Seminar 2 Preparation

Part 1

Read Bryant and Kennedy (2014): Consider how the investigative process has changed, and what has been the connection between law and policing (focusing on evidence)?

Drawing upon the above two readings, reflect the extent of which the above arguments are reflected in your own home country?

The first group prioritise state control over their citizen’s use of the internet using legislation and other means, to defend their national sovereignty. Untrammelled, uncensored and ubiquitous use of the internet is not seen as a ‘human right’. The polar opposite of this is the ‘US model’ where there is cooperation between government and others towards an open approach to securing the internet. Between these two poles are countries such as India, Brazil, South Africa, Egypt, Kenya, Ghana and others that are anti-censorship but disagree with the US government’s role in ICANN and the domination of the internet economy by US corporations

However, in many legal systems a simple one-to-one correspondence between a specific criminal act and a single offence under the law does not often exist. For example, when considering the crime of the dissemination of malware via a peer-to-peer network the UK police and CPS might consider the CMA sections concerning the modification of computer materials, or unauthorised access with the intent to commit or facilitate the commission of further criminal offences such as theft or fraud), but they might also consider the Police and Justice Act 2006 (PJA) which deals with the making, supplying or obtaining articles for use in computer misuse offences (Taylor et al. 2011).

Part 2

Read Summers (2012), Badiya at al (2020), and Holt (2015); carry out wider internet research if need to. Then answer the question:

What are some of the problems law enforcement investigators (you can focus on the country of your choosing, or several countries) face when collecting digital evidence from a crime scene?

A record of the chain of evidence must be maintained and established in the court whenever presenting evidence as an exhibit.

**The Relevance of the Chain of Custody Documentation**

The documentation of the chain of custody serves three primary purposes; to ask relevant questions regarding the evidence to the analytical laboratory, to maintain a record of the chain of custody, and to document that the sample/evidence was handled only by approved personnel and was not accessible for tampering before analysis.

It is vital that the evidence is appropriately packed to avoid damage during transport and must be preferably sealed in tamper-evident/resistant bags or with tamper-evident tapes.

Part 3

Read Sunde and Dror (2019): and answer the following question:

What are the issues raised in the article, and how these might affect further the validity and collection of evidence?