

OJEN's SUMMER LAW INSTITUTE

Forensic Workshop

Forensic Identification Services
within Toronto Police

Tuesday, August 26, 2008

Curriculum Vitae of Sgt Ed Adach

- 25yrs with Toronto Police Service.
- 15yrs Forensic Identification Services (FIS).
- Presented “expert witness” testimony regarding fingerprint evidence and footwear impression evidence on numerous occasions.
- Investigated 84 murders in Kosovo for the United Nations war tribunal, 1999.
- Provided forensic training to Afghan criminal defence lawyers, in Kabul, 2008.

Locard's Theory

Wherever he steps, whatever he touches, whatever he leaves, even unconsciously, will serve as a silent witness against him. Not only his fingerprints or his footprints, but his hair, the fibers from his clothes, the glass he breaks, the tool mark he leaves, the paint he scratches, the blood or semen he deposits or collects. All of these and more, bear mute witness against him. This is evidence that does not forget. It is not confused by the excitement of the moment. It is not absent because human witnesses are. It is factual evidence. Physical evidence cannot be wrong, it cannot perjure itself, it cannot be wholly absent. Only human failure to find it, study and understand it, can diminish its value.

- Professor Edmond Locard (1877-1966)



Police Engagement

- Complaint from citizen.
- Uniform officers conduct preliminary investigation.
- Minor offences investigated by Uniform officers.
- Uniform Scenes-of-Crime officers provide minor forensic work.
- In major cases investigative resources are utilized: Divisional Criminal Investigation Bureau, Hold-Up Squad, Sex Crimes Unit, Homicide Squad, etc (these squads have extensive specialized training).
- Forensic Identification Services (FIS) are utilized as required.

Forensic Identification Services (FIS)

5 Stages from Scene to Court

1. Scene analysis.
2. Evidence collection
3. Processing of evidence.
4. Court preparation
5. Court presentation

1. Scene Analysis

- Briefing.
- Assess information.
- Investigate beyond information provided.
- Document scene and FIS actions.
- Prepare sketches/diagrams.
- Take photos/videos.
- Scrutinize the scene.
- Constant reassessment of information and scene.
- Determine degree of relevance of everything within the scene.
- Assess the absence of expected forensic evidence.
- “Read” static scene to determine causal effects and sequence of events (footprints, trajectory, blood stain patterns, damage, etc.).
- Review information and findings with Investigators.

2. Evidence Collection

- Determine what needs to be collected.
- Document collection.
- Itemize all exhibits.
- Provide continuity of exhibits.
- Minimize contamination of exhibits.
- Collect evidence for Crown and Defence.

3. Processing of Evidence

- Determine analysis or enhancement possibilities of each item.
- Consult with Centre of Forensic Sciences regarding submissions.
- Consult with lead Investigator/Crown.

4. Court Preparation

- Investigate with consideration of court requirements, expectations, rules of evidence.
- Provide disclosure.
- Order photographs.
- Order plan drawing (of scene).
- Prepare charts demonstrating fingerprint/footwear evidence.
- Consult with lead Investigator.
- Consult with Crown.
- Meet with Defence attorney.

5. Court Presentation

- Study notes/evidence (exhibit list, continuity, CFS results, photos, etc.).
- Review expertise (preparation for voir dire).
- Know courtroom procedures.
- Know rules of evidence.
- Be familiar with defence tactics.
- Recreate scene.
- Present findings and FIS actions.
- Prepare to explain actions.
- Prepare to explain inactions.
- Introduce exhibits – where/how found, how collected/preserved, continuity, processes, results/relevance.
- Present fingerprint/footwear charts.
- Testify without bias.