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VISUAL EVIDENCE

Elliott Goldstein

Release No. 2, June 2022

Publisher's Special Release Note 2021

The pages in this work were reissued in December 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the December 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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This manual is both a reference text and practical how-to guide for lawyers, judges, legal academics, law students, law enforcement officers, corporate security, campus security, and loss prevention personnel, alarm and security professionals, security guards, and private investigators. Part I focuses on the admissibility and weight of visual evidence in the courts. Part II examines the specific issues related to the use of visual evidence in civil proceedings. Part III covers the many uses for visual evidence in criminal proceedings, with particular focus on crime scenes, re-enactments and confessions.

What's New in this Update:

This release updates Chapter 25 Family Law Proceedings.

HIGHLIGHTS

Family Law Proceedings — Introduction — This chapter reviews the many uses for videos and photographs in family law proceedings (e.g., cases involving child custody and access, child protection, child welfare, paternity, and divorce). Videos and photographs have been used over the years in family law proceedings for many purposes including for example presenting testimony of a child witness, proving identity in paternity cases, providing a view of a spouse's lifestyle, activities or good/bad judgment as it may affect their ability to parent, and establishing a couple's date of separation. In this update the author discusses the effect of the rise of the smart phone in family law proceedings. The author notes that courts are now inundated with video and audio evidence from litigants and the way courts navigate this type of evidence. This chapter discusses how family courts have been increasingly open to accepting all manner of text and social media messaging. These changes are discussed in various topics such as surreptitious recordings, and the rise of electronic communication as evidence in family law proceedings.

ProView Developments

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