

## Publisher's Note

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Goldstein

## Visual Evidence

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:

Chapter 7 - Technical Objections to Admission has been updated. The following legal memos have also been updated: In what locations or situations does a reasonable expectation of privacy arise to prevent video surveillance by the government without prior judicial authorization in the course of a criminal or quasi-criminal investigation, and what will be the consequences of improper video surveillance?; When will the production of a written transcript of the verbal audio track of a video recording be a pre-condition to the recording's admissibility into evidence pursuant to the common law in a criminal proceeding?; and What is metadata, and what role can it play in litigation?

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# HIGHLIGHTS

## **Chapter 7 - Technical Objections to Admission**

This Chapter contains a discussion of the technical objections to the admissibility of visual evidence found in Canadian case law. Counsel may face various objections when tendering visual evidence. Most go to the issue of admissibility; however, some affect weight.

This chapter has updated commentary related to recent case law and legislative amendments.

## **Legal Memo Update - What is metadata, and what role can it play in litigation?**

Metadata is a generic term that describes a wide variety of information. It is commonly defined as “data about data” and is generally only used in the context of digital information. Courts across Canada have required disclosure of metadata, and have relied on metadata evidence at trial. Metadata may form an integral part of a piece of evidence, provide context to a piece of evidence, or be evidence on its own. Where metadata may be relevant, special procedures for production may be required. Similarly, some metadata may not be readily accessible or comprehensible; litigants-and the court-may require expert assistance in accessing and understanding metadata.

The author welcomes receiving cases involving visual evidence. Please contact the author via email at: [elgold@rogers.com](mailto:elgold@rogers.com) or visit the author’s website at: [www.videoevidence.ca](http://www.videoevidence.ca). This website now contains over 135 articles (downloadable in PDF format — scanned at 600 dpi) written by the author over the past 32 years.