

## Mobile Devices: Evidentiary Gold Mine or Empty Mine Shaft?

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Mobile devices are ubiquitous and effectively tether their users to the electronic world. Analysis of mobile devices can be an invaluable tool for internal investigations, protection of intellectual property, and the collection of evidence.

We consider a series of case studies to address the collection of evidence from mobile devices, recovery of deleted data, analysis of devices never made available to the forensic analyst.

Finally we present a checklist of actions information security professionals can take to ensure proper preservation, analysis, and use of mobile device data.

MOBILE DEVICES ARE INCREASINGLY COMMON in adjudication ranging from criminal prosecution to corporate intellectual property litigation. This seminar discusses the use of electronic information in litigation broadly, with particular emphasis on data beyond documents.

After considering analytical possibilities with forensic analysis of non-document data, we focus on the issues unique to mobile devices. We start with an overview of the data available on mobile devices, how to find that mobile devices might have data of interest, and how to use mobile device data. We conclude with a case study involving intellectual property litigation centered around the use of BlackBerrys to transfer intellectual property from an old employer to a new one.

### *Use of Electronic Information in Litigation*

Information in litigation is often best reconciled, allowing inconsistencies to be identified and explored. Historically this has required testing information against other documents or testimony. With electronic information, we have the additional ability to look for internal consistency.

*Case Study: Was the letter backdated?*

Let's consider the example of an electronic document, authored in *Word*. If we want to know the date of a document from its print-out, we will typically look at a date that appears on the document and hope for the best. Such a letter might look like Figure 1.

When given access to the *Word* document itself in its *native format*, there may be additional information that is available to us. The *Word* file format is one that is designed to support the maintenance of a document, to keep track of its evolution from creation to the present. As part of meeting those design requirements, the file itself stores critical information that is not normally presented to a user unless looking specifically at document properties. There we can see information like date and time of the document's creation, when it was last printed, and when it was last modified. We can use such information to reconcile different dates and better assess the likelihood of a good printed date.

Compare the date from the visible text of our letter (shown again as Figure 2) with the dates shown in the electronic document properties (Figure 3).

Matthew Curtin  
Interhack Corporation  
5 E Long St 9<sup>th</sup> Fl  
Columbus, OH 43215

September 10, 2009

Bob Vendor  
123 Sesame St  
Somewhere, USA

Dear Bob:

Thank you for making the deal.

Sincerely,

moi.

Figure 1: The Visible Text of an Electronic Letter

September 10, 2009

Figure 2: Date From the Visible Text

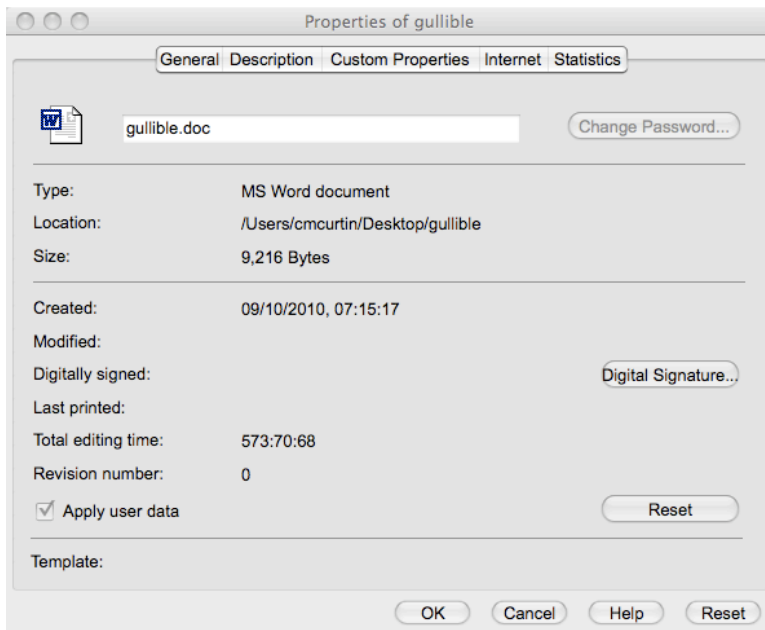


Figure 3: Document Properties of Our Letter

We can perform even more reconciliation if we are given access to the electronic mechanism used to store the *Word* document. In addition to the printed date on the document and the

in-document metadata, we now have the ability to look to the *filesystem* of the storage unit. As shown in Figure 4, metadata that the filesystem maintains include the name of the file, as well as the time that the file was originally written to that place, when it was last modified, and when it was last accessed. Reconciliation of filesystem metadata with in-document metadata, and again with a printed date can help us to establish with more certainty the time of a document's creation.

