

## Information and Consent

### Forensic Science Evidence in Court

In this study, we will be exploring how evidence from forensic science is used in court.

We are particularly interested in how well lawyers feel they understand this evidence, how it is challenged in court, and any barriers to its effective use. In order to participate, you must be a lawyer with experience in at least one case which has involved evidence from forensic science. Please read through the information below before agreeing to participate (if you wish to) by ticking the 'yes' box at the bottom. You may ask any questions before deciding to take part by contacting the researcher (details below).

The Principal Researcher is Dr Rebecca K Helm, who is attached to the Law School at the University of Exeter.

**What will happen if I take part?** You will be asked some questions about your experiences with and opinions on the use of forensic science in court. You will not be asked for information about specific cases, and please do not provide information that would allow us to identify you or a client. The survey should take about half an hour to complete. Your responses will allow us to better understand how forensic science is used in the legal system, how it is challenged in court, and any barriers to its effective use.

If you complete the survey you will receive a £50 Amazon voucher as a token of our appreciation.

**Do I have to take part?** No, your participation is entirely voluntary. If you do decide to take part, you may withdraw at any point for any reason before submitting your answers by pressing the 'Exit' button or closing the browser. However, note that your answers will be recorded as you progress through the study and once you have submitted an answer (by moving on to the next page) you will not be able to withdraw it. Note that we are only able to provide gift cards to participants who complete all study activities. We have included a 'prefer not to say' option for each set of questions should you prefer not to answer a particular question.

**How will my data be used?** We will not collect any data that could directly identify you. Your IP address will be recorded by Qualtrics but will not be

stored with your data. The responses you provide will be stored anonymously in a password-protected electronic file and may be used in academic or policy related work or on our website.

**Who will have access to my data?** The University of Exeter is the data controller with respect to your personal data, and as such will determine how your personal data is used in the study. The University will process your personal data for the purpose of the research outlined above. Research is a task that we perform in the public interest. Further information about your rights with respect to your personal data is available from <https://www.exeter.ac.uk/ig/gdpr/>.

**Who has reviewed this study?** This project has been reviewed by the College of Social Sciences and International Studies Research Ethics Committee at the University of Exeter.

**Who do I contact if I have a concern or I wish to complain?** For further information please contact: Dr Rebecca Helm, Senior Lecturer in Law University of Exeter, Amory Building, Rennes Drive, Exeter EX4 [4RJ.r.k.helm@exeter.ac.uk](mailto:4RJ.r.k.helm@exeter.ac.uk). You may also contact University of Exeter College of Social Sciences and International Studies (SSIS) Research Ethics Committee: email [ssis-ethics@exeter.ac.uk](mailto:ssis-ethics@exeter.ac.uk) (<mailto:ssis-ethics@exeter.ac.uk>).

Please note that you may only participate in this survey if you are 18 years of age or over, and have experience working as a lawyer in criminal defence.

☐ \_I certify that I am 18 years of age or over. If you have read the information above and agree to participate with the understanding that the data you submit will be processed accordingly, please check the box below to get started.

☐ \_Yes, I agree to take part.

If you have read the information above and agree to participate with the understanding that the data you submit will be processed as described, please check the box below to get started.

- ☐ Yes, I agree to take part.
- ☐ No, I do not agree to take part.

## Introduction

The purpose of this study is to understand how you respond to and use forensic science in your case work, and to understand any challenges that you face in responding or using this evidence. Your responses will be used to help us identify ways that we might be able to help to ensure that evidence from forensic science can be effectively utilised and scrutinised by both the prosecution and the defence. We look forward to hearing your feedback.

