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Use of Electronic Displays as a Proof of Criminal Proceedings

Electronic images are an autonomous source of evidence in criminal proceeding. They are characterized by a set of unique features in terms of its origin, content, lack of individual forensic characteristics, ability to transform naturally, procedure of investigator's examination, etc.

The key issue is the determination of actual data contained in electronic images acceptability as evidence in criminal proceeding.

Examination of electronic images' content allows to identify the fact of criminal offence, perpetrator's identity, way and circumstances of crime commission, scope and type of damage inflicted etc.

A recommendation is made to amend the Art. 15 of the Criminal Procedure Code of Ukraine with provisions regulating the interaction between investigative agencies and service providers (mobile and Internet) concerning storage of electronic images and its submission upon request of investigator, prosecutor or judge in the course of criminal proceeding. It is deemed necessary to establish procedural regulation for the following actions: immediate fixation of electronic images containing data which may be used as evidence (of fact or circumstances of a crime identified in the course of criminal proceeding) by the service provider; storage of data circulating within selected circulating on selected web-resources or IP-addresses for a certain period of time; blockage of selected web-resources or IP-addresses functioning (immediate or prolonged).

Authenticity of electronic images can be identified through examination of computer equipment and software, telecommunication systems and devices, videorecording materials.

Evaluation of electronic images is aimed to identify: image origin and time of creation; authenticity and relevance in the scope of criminal proceeding; source of information used by person working with the image content; compliance to the applicable law; availability of other data proving the authenticity of image content; data on service-provider responsible for the storage of images.

Keywords: electronic display, proof, criminal proceedings, admissibility, affiliation, authenticity of evidence.