In this case, we have a "printed" date of September 10, 2009, but both the electronic file and the computer storage unit place the earliest date as September 10, 2010. This may provide convincing support of the argument that the letter had been backdated.

#### Case Study: What about that picture?

Like documents, images have a primary purpose to be seen and interpreted by a human. Like electronic documents, electronic images often have additional information embedded in them.

Consider the photo in Figure 5. Clearly it's a picture of Huntington Park in downtown Columbus. What else can we determine about the picture? A look at the in-file metadata (Figure 6) shows additional information. We can see the make and model of the camera as well as the date and time that the picture was taken. In addition, this particular file also has the location encoded in the image.



Figure 5: Photo From the Ballgame

```
File: "gullible.doc"
Size: 9216   FileType: Regular File
Mode: (0644/-rw-r--r--)
      Uid: ( 501/cmcurtin)
      Gid: ( 20/  staff)
Device: 14,5 Inode: 1029258 Links: 1
Access: Sun Nov 21 17:25:41 2010
Modify: Fri Sep 10 07:40:32 2010
Change: Fri Sep 10 07:40:32 2010
```

Figure 4: Filesystem Properties of Electronic Document

```
Date Time: 2010:04:30 19:30:22
Make: Research In Motion
Model: BlackBerry 8530
Orientation: 1 (Normal)
Resolution Unit: inches
Software: Rim Exif Version1.00a
X Resolution: 72
Y Resolution: 72
Altitude: 195 m (639.8 ft)
Latitude: 39° 58' 9" N
Longitude: 83° 0' 41.64" W
Speed: 0
Track: 340.66
```

Figure 6: Ballgame Photo In-File Metadata

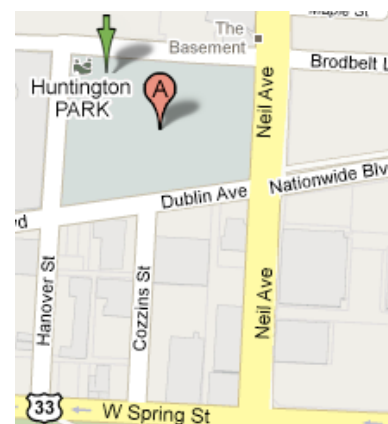


Figure 7: Location of Coordinates in Photo Map: Google Maps

Figure 7 shows the picture's coordinates on a map. Given altitude, latitude, and longitude, we can even determine from which seat I took the picture.

Working with reproductions of the pictures will allow for the content of the photo itself to be visible, but other information—potentially critical information—would be needlessly lost without bothering to look at the file in its native digital form.

Now that we have taken a look at several applications of digital information on computing systems generally, we can focus more specifically on mobile devices. In many ways, our understanding of digital information can be helpful, but mobile devices present a variety of unique opportunities and challenges.

### *Data on Mobile Devices*

Before we can get to the data on mobile devices, we need to understand how mobile devices store information. We'll look first at the *hardware*, the physical mechanism for data storage, and how the data are formatted.

#### *Hardware: Where is this stuff?*

Components of mobile devices are much the same as in common computing devices. These are typically made up of input/output, computing, and storage. In this discussion we focus largely on storage.

We find a typical BlackBerry smartphone in Figure 8. We can see that the device has a camera visible in back, and a button to remove the back cover. Once we remove the back cover as in Figure 9 we reveal the battery. Removing the battery reveals the location for additional storage, known sometimes as the *memory card*, sometimes called a *media card*.

Memory cards come in a variety of capacities, interfaces, and sizes. Three sizes are depicted in Figure 10. From left to right, these are the CompactFlash (abbreviated as "CF"), Secure Digital (SD), and MicroSD. The MicroSD card is about the size of a fingernail.

The oldest of the formats is CF, and was designed for use in electronic devices such as digital cameras. More recent devices tend to use SD and MicroSD standards. The BlackBerry uses MicroSD.

Many devices use cards such as this, and may store information material to litigation. In addition to digital cameras and phones mentioned earlier, devices that use these memory cards include



Figure 8: The front and back of a typical BlackBerry.



Figure 9: Opening the BlackBerry.





