



The Significance and Importance of the Chain of Evidence in Forensic Investigations

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The chain of custody is one of the fundamental elements of modern forensic and criminal investigations. Its main purpose is to ensure the integrity, authenticity and legal validity of material evidence from the moment of its discovery until the final court decision. The paper will analyze the concept and function of the chain of evidence, its importance in forensic practice, as well as the consequences of inadequate management of the chain of evidence on the outcome of court proceedings. Special emphasis was placed on the role of the chain of evidence in protecting human rights and strengthening trust in the judicial system.

Keywords: chain of evidence; forensics; criminal investigation; integrity of evidence.

Значення та важливість ланцюжка зберігання доказів у судово-експертних дослідженнях

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Сьогодні ланцюжок зберігання доказів є одним з невід’ємних елементів судово-експертних досліджень і кримінальних розслідувань. Його основною метою є забезпечення цілісності, автентичності та юридичної сили речових доказів з моменту їх виявлення до остаточного рішення суду. Проаналізовано поняття та функції ланцюжка зберігання доказів, його значення в судово-експертній практиці, а також окреслено, які наслідки має неналежне поводження з ланцюжком зберігання доказів для результатів судового розгляду. Підкреслено роль ланцюжка зберігання доказів у захисті прав людини та зміцненні довіри до судової системи.

Ключові слова: ланцюжок зберігання доказів; криміналістика; кримінальне розслідування; цілісність доказів.

Concept and elements of chain of evidence

Modern judicial procedure does not raise the question of how some evidence was produced, but how was it obtained? In order for the forensic evidence to be accepted by the court, the submitter of the evidence (most often the competent prosecutor or the forensic laboratory that examined the evidence) must prove that the “evidence chain” of the handling of the evidence itself was intact all the time. “Chain of evidence” or “Chain of custody” implies that the evidence (material trace) was handled in such a way that at any moment it can be determined who handled the evidence, when and in what way. The inviolability of the “Chain of Evidence” is ensured by documenting all actions and persons who were in possession of the relevant material evidence in those proceedings. It would be useful to

show an example of handling evidential material in the Forensic Center of Montenegro, which is presented as a document in the following figure (see the next page).

Using the figure in question, that is, the written document in question, the handling of forensic evidence can be seen as follows: In part of figure 1.1, the applicant for expert testimony, the number and date of the request in question are documented. Part 1.2 refers to the description of the event (the name of the injured suspect, the type of event and the date when the event occurred). In part 1.3, by describing the material trace (forensic evidence) that was submitted for expert examination, its originality is ensured and its integrity is preserved. In part 1.4, the handover of the material trace is documented with the exact date, which action unequivocally determines the collection of the

1.1	Podnosilac:	Broj zahtjeva	Datum zahtjeva
1.2	Opis događaja (oštećeni/osumnjčeni, vrsta djela/događaja, mjesto i datum)		
1.3	Kratak opis primljenog dokaznog materijala:		
1.4	Primopredaja uzoraka:		
	Predao:	Preuzeo:	Datum:
1.5	Vrsta ispitivanja/vještačenja		
	DAK	GSR	
	DNA	HEM	
	BAL	PEH	
	MEH	VID	
	GRAF	OPR	
1.6	Distribucija dokaznog materijala u Forenzičkom centru		
	Opis tragova:		
	Predao:	Preuzeo:	Datum:
1.7	Povraćaj tragova sa vještačenja		
	Opis uzoraka:		
	Predao:	Preuzeo:	Datum:
1.8	Povraćaj tragova podnosiocu zahtjeva/naredbe		
	Opis uzoraka:		
	Predao:	Preuzeo:	Datum:
1.9	Omot (spisa) predmeta		
	Predao:	Preuzeo:	Datum:
1.10	Sadržaj Omota (spisa) predmeta		
	Izveštaj o analizi/ispitivanju	Spektri	
	Izveštaj o vještačenju		
	Fotodokumentacija		
	Zahtjev		
	Naredba		
	Preispitivanje, radni nalog		
	Radni list		
1.11	Primopredaja Omota (spisa) predmeta za potrebe sudskog postupka		
	Predao:	Preuzeo:	Datum:
1.12	Napomena:		

Fig. Presentation of the handling of material traces (forensic evidence) in the forensic laboratory

material trace with confirmation that the trace is what is claimed in the request for examination. Part of figure 1.5 refers to which laboratory took over the subject trace for examination (DAK is the designation for the DNA laboratory, and so on). Part of figure 1.6 refers to the distribution of the material trace within the forensic laboratory itself (and most often it is material traces of this nature), for example and include

DNA expert examination and then ballistics examination. In this segment, it is of great importance to describe in detail the condition of the trace during handover (whether the trace itself has been changed in any way after one type of expert examination) from one laboratory to another. Part of figure 1.7 refers to the return of the material trace after the completion of the expert examination to the reception-dis-



patch part of the Forensic Center. How is the completeness and immutability of the material trace in question documented. Part 1.8 refers to the return of the material trace to the applicant himself (the competent prosecutor's office and/or the police department), by which the applicant is convinced in a documented manner that the material trace he submitted for expert examination is identical to the trace that is returned to him together with the Expert Report. If the material trace, when returned to the applicant, does not match (a small part and/or completely) with the trace that was submitted for expert examination, in this part of the figure, a documented explanation is given as to why this happened (for example, part of the trace was used for analysis and the like...). Parts of the figure from 1.9 to 1.12 refer to the hand-over of written documents that are part of the expert examination itself (Expert report, photo documentation, Order for expert examination and a copy of the document itself on the receipt and handing over of material evidence).

The "Chain of Evidence" method described in this way is part of the documentation which, among other things, implies the accreditation of a forensic laboratory according to the international standard ISO 17025, which has been determined by ENFSI (European Network of Forensic Science Institutions) as a standard for the work of forensic laboratories in the European Union countries and countries that intend to become such. The mentioned method shows the right way to establish and apply the "Chain of Evidence" in practice. However, non-compliance with this way of working could result in the following irregularities: loss of evidentiary value of material, compromising of the entire investigation, acquittals due to procedural errors, violation of public trust in the judicial system and others.

Conclusion

The chain of evidence is the basic pillar of forensic investigations and criminal proceedings. Its proper application ensures the connection between scientific analysis and legal procedure, which enables legal and fair judicial decisions to be made. Therefore, continuous education and strict application of chain of evidence procedures are imposed as an imperative of the modern judicial system.

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