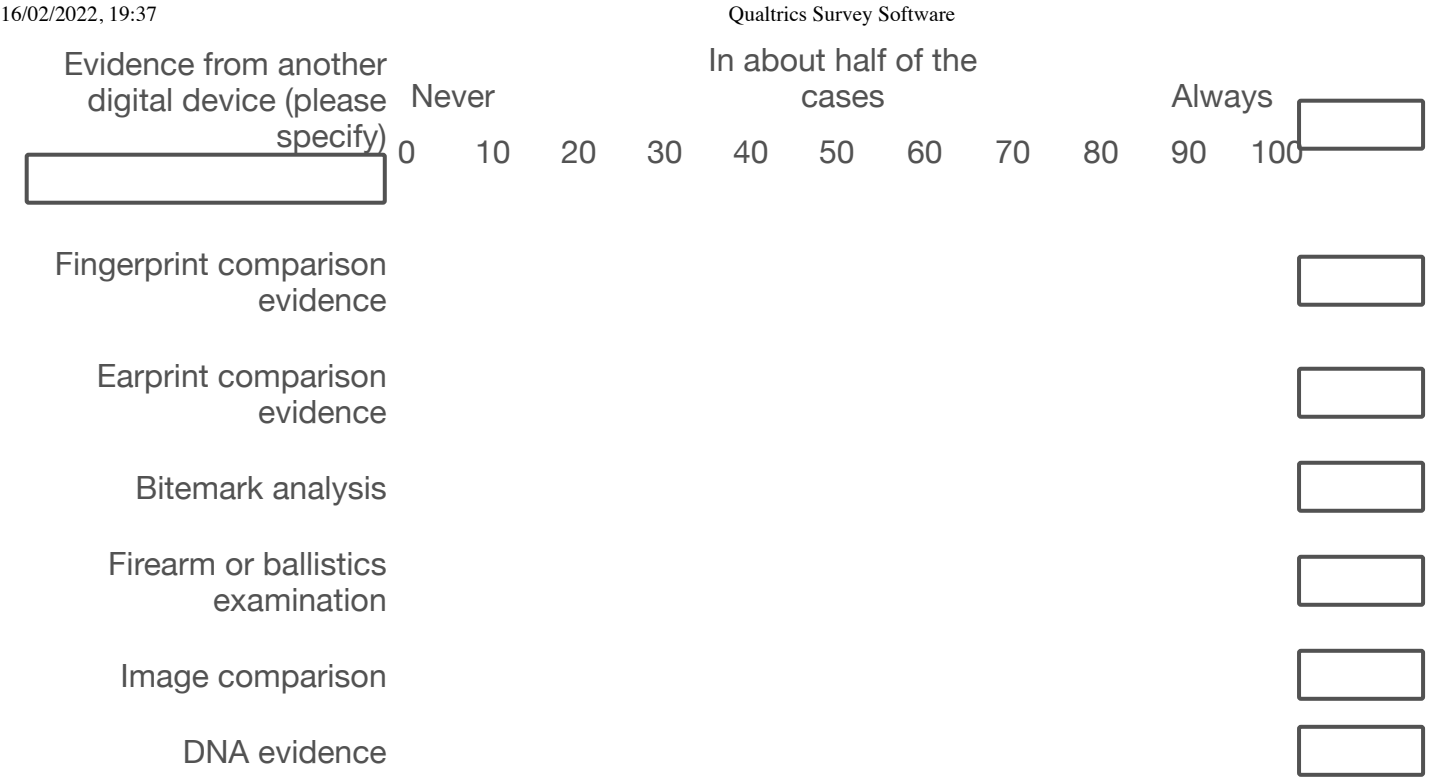
## Types of Evidence

In answering the questions below, please consider cases in which you have worked as a lawyer representing a defendant charged with a criminal offence.