Figure 10: Memory Cards  
Photo: Evan Amos

digital camcorders, computers, personal digital assistants (PDAs), portable media players, GPS readers, and video game consoles.

Mobile devices with access to mobile telephone networks may also have a removable card known as the Subscriber Identity Module (SIM). In addition to the identification and authentication information needed to use the mobile network, SIM cards can store information such as address books and text messages.

Figure 11 shows how opening another BlackBerry model and removing its battery reveals the SIM card. The top side shows manufacturer and identifying information. The underside is where the contacts are for interfacing with the device.

#### *Common properties of data on mobile storage media*

In almost all cases, devices use these memory cards as they would a disk for storage: the media cards are formatted with a filesystem. That means not only do we have the files of interest, but the filesystem properties that we can associate with them, just as we did back when trying to assess whether a document was back-dated on page 3. Thus analysis of the storage can help us to understand things like when the device was in use.

Data not unique to mobile devices that are often found on them and could prove useful to analyze may come in many different formats. We describe some here. This list is not meant to be exhaustive, but to indicate some of the more common file formats, particularly for multimedia content that can be pertinent to an investigation but not easily “searchable” as documents.

**JPEG** Still image format, suitable for photos, by the Joint Photographic Experts Group.<sup>1</sup> These are typical on consumer digital cameras for still images. These allow for high color



Figure 11: Finding the SIM Card in a BlackBerry

<sup>1</sup> William B. Pennebaker and Joan L. Mitchell. *JPEG still image data compression standard*. Van Nostrand Reinhold, New York, NY, USA, 1992. ISBN 0-442-01272-1

and high resolution, while also using *compression* to reduce the size of the corresponding file.

**TIFF** Still image format. This format allows for high resolution without compression.<sup>2</sup> Commonly available on higher-end digital cameras. Many of these cameras also offer a “raw” format for image storage, one that varies from one manufacturer to another.

**MPEG** Format for multimedia applications including audio and video.<sup>3</sup>

**QuickTime** Apple’s own multimedia standard, common on but not exclusive to Macintosh machines.<sup>4</sup>

**Windows Media** Microsoft’s multimedia standard, common on but not exclusive to Windows machines.<sup>5</sup>

Specific capabilities of mobile devices and the data on them will vary wildly from one sort of device to another. We will consider several of the more common types of information.

#### *Data common to mobile phones*

Some examples of datasets available on almost all phones irrespective of make and model include the *call log*, the *phone book*, and SMS data.

**Call Log** Mobile phones will typically keep a record of calls recently sent and received. These records can be incomplete and may be configured to store only the recent past, but that can be a start, and could also have just the information that you’re looking for.

**Phone Book** Using the Phone Book to put names with numbers can be invaluable when attempting to understand how different parties are communicating with one another. Not only can names be put with numbers, but numbers can be associated together, showing someone’s home and work numbers, for example.

**SMS** The short message service was developed originally to work with mobile telephone networks. The technology dates back to the mid 1980s and has been widely deployed along with the rest of mobile telephony infrastructure.<sup>6</sup> Thus these messages are often more native to the device than add-on application such as email. This tends to make SMS more common, as well as able to have its data stored in places that other data cannot be stored, such as on a SIM card.

<sup>2</sup> Adobe Developers Association. *TIFF Revision 6.0: Final*. Adobe Systems Incorporated, 1585 Charleston Road P.O. Box 7900 Mountain View, CA 94039-7900, June 1992. URL [http://partners.adobe.com/asn/tech/tiff/specification.jsp;http://home.earthlink.net/~ritter/tiff/\(TheUnofficialTIFFHomePage\)](http://partners.adobe.com/asn/tech/tiff/specification.jsp;http://home.earthlink.net/~ritter/tiff/(TheUnofficialTIFFHomePage)). Includes TIFF Specification Supplement 1 (enhancements for Adobe PageMaker 6.0) [14-Sep-1995] and TIFF Specification Supplement 2 (enhancements for Adobe Photoshop) [22-Mar-2002]. Hypertext linked for Web access

<sup>3</sup> Didier Le Gall. MPEG: a video compression standard for multimedia applications. *Communications of the ACM*, 34(4):46–58, April 1991. ISSN 0001-0782. URL <http://www.acm.org/pubs/toc/Abstracts/0001-0782/103090.html>

