

Using Printouts as Social Media Evidence and Its Authentication in the Courtroom

Authors : Chih-Ping Chang

Abstract : Different from traditional objective evidence, social media evidence has its own characteristics with easily tampering, recoverability, and cannot be read without using other devices (such as a computer). Simply taking a screenshot from social network sites must be questioned its original identity. When the police search and seizure digital information, a common way they use is to directly print out digital data obtained and ask the signature of the parties at the presence, without taking original digital data back. In addition to the issue on its original identity, this conduct to obtain evidence may have another two results. First, it will easily allege that is tampering evidence because the police wanted to frame the suspect and falsified evidence. Second, it is not easy to discovery hidden information. The core evidence associated with crime may not appear in the contents of files. Through discovery the original file, data related to the file, such as the original producer, creation time, modification date, and even GPS location display can be revealed from hidden information. Therefore, how to show this kind of evidence in the courtroom will be arguably the most important task for ruling social media evidence. This article, first, will introduce forensic software, like EnCase, TCT, FTK, and analyze their function to prove the identity with another digital data. Then turning back to the court, the second part of this article will discuss legal standard for authentication of social media evidence and application of that forensic software in the courtroom. As the conclusion, this article will provide a rethinking, that is, what kind of authenticity is this rule of evidence chase for. Does legal system automatically operate the transcription of scientific knowledge? Or furthermore, it wants to better render justice, not only under scientific fact, but through multivariate debating.

Keywords : federal rule of evidence, internet forensic, printouts as evidence, social media evidence, United States v. Vayner

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