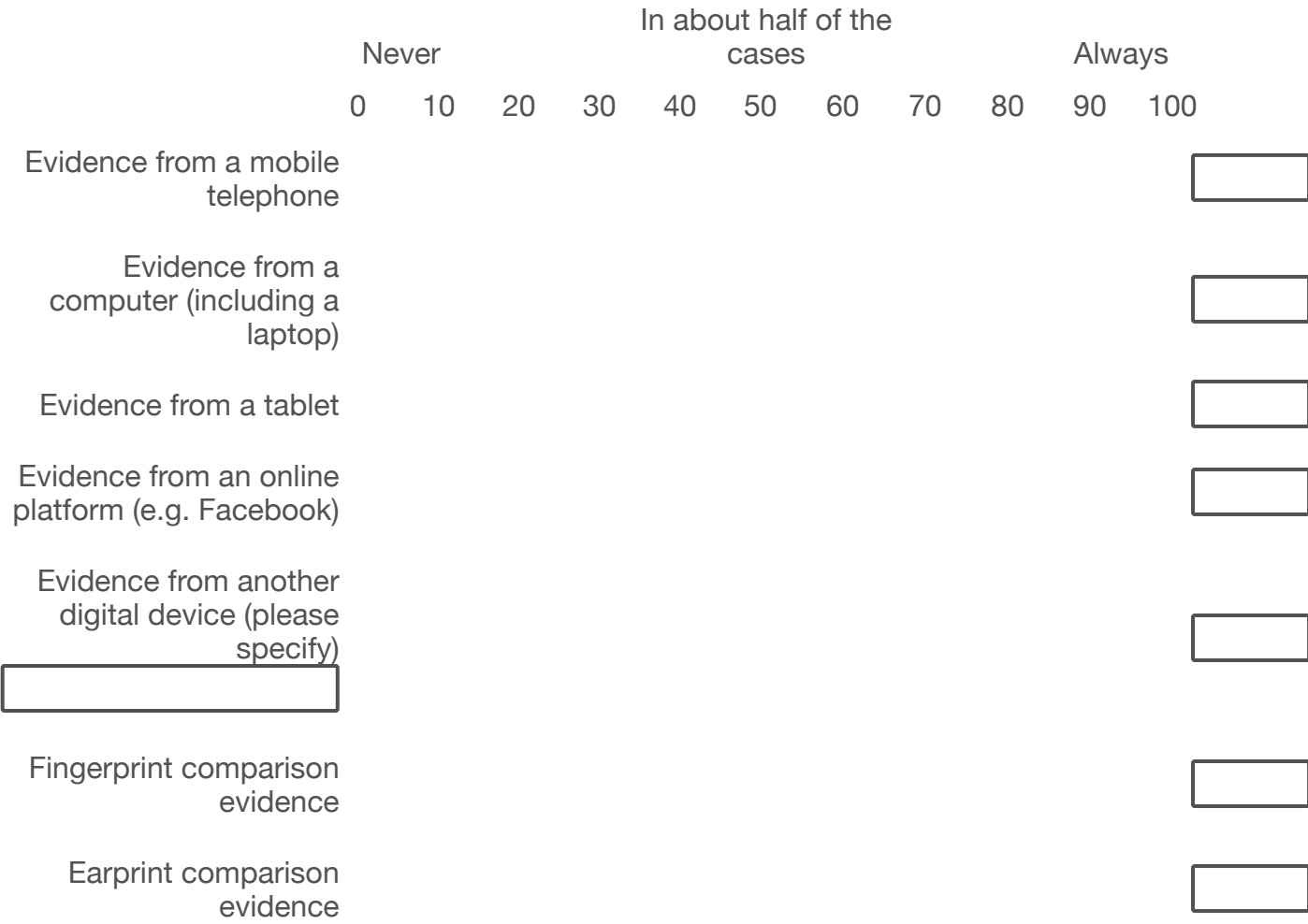
The first set of questions will ask about your experience with different types of forensic evidence.

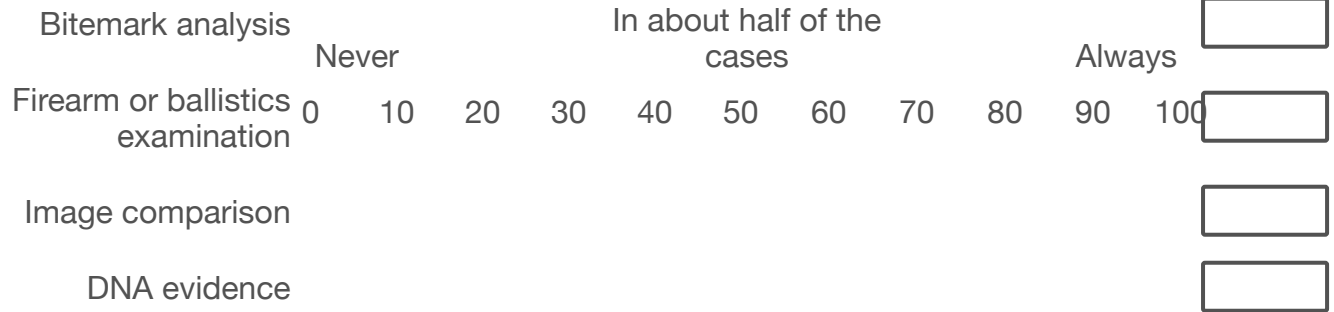
In the cases that you have worked on, how often have the prosecution used each of the following kinds of evidence in the case against your client?