<sup>4</sup> Andrew W. Davis and Joe Burke. The Mac goes to the movies: A detailed look at Apple’s QuickTime architecture. *Byte Magazine*, 18(2): 225–??, February 1993. ISSN 0360-5280

<sup>5</sup> Mingzhe Li, Mark Claypool, Robert Kinicki, and James Nichols. Characteristics of streaming media stored on the Web. *ACM Transactions on Internet Technology (TOIT)*, 5(4): 601–626, November 2005. ISSN 1533-5399

<sup>6</sup> F. Hillebrand, F. Trosby, K. Holley, and I. Harris. *Short Message Service (SMS): The Creation of Personal Global Text Messaging*. John Wiley & Sons, 2010. ISBN 9780470688656. URL <http://books.google.com/books?id=YPgfNaoYHUcC>

*Additional data*

Once we get access to the data, we need to make sense of it. In many cases, assessment of the data is as simple as extracting the text from the data. In other cases, analysis of the data structure is necessary to determine how even to read the data.

How much additional information can be found will depend on the make and model of the phone, as well as the level of access the analyst has to it. If the storage unit can be removed from the phone, reading the unit in its entirety is straightforward—usually. More secure devices such as the BlackBerry have options for strong encryption of the data stored on such media.

Any time that cryptography is protecting data on a storage media, the *key* needed to “unlock” the data will be required. Typically the key is computed as a result of a passphrase or code controlled by the user of the device.

*Finding Mobile Device Data*

Intuition suggests that we cannot analyze devices that we do not have. In the most strict sense, this is true. Access to the device is the best way to perform analysis, giving us the ability to perform physical inspection of the unit; thus we can see if anything, such as a USB port is broken. In addition, of course, we can recover whatever data might be available on memory and SIM cards. Finally, many mobile devices now synchronize with accounts in the cloud—opening up a large potential cache of information held in the hands of third parties.

Finding these devices and their storage media is often just a matter of asking. As usual, though questions need to be precise and asked carefully.

*Asking in interrogatories and deposition*

Attorneys can submit formal questions known as *interrogatories* to subjects of investigation, and can cross-examine opposing parties in the process of *deposition*. Working closely with them can help to ensure that they ask the right questions that can lead to additional devices that can be examined.

Analysis of the physical unit is not the only option. In some cases, the device is not available, but we may be able to get some useful information by performing analysis of computer systems to which the mobile device has been connected.

### Looking at other available data sources

When mobile devices like telephones are connected to computers, traces are often left behind. In some cases we can retrieve the information that the device presents to the operating system for identification—commonly make, model, and serial number. In other cases, we can get very detailed information, including specific content from the device, as if we had the device itself in-hand.

The most common case for connecting a mobile device is through a USB interface. When that connection is made in most computers, a record is made of the device being connected to the computer. Along with the identifying information is a date showing when the device was most recently connected to the machine. Thus, when looking to see how a mobile device might have been used to get access to data, we can begin our analysis at the computer where the device was most likely connected, such as a laptop or company-issued desktop computer. Obviously, performing this kind of analysis ahead of a deposition can be useful for ensuring that all devices and their usage is well-understood.

Even more information—a complete copy of all data available on a phone—may be available if the custodian uses an application like *BlackBerry Desktop Manager* to make a backup or to “sync” the computer data with the mobile device. We will focus on the BlackBerry in particular for this example to provide background to consider a case study later.

*BlackBerry Desktop Manager* offers several features to users who want to avoid losing their data in the event of loss of a device or its function. The most critical of these are “backup” and “restore.” The software is available for both Mac (Figure 12) and Windows (Figure 13) systems.

When the user makes a backup of the device, *BlackBerry Desktop Manager* identifies each of the databases on the device and downloads each one in turn to the local disk (Figure 14). All of the databases are stored in a single file that can be interpreted. In this particular case, this backup process is precisely the same as making a copy of the device using a utility for forensic analysis. Unless the user opts to encrypt the resulting backup file, all of the data on the phone is thus directly available for analysis as if the phone were available—though media files stored on the memory card will not be included.

This same capability exists by using *iTunes* backup for iOS devices. Empty page analysis in the databases can also yield deleted records.

