

# Fields Associates

## Litigation Consultants



### Digital Evidence in Criminal proceedings

Considering the rate at which both the ownership of personal computing devices and the provision of high-speed internet have grown in recent years, it comes as no surprise that digital evidence is playing an important role in more and more criminal cases. In fact, when the Police now gather evidence from a suspect's residence, their personal computer is usually one of the first things to be collected for analysis.

Mobile phones are now more than capable of providing evidence that can contribute to a successful case. Through Cell Site Analysis the approximate location of a suspect at the time that a crime was committed can be determined. Such evidence will never be sufficient in itself, but it can, when used to supplement other items, be extremely influential.

A suspect's computer can also provide the prosecution with a wealth of valuable information. Emails, chat logs, even a user's internet history can be utilised in order to obtain a guilty verdict. Valuable data can also be gleaned from other sources such as smart phones and tablet devices.

Such evidence is now often crucial because the data contained on these devices has the potential to be extremely persuasive and even definitive in criminal trials. Consider, for example, how damning it would be if data directly referencing the crime could be recovered from any device owned by the defendant such as an email, an online chat log or other type of file. It is not unreasonable to suggest that such a piece of evidence could prove to be just as vital as DNA evidence in placing a suspect at the scene of a crime at a specific time.

However compelling the digital evidence in any case may appear to be, however, there is no guarantee that it will be admissible in court. Digital evidence is easily changed and not only does a strict chain of custody need to be adhered to, but any analysis also has to be conducted by an experienced and highly-qualified expert in order to ensure that any data is not compromised. When an individual analyses a drive and its contents, they must ensure that they record every single act that is undertaken and every single way in which the files that are present on the drive may have been altered during their analysis. Put simply, if the analyses of the relevant devices are not conducted correctly, then either a successful prosecution or acquittal could be lost.

Employing the services of skilled data forensics such as Fields Associates will ensure that any evidence gathered is admissible in court and that the correct verdict is delivered.

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