	Never	In about half of the cases						Always				
	0	10	20	30	40	50	60	70	80	90	100	
Evidence from a mobile telephone												<input type="text"/>
Evidence from a computer (including a laptop)												<input type="text"/>
Evidence from a tablet												<input type="text"/>
Evidence from an online platform (e.g. Facebook)												<input type="text"/>



In the cases that you have worked on, how often have you used each of the following kinds of evidence in your defence case?





## Digital Forensics

The next set of questions will ask about your experience with digital evidence. By digital evidence we mean evidence obtained from a digital device such as a phone, computer, or tablet, or from an online platform.

The first six questions are about evidence presented by the prosecution. Two questions will ask about evidence that you use in your clients case, and three final questions will ask about your training and training needs in this area.

Are there typical types of evidence from digital devices or online platforms that the prosecution frequently use generally or frequently use in certain types of case?

When the prosecution provide you with evidence from a digital device or online platform what form is that evidence typically in?

How often do you challenge the conclusions drawn from a prosecution expert about evidence from a digital device or online platform?

- ☐ Always or almost always
- ☐ Very frequently
- ☐ Frequently
- ☐ Sometimes
- ☐ Very infrequently
- ☐ Never or almost never

How would you typically critique or scrutinise evidence from a digital device or online platform presented by the prosecution?

How conclusive do you think it is when an expert in evidence from digital devices or online platforms gives an opinion about information from a device or platform?

What are the challenges you face in evaluating evidence from digital devices or online platforms presented by the prosecution?



Moving on to questions about evidence you use in your client's case.

Are there typical types of evidence from digital devices or online platforms that you frequently use generally or frequently use in certain types of case?



What are the challenges you face in utilising evidence from digital devices or online platforms in your defence work?



Finally, some questions about your training and training needs.

Have you received any training in understanding and critiquing evidence obtained from digital devices or online platforms? If yes, please explain that training.

Do you consider yourself to have a good understanding of evidence from digital devices or online platforms?

Is there other training that you think would be helpful for you in working with evidence from digital devices or online platforms?

## Feature Comparison

The next set of questions will ask about your experience with feature comparison evidence.

By feature comparison evidence we mean methods that attempt to determine whether an evidentiary sample (e.g., from a crime scene) is or is not associated with a potential “source” sample (e.g., from a suspect), based on the presence of similar patterns, impressions, or other features in the sample and the source. For example, fingerprint comparison evidence, ballistics evidence, earprint evidence, and bitemark analysis.


The first six questions are about evidence presented by the prosecution. Two questions will ask about evidence that you use in your clients case, and three final questions will ask about your training and training needs in this area.

Are there typical types of feature comparison evidence that the prosecution frequently use generally or frequently use in certain types of case?





When the prosecution provide you with feature comparison evidence what form is that evidence typically in?



How often do you challenge the conclusions drawn from a prosecution expert about feature comparison evidence?

- ☐ Always or almost always
- ☐ Very frequently
- ☐ Frequently
- ☐ Sometimes
- ☐ Very infrequently
- ☐ Never or almost never

How would you typically critique or scrutinise feature comparison evidence presented by the prosecution?



What are the challenges you face in evaluating feature comparison evidence presented by the prosecution?



How conclusive do you think it is when a feature comparison expert states that the a sample from the crime scene is a match for your client?



Moving on to questions about evidence you use in your client's case.

Are there typical types of feature comparison evidence that you frequently use generally or frequently use in certain types of case?



What are the challenges you face in utilising feature comparison evidence in your defence work?

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Finally, some questions about your training and training needs.

Have you received any training in understanding and critiquing feature comparison evidence? If yes, please explain that training.

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Do you consider yourself to have a good understanding of feature comparison evidence?

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Is there other training that you think would be helpful for you in working with feature comparison evidence?



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