



# Collection of Digital Evidence at the Local-Level

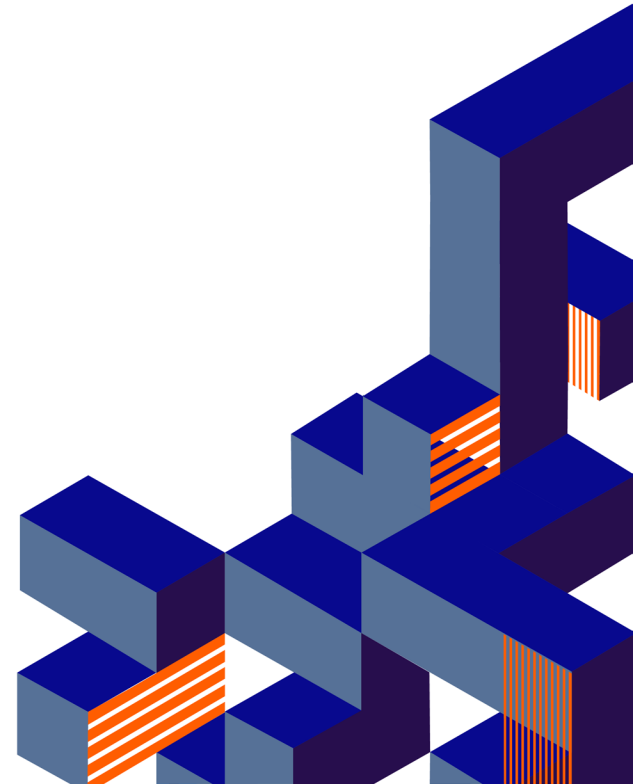
Investigator Brytten Sorgenfrei



# Certification Investigations

## **Investigations involving Educators that hold Certificates**

- Sexual abuse by a school employee
- Inappropriate boundaries
- Grooming
- Alcohol abuse at school
- Physical Abuse/Neglect
- Testing violations
- Abrogation
- Prohibited convictions
- Fail to report
- Theft



# Complaint Process



- Complaints are submitted by parents, school administration, community members, Law Enforcement, DHHS intakes.
- An Investigator is assigned to the case and subpoenas are sent to the schools, Law Enforcement, and any other entity that might have evidence.
- A Subpoena to Superintendent, Principal, Human Resources for evidence.
- Investigations by NDE are usually delayed 2-4 months from the time the complaint is filed.

# Local Level Evidence Collection



- Case Study:
  - Grooming-
    - It is alleged that a high school math teacher is spending an excessive amount of time with a student. Staff reported they've seen the teacher and student together before/after school and there are allegations of weekend visits to the school together. It is alleged that the student and teacher are communicating via school email, google doc, the Remind app, and personal text message. Staff have reported seeing the student and teacher hugging in the hallway and in the classroom with the door closed. Rumors are that this teacher is changing grades for this student in PowerSchool.

# Local Level Evidence Collection

- Email communication
  - Between student/teacher (time stamps, location of emails sent)
- Google Docs
  - Shared documents, editing information, time stamp
- Badge in and out of building
  - When is the teacher coming and going from the building
- Video Surveillance
  - Potential of hugging or entering the building after school hours, etc.
- PowerSchool Data
  - Time/Date stamp of data input and by whom
- Scan of school devices: computer, tablet, etc.
  - Any non educational activity
- Remind App data



# Storing and Gathering Evidence ASAP

- Importance of preserving the evidence as soon as possible
  - NDE most often does not work the investigation for 3-6 months post complaint filing.
  - Witness memories
  - Deletion of data after a certain number of days
  - Can the educator access email/google doc from home and delete data?
  - Educator wipes devices/deletes information
  - Check other employment within the District for similar data/evidence.
  - Check deleted folders on devices.



# Evidence collection can make or break the case

Collect evidence in a timely manner.

Quantity of evidence (all emails, all texts, all video).

Memory- easy to forget months later what you should collect.

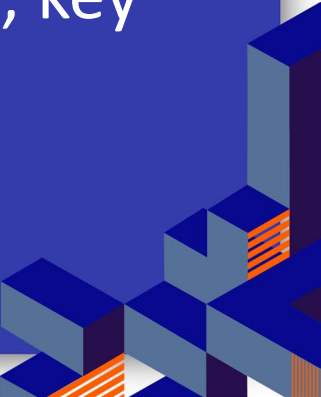
Self-destruct mode (auto destruction).

Over collect (you can never have too much evidence).

Check deleted folders on devices or within the server (deletion retention period?)

# Litigation Hold

- Does your District have Litigation Holds?
- This prevents auto destruction from becoming a problem.
- If a complaint is filed against an educator, is the digital data subject to a Litigation Hold that overrides any retention period?
- Determine what items have auto destruction timelines before an investigation begins (video, key card, powerschool, email)





# Public Discipline Cases

- [https://www.education.ne.gov/static/CC/Maline\\_Daniel.pdf](https://www.education.ne.gov/static/CC/Maline_Daniel.pdf)
- <https://www.education.ne.gov/static/CC/Fremstad-SIGNED-REPRIMAND.pdf>
- [https://www.education.ne.gov/static/CC/Noe\\_Matthew.pdf](https://www.education.ne.gov/static/CC/Noe_Matthew.pdf)
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- <https://www.education.ne.gov/static/CC/Demaranville-SIGNED-VOL-SURRENDER.pdf>
- <https://www.education.ne.gov/static/CC/Graves.pdf>



# QUESTIONS

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