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## UNDERSTANDING THE CHAIN OF CUSTODY AND ITS RELEVANCE IN HANDLING ELECTRONIC EVIDENCE



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In the digital age, electronic evidence has become an integral part of investigations and legal proceedings. From computer files and emails to social media posts and digital transactions, electronic evidence holds crucial information that can make or break a case. However, to ensure its admissibility and maintain its integrity, a proper chain of custody must be established and maintained throughout the entire process.

The chain of custody refers to the chronological documentation and control of the physical and digital evidence from the moment it is collected until it is presented in court. It is a crucial process that aims to prevent tampering, alteration, or contamination of the evidence, ensuring its authenticity and reliability. The chain of custody serves as a legal foundation for the admissibility of electronic evidence, providing assurance that it has not been compromised and can be trusted.

### **Why is the Chain of Custody Important?**

The chain of custody is vital in legal proceedings involving electronic evidence for several reasons:

#### ***1. Authenticity and Integrity***

Electronic evidence can easily be altered, deleted, or manipulated. Establishing a proper chain of custody ensures that the evidence presented in court is the same as what was collected, maintaining its authenticity and integrity. By documenting each transfer and handling of the evidence, the chain of custody establishes a clear trail of custody, making it difficult for anyone to dispute its reliability.

#### ***2. Admissibility***

Without a proper chain of custody, the defense can argue that the evidence has been tampered with or contaminated, potentially leading to its exclusion from the legal proceedings. Adhering to a strict chain of custody protocol increases the chances of having the electronic evidence admitted in court, strengthening the case's overall credibility.

#### ***3. Accountability and Transparency***

By documenting every step of the evidence's journey, the chain of custody ensures accountability and transparency. It allows investigators, legal professionals, and the court to track who had possession of the evidence at any given time, reducing the risk of unauthorized access or mishandling. This level of accountability enhances the overall trustworthiness of the evidence and the legal process.

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## The Process of Establishing a Chain of Custody

Establishing a proper chain of custody for electronic evidence involves several key steps:

### **1. Identification and Collection**

The first step is to identify and collect the electronic evidence in a manner that preserves its integrity. This may involve seizing computers, hard drives, mobile devices, or other storage media. It is crucial to follow established protocols to ensure that the evidence is not compromised during the collection process.

### **2. Documentation**

Once the evidence is collected, it must be properly documented. This includes recording relevant information such as the date, time, location, and individuals involved in the collection process. Detailed notes should be taken to describe the condition of the evidence and any potential issues or concerns.

### **3. Packaging and Sealing**

Proper packaging and sealing of electronic evidence are essential to prevent tampering or contamination. The evidence should be placed in appropriate containers or bags, sealed, and labelled with unique identifiers. This step ensures that the evidence remains intact and secure throughout its journey.

### **4. Transportation and Storage**

During transportation, the evidence should be handled with care to avoid any physical or digital damage. It should be stored in a secure location, preferably with controlled access and environmental conditions that prevent degradation or loss of data. The storage facility should also maintain a detailed record of who has access to the evidence.

### **5. Transfer of Custody**

Whenever the evidence changes hands, whether it is from the initial collector to the forensic analyst or from the investigator to the court, the transfer of custody must be properly documented. This includes obtaining signatures, acknowledging receipt, and recording any relevant information regarding the transfer.

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## **6. Preservation of Evidence**

Throughout the entire process, the evidence must be preserved in its original state. This includes protecting it from unauthorized access, ensuring it is not exposed to damaging elements, and maintaining its integrity by avoiding any alterations or modifications.

### **Conclusion**

The chain of custody is a critical aspect of handling electronic evidence in legal proceedings. By establishing and maintaining a proper chain of custody, the authenticity, integrity, and admissibility of electronic evidence can be ensured. Adhering to a strict protocol not only strengthens the credibility of the evidence but also enhances the overall trustworthiness of the legal process. As technology continues to evolve, the importance of the chain of custody in handling electronic evidence will remain paramount.