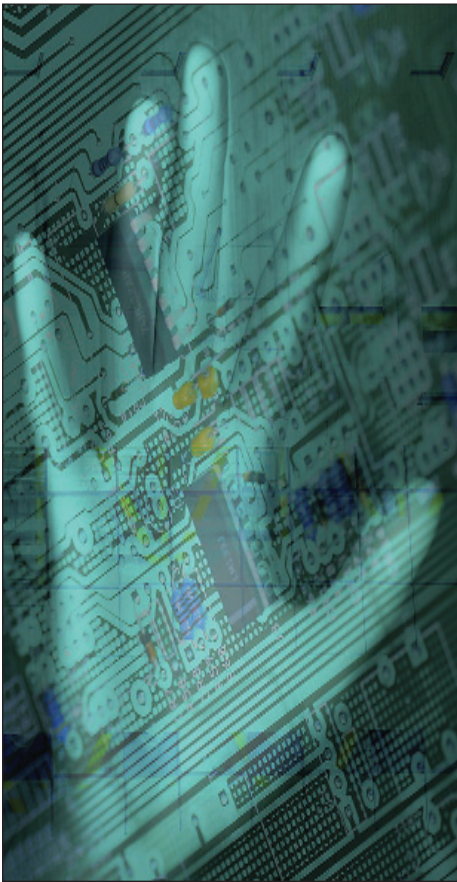


St. Louis Technology News

THE TECHNOLOGY SPIRIT OF ST. LOUIS™

TECHNOLOGY SOLUTIONS AND STRATEGIES FROM ISPIRIAN, SYLLOGISTEKS® AND ULTRATECH



Search for the Truth

Ispirian Computer Forensics staff use advanced skills to conduct investigations ethically and professionally.

Imagine that you've been hired to find buried treasure. You are given a map and a general idea of what's inside the treasure chest, and sent on your way. You follow the map, start digging, and find the treasure chest. Would you:

- a. Turn over only the treasure that had been described and keep the rest for yourself?
- b. Turn over the entire treasure chest but look no further?
- c. Keep digging to see if more treasure has been buried nearby, even though that's not part of your job description?

These are the kinds of ethical questions that computer forensic exam-

iners face every day. If, for example, an organization suspects that an employee might be storing pornographic material on his computer in violation of company policy, the organization might hire a computer forensic examiner to take custody of the PC and search for clues. The investigator's task is to find evidence of pornography.

But what if he happens to find evidence of child pornography or online gambling activity, either of which could result in criminal charges against the individual? Should he make the company aware of it? Should he notify the authorities? Who gets called first?

On the other hand, what about the possibility that the computer is infected with a virus that downloaded the pornographic files, or that a coworker put the files on the system in an attempt to get rid of the employee? Should the investigator dig deeper into the system to look for evidence that might exonerate the individual, even though he wasn't hired to perform that task?

"For some, these could be very tricky questions lacking clear answers given that a computer forensic exam-

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Search for the Truth

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er typically is hired by a client seeking a very specific result,” said Ispirian CEO Tom Smith, a forensic scientist and a member of the American College of Forensic Examiners Institute (ACFEI). “I believe that while we work for clients we must also consider the ethical obligations surrounding any investigation, including our responsibility to perform a full and complete investigation.”

Finding Facts

The ACFEI is an independent scientific and professional organization representing forensic examiners worldwide. According to the ACFEI, a forensic examiner is a professional “who performs an orderly analysis, investigation, inquiry, test, inspection or examination in an attempt to obtain the truth and form an expert opinion.” The group actively promotes the advancement of forensic science as well as elevated standards of training, certification and professionalism across the various disciplines.

“As members of the ACFEI, all of the investigators at Ispirian Computer Forensics follow the Code of Professional Practice and Code of Ethics prescribed by the organization,” Smith said. “These standards of professionalism serve to remind us that truth is the goal of every investigation. We are not to take sides or withhold information that might distort the facts of the case.”

ACFEI membership sets Ispirian’s investigators apart from computer professionals who do some forensic work on the side. In addition, Ispirian’s forensic scientists have specialized training in the proper “chain of custody” and data collection and preservation techniques that result in legally defensible digital evidence.

“Going back to the employee misconduct scenario, you’re not going to be able to defend against a wrongful discharge lawsuit if the PC and data are not handled properly,” said Smith. “That’s why it’s so important to hire a qualified

computer forensic investigator who has a well-equipped lab and knows how to conduct a proper investigation.”

Digital Gumshoes

A growing number of states are requiring that computer forensic scientists who do work for multiple clients hold private investigator (PI) licenses. Missouri recently established a private investigator licensing board, and the statutes seem to make it clear that computer forensic examiners who provide services to third parties are in the PI business and must be licensed.

“According to the statute, one of the defining elements of a ‘private investigation business’ is ‘securing evidence to be used before any court,’” Smith said. “I asked the board and its attorney their view on whether computer forensic activities fall under the PI statutes and the immediate response was, ‘Yes.’”

The concept has stirred some controversy within the field, but Smith believes it’s a good idea. A licensing board provides needed structure for the investigative industry while protecting the public interest with a means to file complaints and sets high standards for practitioners. It also begins to level the playing field between Missouri and other states. Prior to this statute, investigators from other states were free to provide services virtually anywhere in Missouri, but the rules in their home states weren’t necessarily reciprocal.

“The PI laws dovetail beautifully with other areas covered by the Code of Ethics, such as ‘conducting a thorough investigation,’ ‘staying within the law during the course of an investigation’ and ethical conduct,” Smith said. “A guiding principle in computer forensics is to treat every case as if it would be tried in court. Our training, licensing and code of ethics all make clear that we are an extension of the legal community and assist in the legal process, and as such we have a duty to seek justice in every investigation.”

ACFEI PRINCIPLES OF PROFESSIONAL PRACTICE

ACFEI and its members are to remain completely objective and use their ability to serve justice by the accurate determination of the facts involved.

ACFEI members are not advocates for one side or the other. Members should not intentionally withhold or omit any findings or opinions discovered during a forensic examination, which would cause the facts to be misinterpreted or distorted.

ACFEI members should not misrepresent or overstate their credentials, education, training, expertise or membership status.

ACFEI members are expected to refrain from any conduct that would be adverse to the best interest and purpose of the ACFEI. Members are to be forever vigilant of the importance of their role and to conduct themselves only in the most ethical and professional manner at all times.

The Forensic Examiner Creed

I do affirm that:

- I shall investigate for the truth.
 - I shall report only the truth.
 - I shall avoid conflicts of advocacies.
 - I shall conduct myself ethically.
 - I shall seek to preserve the highest standard of my profession.
 - As a Forensic Examiner, I shall not have a monetary interest in any outcome of a matter in which I am retained.
 - I shall share my knowledge and experience with other examiners in a professional manner.
 - I shall avoid conflicts of interest and will continue my professional development throughout my career through continuing education, seminars, and other studies.
 - As a Forensic Examiner, I will express my expert opinion based only upon my knowledge, skill, education, training, and experience.
 - The light of knowledge shall guide me to the truth, and with justice the truth shall prevail.
- To all these things, I affirm to uphold.