

Wildlife DNA Forensics Course

Lecture A5

Reporting forensic evidence

No: A5

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Date: 05/08/10

Introduction

Submitting evidence to court represents the culmination of the investigative process in wildlife DNA forensics. Preparation of reports and witness statements and presentation of findings in court are therefore very important aspects of the forensic process.

This lecture will look at the scope and preparation of laboratory reports and witness statements and raise some of the issues commonly encountered when preparing legal evidence.

Lecture Aims

- To understand the scope of your evidence
- To understand the importance of accurate notes
- To learn how to convert notes to reports to witness statements

Lecture Summary


- All people involved in the investigation are witnesses, all records made are evidence
- Original notes are the basis for all subsequent statements
- Reports and statements should be written with the target audience in mind
- Witness statements usually have a conventional style and content depending on the legal system within the country. Find out what format is preferred prior to submitting evidence.

Further Reading


Bond, Solon & Burn (1999) The Expert Witness in Court: A Practical Guide, Shaw & Sons, UK

Reporting forensic evidence


ASEAN Wildlife Forensics Network



TRACE
the wildlife forensics network




DARWIN
INITIATIVE



TRAFFIC
the wildlife trade monitoring network

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Introduction


Wildlife Forensics aims to inform criminal investigations.
Those involved in casework analysis are witnesses.

Investigators are witnesses

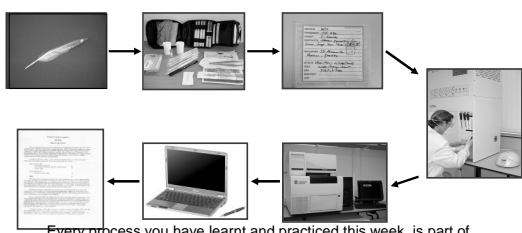
Technicians are witnesses

Forensic geneticists are witnesses






Introduction



The diagram illustrates a cyclical forensic investigation process. It begins with a photograph of a feather, followed by a photograph of laboratory equipment (pipettes, tubes, and a scale). This leads to a photograph of a document with handwritten notes. An arrow points from the document to a photograph of a person in a lab coat working at a bench. From there, an arrow points to a photograph of a computer monitor displaying data. Finally, an arrow points from the computer back to the document, completing the cycle.

Every process you have learnt and practiced this week, is part of the forensic investigation.



Introduction

The end point is delivery of the evidence:

Witness statement



Witness appearance in court



Lecture Aims

- To understand the scope of your evidence
- To understand the importance of accurate notes
- To learn how to convert notes into forensic reports
- To learn how to construct witness statements



The Basics

Witness of Fact
(Enforcement officers)

Issue

Fact

~~Opinion~~

Expert Witness
(Scientists)

Issue

Fact

Opinion



The Basics

Everything you've done is admissible as evidence!

= Notebooks, phone calls, lab books, computer files,
emails, scraps of paper, frozen samples

Anything you haven't documented hasn't happened!

= database searches, sample relabelling



Original Notes

'Contemporaneous notes' – taken at the time.

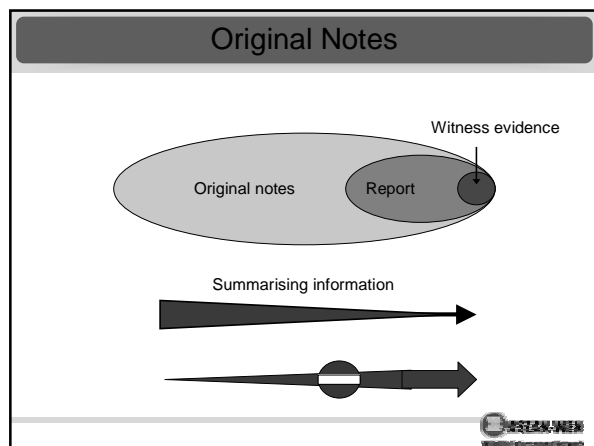
The basis for all subsequent evidence.



Original Notes

- Genetic analysis:
- Chain of custody in, Chain of custody out
- Lab analysis notes
 - lab books and equipment logs, printouts
- Data analysis notes
 - have you documented software analysis, printouts ?





Original Notes

Changes, deletions, mistakes, security

Be transparent
Maintain timeline
Remove possibility of tampering

Record as much information as possible!

ARLAW-WEN
Welsh Language Research

From Notes To Reports

When? As soon as possible after note-taking


Preparation: Who will read the report?
What is the purpose of the report?
What facts / evidence are relevant to the report?


ARLAW-WEN
Welsh Language Research

Laboratory Reports


Include:

- Transfer of evidence
- Purpose of the analysis
- Methods (referenced where necessary)
- Results
- Conclusions and Interpretation





Example reports




Witness Statements

What is a witness statement, how does it differ from a report?

Will I need to write one?

How can they be useful?



From Reports To Statements

Key Points:

- Attention to detail
- Do not contradict yourself
- Maintain correct chronology (timeline)
- Avoid assumptions, or clearly state them
- Reference and document all exhibits carefully



From Reports To Statements

More Key Points:

- State your understanding of the circumstances
- Establish hypotheses (points to evaluate, possibilities)
- Distinguish results from opinion
- Provide your opinion on the strength of the evidence relating to the hypotheses.
- Avoid bias



From Notes To Statements

General Points:

Layout: clear, consistent, easy to read
page numbered, dated and signed
cross-referenced, appendices

Language: accurate, grammatically correct
short sentences, logical structure

A good witness statement will reduce the need to appear in court



Example Statement



Summary

- All people involved in the investigation are witnesses, all records made are evidence
- Original notes are the basis for all subsequent statements
- Reports and statements should be written with the target audience in mind
- Witness statements usually have a conventional style and content – find out what this is and use it