DIGITAL INNOCENCE INITIATIVE

What Defense Attorneys and Investigators Can Do Now

Start early. Use the Digital Evidence Toolbox at every step. No prior technical knowledge is required.

1 ASSESS

Identify and prioritize

- Identify relevant digital evidence sources from client, scene, witnesses, and police.
- Compare what should exist with what law enforcement collected - identify what may be missing.
- Prioritize time-sensitive evidence and decide whether qualified forensic assistance is needed.

USE THE TOOLBOX: Case Assessment Checklist + Time-Sensitive Digital Evidence Guide

2 BASELINE

Understand each identified source

DEVICES — document what is known or visible without operating the device

- Make, model, phone number, serial number, carrier, and operating system, if known.
- Current condition and power state, including locked or unlocked status.
- Associated accounts, recovery information, and available credentials or passcodes.

ACCOUNTS, PROVIDERS, CAMERAS, AND OTHER SOURCES

- Record identifiers, owners, relevant dates, times, locations, and retention information.
- Determine what should exist, what was preserved or produced, and what remains missing.

USE THE TOOLBOX: Provider information + retention guidance + standards + technical resources

PROTECT THE EVIDENCE

Do not manually search, operate, or change the condition of a device.
Changing power, connections, settings, credentials, or files can alter evidence or metadata.

Document its condition, limit handling, and obtain qualified guidance when needed.

3 COLLECT

Preserve and obtain

- Preserve time-sensitive evidence with appropriate requests, discovery, subpoenas, or consent.
- Request the underlying records, forensic files, and supporting documentation.
- Coordinate forensic collection when needed, and use the Toolbox to evaluate what law enforcement collected and how the evidence was handled.

USE THE TOOLBOX: Preservation + collection + templates + provider and request guidance

START WITH THE NEXT CASE

Assess early. Preserve what may disappear. Identify what law enforcement did not collect.

PRESENTATION RESOURCES

digitalinnocenceinitiative.org | digitalevidencetoolbox.com