Researcher Interview Questions:
Judges
(v1.0, May 7, 2009)

General
- What do you consider to be digital records?
- Please outline the role that you have in one or more of the following activities:
    - creation, collection, maintenance, use and/or preservation of digital records
- When would you consider digital records to be trustworthy?
- When would you consider a digital record to be authentic?
    - Therefore, what for you are the characteristics of an authentic digital record?
    - When would you consider digital records to be admissible evidence with respect to authenticity?
    - Do you have any written regulations or policies with respect to the above?
- Are there specific types of digital records/digital environments that constitute a special challenge with respect to authenticity?
- Do you think that there are specific challenges to the maintenance of digital records as authentic evidence?
    - Can you describe instances in which digital records became inaccessible for evidence purposes?
    - Can you describe instances in which digital records lost their trustworthiness as evidence over time?
    - What is the longest time span that you are aware of in which digital records used as authentic evidence needed to be maintained?

Identification
- Does a search warrant specify what type of digital evidence is sought?
- Are there concerns, such as confidentiality or privilege, which may affect the scope of the digital material that you seek to bring into an investigation?
- How detailed are you with respect to the digital material that needs to be acquired by a DF expert?
    - For example, would you expect a DF expert to acquire e-mails, phone lists, pictures, audit trail (re: access to websites, changes), metadata, etc.?
- Do you make any distinction between digital entities that are generated in a computer environment with human intervention and those that are generated in a computer environment without human intervention? [Need to explain further.]
    - If yes,
        - Why and in which way?
        - What do you do to distinguish them?
        - Do you treat them as a separate kind of evidence?
    - If not, do you consider all computer-generated materials as hearsay?
        - If yes, do you at this stage identify the business records exceptions?

- Do you make a distinction between what is a record and what is not and do you treat them in the same way? (How can evidence be submitted as hearsay if it is not acknowledged as a record at the outset?)
- How do you assess the relevance to the case of the identified digital material?
    - When and how do you make decisions about relevance of the digital material?
- Do you make determinations about how much identified material is sufficient to support a burden of proof?
    - If yes,
        - On which criteria do you base your determinations?

Collection [review of the procedures used]
- What sort of evidence do you need to establish the authenticity of collected records after they have been transported from the crime scene to the DF lab?
- What do you need documented during extraction to establish the correctness of the procedure?
- What do you need documented during extraction to establish a chain of custody?
- What do you need documented during extraction to establish authenticity?

Management and Preservation
- How aware are you of the importance of maintaining authenticity over the long term?
    - Are there any explicit rules about maintaining authenticity over the long term?
- After trial and possible appeal, who should be responsible for the preservation of the evidence package?
    - Where and how should the evidence package be kept and for how long?
- If multiple copies of the evidence package exist, how does the court determine which is considered the authoritative version?
    - Who keeps it?
- What evidence is destroyed?
    - What evidence is retained?
- For appeals, retrials and unsolved cases that are revived, how do you connect the old evidence with new evidence?

Conclusive Questions
- Do you think that there is a specific knowledge necessary for anybody who has to assess the authenticity of digital records?
- What knowledge and expertise would be desirable for DRF professionals?
    - How would you assess the quality of digital forensics expertise?
    - What qualifications or certifications do you think would convey the existence of such expertise?