

**CHAPTER 2**  
**INTRODUCTION TO EVIDENCE**  
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**TABLE OF CONTENTS**

|   |     |
|---|-----|
| <u>PURPOSE</u> .....  | 2-3 |
| <u>DEFINITIONS</u> .....  | 2-3 |
| Inference .....   | 2-3 |
| Direct Evidence .....   | 2-3 |
| Circumstantial Evidence.....  | 2-3 |
| Testimonial Evidence .....  | 2-3 |
| Physical Evidence .....   | 2-3 |
| <u>VALUE AND PURPOSE OF EVIDENCE</u> .....  | 2-3 |
| <u>MAJOR CLASSIFICATIONS OF EVIDENCE</u> .....  | 2-4 |
| Fingerprint Evidence .....  | 2-4 |
| Firearms Evidence .....   | 2-4 |
| Documentary Evidence .....  | 2-4 |
| Biological Evidence .....   | 2-4 |
| Trace Evidence .....  | 2-4 |
| Toxicology Evidence .....   | 2-4 |
| Drug Evidence.....  | 2-4 |
| Physical Matching Evidence.....   | 2-4 |
| Other .....   | 2-4 |
| <u>EVALUATION OF PHYSICAL EVIDENCE</u> .....  | 2-5 |
| Relevancy .....   | 2-5 |
| Identifiable.....   | 2-5 |
| Legally Obtained .....  | 2-5 |
| Continuity .....  | 2-5 |
| Integrity .....   | 2-5 |
| <u>SOURCES OF POTENTIAL EVIDENCE FROM PRIVATE RECORDS AND</u><br><u>DOCUMENTS</u> ..... | 2-5 |
| Private Records and Documents.....  | 2-5 |

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## CHAPTER 2

### INTRODUCTION TO EVIDENCE

1. PURPOSE. The purpose of this chapter is to provide necessary information on various aspects of evidence, including definitions, major categories, value, purposes, and sources of potential evidence.

2. DEFINITIONS.

a. Inference. An inference is a deduction of fact that may logically and reasonably be drawn from another fact or group of facts established by the evidence.

NOTE: Evidence is either direct or circumstantial. It is not necessary that facts be proven by direct evidence. Facts may also be proven by circumstantial evidence or by a combination of direct evidence and circumstantial evidence. Both direct evidence and circumstantial evidence are acceptable as a means of proof. Neither is entitled to any greater weight than the other.

b. Direct Evidence. Direct evidence is evidence that directly proves a fact, without the necessity of an inference. It is evidence that by itself, if found to be true, establishes that fact. Most often, such evidence comes from an “eyewitness” who personally saw or heard something.

c. Circumstantial Evidence. Circumstantial evidence is evidence that, if found to be true, proves a fact from which an inference of the existence of another fact may be drawn. An example of circumstantial evidence would be a witness hearing a gunshot and seeing the subject flee from the location.

d. Testimonial Evidence. Testimonial evidence is evidence presented orally or in deposition form by a lay witness, expert witness, or suspect. The credibility of the person providing the testimony is determined by the judge or jury. It is imperative that officers work diligently to establish their credibility.

e. Physical Evidence. Physical evidence is any tangible object that can establish the commission of a crime and can provide a link between a crime and its victim or suspect.

3. VALUE AND PURPOSE OF EVIDENCE. Evidence is the basis for both investigative and judicial decisions. It is a means of proving or disproving facts and

issues on trial in a court of law. Evidence is indispensable to all prosecutions, litigations, and investigations. Evidence is the legal means of ascertaining the truth about a question of fact during a trial. A judge or jury can only render a just verdict on the merits of adequate and accurate evidence. In order for evidence to have any value, it must be recognized, collected, and preserved in order to not compromise the investigation. Evidence collected plays a key role in not only ensuring the right person is held accountable for a crime committed, but also in preventing an innocent person from being wrongfully convicted. Evidence collected can also establish whether or not a crime occurred.

4. MAJOR CLASSIFICATIONS OF EVIDENCE. There are several basic classifications of evidence.

- a. Fingerprint Evidence. Friction ridge evidence can come from both patent and latent fingerprints. Patent prints are prints that are visible to the naked eye without the need for processing. Latent prints are prints that require processing in order to be seen. Both can be extremely useful and are very fragile.
- b. Firearms Evidence. Firearms evidence consists of results from ballistics comparison testing (e.g., National Integrated Ballistics Identification Network/Integrated Ballistics Identification System (NIBIN/IBIS), raising serial numbers, and detection of gunshot residue.
- c. Documentary Evidence. This would include a document which is handwritten, typewritten, printed, photocopied, etc., to include analysis of the paper and ink. Additional examples include most forms of tangible expression, such as a movie, photograph, or tape recording.
- d. Biological Evidence. Biological evidence is increasingly valuable and includes, but is not limited to, such items as blood, semen, hair, bone, and other forms of bodily fluids and secretions.
- e. Trace Evidence. Trace evidence consists of small to microscopic items such as hair, fiber, and other transfer evidence such as paint.
- f. Toxicology Evidence. Toxicology evidence examines drugs and other poisons in the body's fluids and tissues.
- g. Drug Evidence. Drug evidence consists of testing to confirm the identification of the type of drug collected.
- h. Physical Matching Evidence. Physical matching is done to items that have been broken apart such as the plastic pieces from a vehicle's taillight.

i. Other. There are other types of evidence not mentioned in the above classifications such as impression evidence, soil evidence, and toolmarks.

