COMMON QUESTIONS ASKED IN CELL PHONE FORENSICS

TRUCKING ACCIDENT CASES

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Trucking accidents can be catastrophic, and gathering and interpreting cell phone evidence could be critical to a case. The data may help prove what really happened and who was or was not at fault.

Our experts at Envista collaborated to bring you the top questions they get asked and why the answers can be so critical to a case.

What is the difference between a phone bill and a Call Detail Record (CDR)?

A phone bill will contain only the most basic information. Think of call detail records as a super phone bill. It will contain extensive information not included in a standard phone bill. This information can assist an examiner in determining if there is evidence of user activity on the phone at a given time. Beware though, given the technical nature of a call detail record, this data is often misinterpreted.

Case Example: A plaintiff attorney obtained a call detail record of the truck driver. When examining these records, they believed they had found calls occurring before and during the accident. However, upon review by our experts, we were able to show that these were automated routing calls by the cellular service provider and had nothing to do with user activity.

What kind of data can be recovered from a cell phone if examined by forensic tools and methods?

Cell phones today contain a tremendous amount of data. This data comes in many forms. Messages, emails, call activity, videos, photos, and other forensic artifacts can be used to create a timeline of activity surrounding when an accident occurred. It is also possible to recover extensive data believed to be deleted, as well as other obscure types of data such as if a user was using a hands-free technology while on a call, typing, searching on the phone, or watching movies.

Case Example: When performing a forensic examination of the plaintiff's phone, our examiners were able to show that the plaintiff was taking photos of an object in the passenger side seat while driving down the road. A photo was taken seconds before impact with a truck driver.

Can data records in a Call Detail Record be used as evidence that a driver was using the phone?

With some cellular providers, when you request call detail records, they will also provide data records. An all too common claim is that these data records indicate that the user was using the phone for activity such as watching movies, listening to audio, or browsing social media.

We've seen these claims go as far as trying to determine what activity was being performed by analyzing the amount of data being transmitted at a particular time. Data records cannot be used to determine what is happening, as data is transmitted all the time from your phone unless it is powered off or in airplane mode. These data transmissions can relate to user activity, or they can relate to simple automated functions of your phone as it is refreshing applications, fetching email, or a multitude of other functions.

Case Example: Opposing counsel's expert claimed that the driver was watching movies on his phone at the time of the accident because there were data transmissions in the call detail records at the same time. His claim was that the volume of data transmission was indicative of movies being streamed. This was speculation. One cannot determine if the data is being transmitted as an automated function of the phone, and by examining the driver's cell phone itself, no evidence was found of the driver watching movies or doing anything else with the phone around the time of the accident.

Call Detail Record Example

Calling NBR
Who's Calling?

Mobile Role
Inbound, Outbound or Routed Calls

Duration
Did a conversation take place?

Call Type
Phone Call or Text

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	MOBILE ROLE	START_DATE	END_DATE	DURATION (SEC)	Call Type	NEID	1ST CELL	LAST CELL
(123) 445-6789	(123) 445-6789	(123) 445-6789	Outbound	06/01/2018 00:06:32	06/01/2018 00:06:49	17	Voice	300	27483	27483
(123) 445-6789	(123) 445-6789	(123) 445-6789	Routed_Call	06/01/2018 00:06:56	06/01/2018 01:10:07	3791	Voice	300	0	0
(123) 445-6789	(123) 445-6789	(123) 445-6789	Inbound	06/01/2018 00:06:56	06/01/2018 01:10:07	3791	Voice	300	27483	27483
(123) 445-6789	(123) 445-6789	(123) 445-6789	Inbound	06/01/2018 00:13:02	06/01/2018 00:13:02	0	Text Detail	191	0	0
(123) 445-6789	(123) 445-6789	(123) 445-6789	Outbound	06/01/2018 00:13:29	06/01/2018 00:13:29	0	Text Detail	227	0	0
(123) 445-6789	(123) 445-6789	(123) 445-6789	Inbound	06/01/2018 00:14:11	06/01/2018 00:14:11	0	Text Detail	191	0	0
(123) 445-6789	(123) 445-6789	(123) 445-6789	Inbound	06/01/2018 00:15:16	06/01/2018 00:15:16	0	Text Detail	191	0	0
(123) 445-6789	(123) 445-6789	(123) 445-6789	Outbound	06/01/2018 00:29:40	06/01/2018 00:29:40	0	Text Detail	227	0	0
(123) 445-6789	(123) 445-6789	(123) 445-6789	Inbound	06/01/2018 00:32:12	06/01/2018 00:32:12	0	Text Detail	191	0	0
(123) 445-6789	(123) 445-6789	(123) 445-6789	Inbound	06/01/2018 00:32:14	06/01/2018 00:32:14	0	Text Detail	191	0	0
(123) 445-6789	(123) 445-6789	(123) 445-6789	Outbound	06/01/2018 05:09:44	06/01/2018 05:09:44	0	Text Detail	227	0	0
(123) 445-6789	(123) 445-6789	(123) 445-6789	Outbound	06/01/2018 05:19:03	06/01/2018 05:19:54	51	Voice	300	27483	27483
(123) 445-6789	(123) 445-6789	(123) 445-6789	Outbound	06/01/2018 05:21:38	06/01/2018 05:22:44	66	Voice	300	27483	27483
(123) 445-6789	(123) 445-6789	(123) 445-6789	Outbound	06/01/2018 05:43:36	06/01/2018 05:44:11	35	Voice	300	37504	37504
(123) 445-6789	(123) 445-6789	(123) 445-6789	Outbound	06/01/2018 06:06:53	06/01/2018 06:07:17	24	Voice	300	17527	17527

Why you need an expert

Some experts help win cases and some help lose cases. With people's lives on the line, it's important to have experts that you can trust, with extensive court testimony experience. In many cases that we've seen, user activity has been a hot topic of debate, as well as misinterpretation of call detail records which house call attempts, voice, text and data activity, as well as cell tower information. All of this information can be extremely important when trying a motor vehicle or trucking accident case. For more information on what Envista's experts do, visit our website or contact us at www.envistaforensics.com/contact.

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