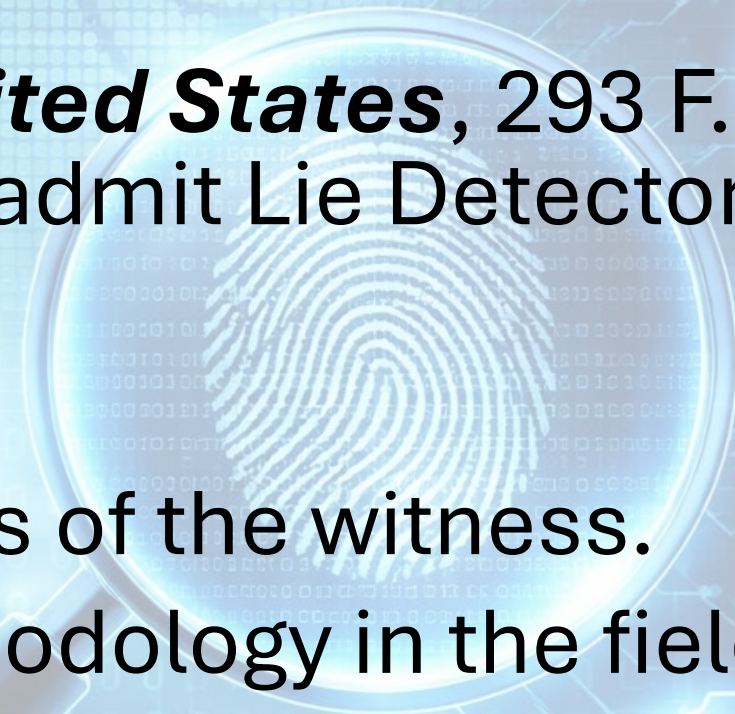


# The Frye Standard

Precedent Case: ***Frye v. United States***, 293 F. 1013 (D.C. Cir. 1923). (Refusal to admit Lie Detector evidence)

Test:

1. Qualifications/credentials of the witness.
2. Generally accepted methodology in the field of practice.





# The Daubert Standard

Precedent Case: *Daubert v. Merrell Dow Pharmaceuticals Inc.*, 509 U.S. 579 (1993). Evidence must pass more than a General Acceptance

Admissibility test rests solely with the Trial Court (i.e. Where the case begins).

1. Whether the technique or theory in question can be, and has been tested
2. Whether it has been subjected to publication and peer review
3. Its known or potential error rate
4. The existence and maintenance of standards controlling its operation
5. Whether it has attracted widespread acceptance within a relevant scientific community.



# Chain of Custody

Mandatory requirement for Forensically Sound investigations

1. Who has evidence and when they had it.
2. Prove that the evidence wasn't accessed/accessible by anyone without your supervision.
3. Prove that the evidence wasn't tampered with
4. All transfers must be documented.