5. EVALUATION OF PHYSICAL EVIDENCE. There are five basic criteria for the evaluation of physical evidence:

- a. Relevancy. The evidence must be meaningful and related to the case.
- b. Identifiable. The investigator must be able to testify that the evidence is the same as found at the scene.
- c. Legally Obtained. The evidence must be obtained legally.
- d. Continuity. There must be an unbroken chain of possession. Each transfer of the evidence must be documented.
- e. Integrity. Evidence must not be contaminated or mixed.

6. SOURCES OF POTENTIAL EVIDENCE FROM PRIVATE RECORDS AND DOCUMENTS. A large number of private organizations maintain valuable information that may be helpful in locating or identifying an individual. Many organizations will cooperate if tactfully approached. However, it may be necessary to obtain a subpoena or a search warrant.

a. Private Records and Documents. The following sources are examples of private records and documents which may be useful:

- (1) Auto Rental or Leasing Companies.
  - (a) Identity of persons renting or leasing cars.
  - (b) Driver license information.
- (2) Banks and Loan Companies.
  - (a) Records of bank accounts and deposits.
  - (b) Loan information.
  - (c) Credit record(s).
- (3) School and College Records.

- (a) Biographical data.
- (b) Handwriting sample and student signature.
- (c) Educational achievements.
- (d) School yearbooks.
  - 1 Names.
  - 2 Activities.
  - 3 Pictures.
- (4) Commercial Credit Agencies.
  - (a) Files on those who have applied for credit.
  - (b) Residence history.
  - (c) Employment history.
  - (d) References.
  - (e) Other charge accounts.
  - (f) Debts.
  - (g) Personal history.
  - (h) Relatives.
- (5) Commercial Shipping Companies.
  - (a) Records of goods shipped and amount shipped.
  - (b) Value.
  - (c) Destination and consignee.
  - (d) Dates of shipment/delivery
- (6) Hospitals.
  - (a) Patient illness or injury.

- (b) Dates of entry and release.
- (c) Scars or marks.
- (7) Apartments and Other Housing.
  - (a) Records of present and former tenants.
  - (b) Possible forwarding addresses.
- (8) Laundry and Dry Cleaning Businesses.
  - (a) Many have their own markings.
  - (b) Records when services were rendered.
    - 1 Names.
    - 2 Addresses.
- (9) Professional Directories.
  - (a) Often arranged by city and state.
  - (b) Lawyers in the United States by name and background data.
- (10) Moving Companies.
  - (a) Person moving or storing furniture.
  - (b) Destinations, dates, and addresses.
- (11) Newspapers (Print or Online Editions).
  - (a) Maintain back issues.
  - (b) Lists of subscribers.
  - (c) Photographs from “morgue” files.
  - (d) Obituaries.
  - (e) Wedding announcements.
- (12) Public Utilities.

- (a) Maintain application for service.
- (b) Records are often kept by address rather than by name.
- (c) Usually have a record of people who had service previously at the same address.
- (d) Companies may have a special agent's office that can assist.

(13) Real Estate Companies.

- (a) Records of residents and former tenants of rental property.
- (b) Records of buyers, sellers, and lien holders of property.

(14) Travel Agency and Other Transportation Companies.

- (a) Names and addresses of passengers.
- (b) Dates of ticket purchase.
- (c) Dates of travel.
- (d) Points of departure.
- (e) Hotel accommodations.
- (f) Itineraries.

(15) City Directories and Telephone Directories.

- (a) List names, addresses, and telephone numbers.
- (b) City directories generally list occupation.
- (c) Many list all streets in a city alphabetically, complete with street numbers and the name of each building's occupants.
- (d) Sequential telephone numbers, with names.

(16) Post Office.

- (a) Addresses for post office box holders.
- (b) Forwarding addresses.

(c) Letter carriers may have useful information.

(17) TransUnion TLOxp® Law Enforcement Account.

(a) Telephone numbers and street addresses can be cross-referenced against one another.

(b) It may list the occupant and possible relatives.

(c) It may list if a person is deceased.

(18) Internet. Virtually any information available in the public domain is accessible on the Internet.

(a) Social media accounts (e.g., Meta (formerly known as Facebook), X (formerly known as Twitter), Instagram, TikTok, Telegram, LinkedIn, WhatsApp, Snapchat, Threads).

(b) Search engines (e.g., Google, YouTube).

(19) Computer Forensics. Hard drives, e-mail accounts, network activity logs, and other electronic files stored on the network and individual computers should be considered a valuable resource.

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