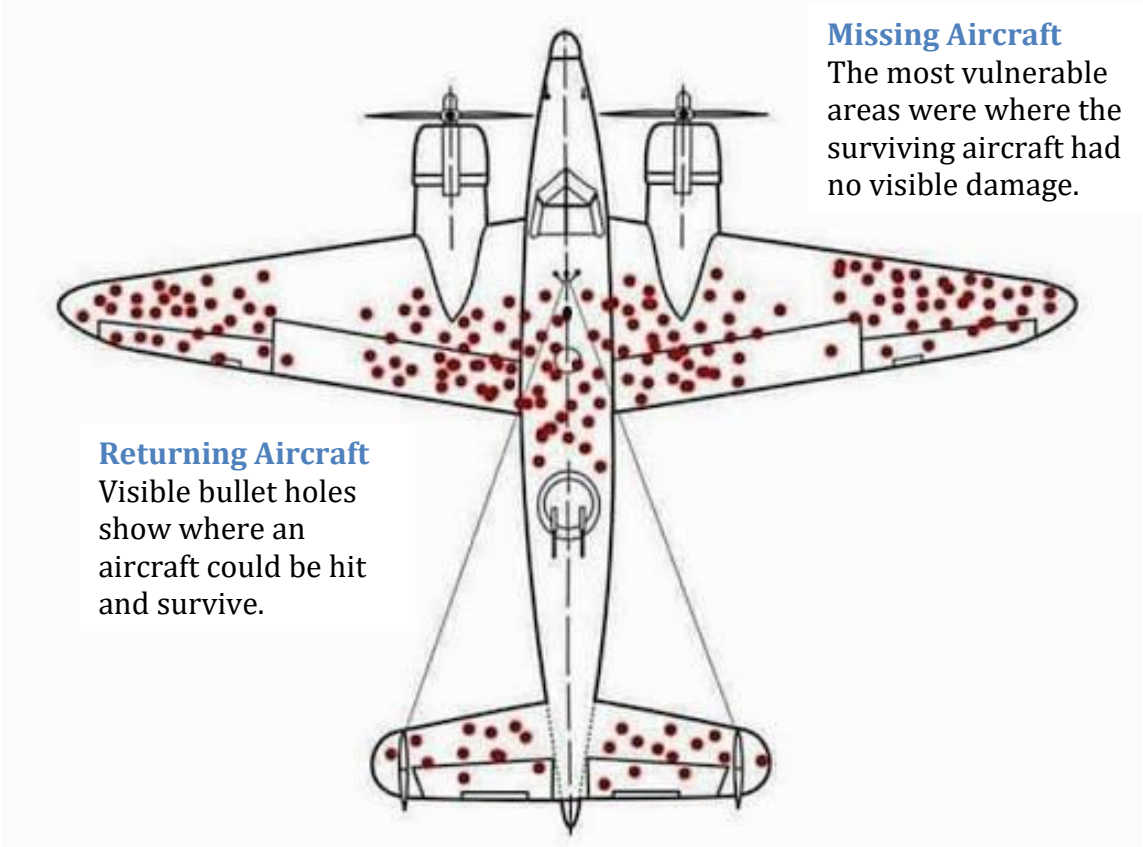
DIGITAL INNOCENCE INITIATIVE

The Missing Evidence Principal

What discovery does not show may matter most.



Wald's insight: the damage visible on surviving aircraft was not a map of where they were most vulnerable.

THE PRINCIPLE

During World War II, analysts studied bullet holes on aircraft that returned from combat. **Abraham Wald recognized that the visible damage showed where an aircraft could be struck and still return.** The critical evidence was missing: aircraft hit in more vulnerable areas did not return to be counted.

APPLIED TO DEFENSE INVESTIGATION

Discovery is the returning aircraft. It shows what investigators collected, examined, documented, and disclosed.

Digital evidence is a routine part of a police investigation. When expected evidence is missing, it may reveal evidence that was unavailable or inconsistent with the prosecution's theory.

The defense must investigate the blank spaces.

ASK THESE THREE QUESTIONS ON THE NEXT CASE

1. **What digital evidence was collected, examined, and disclosed?**
2. **What digital evidence should reasonably exist but is missing, incomplete, inaccessible, or unexplained?**
3. **What missing digital evidence is time-sensitive and risks being permanently overwritten?**

Remember: A report is not the underlying evidence. Discovery is a baseline—not the universe of evidence.