Specifics of what is available will vary from case to case, but the copied data can be quite complete, including call log, SMS mes-

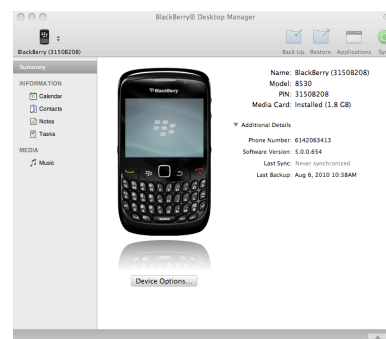


Figure 12: *BlackBerry Desktop Manager* for Macintosh

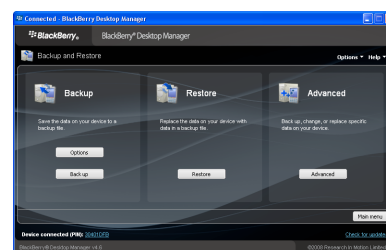


Figure 13: *BlackBerry Desktop Manager* for Windows

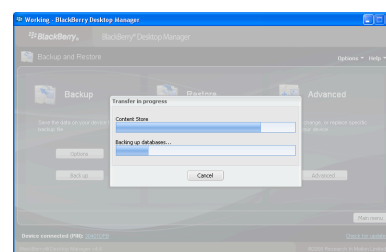


Figure 14: Making a Backup of a Phone With *BlackBerry Desktop Manager* for Windows



sages, address book, browsing history, email contents, calendar, chat messages, and history of applications for getting directions.

#### *Data held by third parties*

While information in the hands of third parties may contain valuable information, remember that the collection and analysis of information can be performed legally *only within the scope of authorization*. An employee's information on a company laptop might be fair game, but an employee's information in a Dropbox account is probably off-limits.

Increasingly, the ability to get data requires cooperation by other parties, typically through legal processes such as discovery and the use of subpoena and warrant documents.

#### *Using Mobile Device Data*

With their relatively limited storage and processing capability, mobile devices are typically more subject to the volatility of temporal data. Simply stated, these devices can store less than larger computers, and consequently do not keep information as long as those computers. Thus, preservation of the data that might be material often has heightened urgency.

If mobile devices need to be brought into scope, they need to be identified quickly, preserved without delay, and preservation should take care to include whatever information could be deemed relevant. Taking the device into custody and holding it in a safe may not be sufficient—if a proceeding drags on for days, weeks, and months, the memory on a device that is not powered up can be lost.

Proper preservation might include duplication of the device itself, duplication of memory cards, and SIM cards. Options vary from one device to another, and needs vary from one case to another.

Due in part to the limited storage capacity of the smaller devices, extraction and production of data from those devices can be more straightforward. Data can often be formatted for review on a standard computer with no fancy or unusual software, though counsel will likely have to work with an expert to understand what can and cannot be properly read into the data.

One note of particular importance: some tools, even those for "forensic" purposes show only the data that they know how to interpret. Working with an expert who can tell you whether other sets of data are on the device may prove critical if applications related to the issues in the litigation are installed on the device.

In some cases, we have extracted text from datasets of unknown format that can provide just the right piece of information for reconciliation with other datasets or for questioning in deposition.

Study of a case from my practice demonstrates how electronic discovery of mobile devices can lead to a powerful conclusion.<sup>7</sup>

### *Case Study: Transfer of Intellectual Property*

Mr. S was a sales agent for his firm, and a partial owner. When he resigned, the firm saw the need to ensure that its proprietary information, including customer list, remained under its control. When Mr. S joined a competitor the need became urgent. The firm had in its possession the computer he used while employed there as well as his BlackBerry, which the firm thought had been *wiped*.

I received the BlackBerry<sup>8</sup> and confirmed that it had been wiped—no information was available on the device. As is true on some mobile devices, the BlackBerry has a feature that will securely destroy the data on the device. This helps to keep the data safe even if the device is being sold to another party or is lost. The wipe can be activated either locally by selecting the option to do so from a menu, or in certain configurations from a central location such as a corporate IT department. In this case, the wipe Mr. S initiated also denied the firm the ability to review the last actions on the company-issued mobile device.

The firm initiated a lawsuit against the competitor, Mr. S and another former employee who followed Mr. S to the competitor. The firm sought a Temporary Restraining Order to prevent the former employees from using any of the firm's proprietary information for the benefit of the competitor. Counsel for the firm also issued a subpoena for Mr. S' home computer.

The TRO was granted. Counsel for the parties agreed upon a Protective Order wherein any of the defendants' information would be protected by requiring that I, as expert for the plaintiff, produce my findings first to defense counsel for any redaction before production to plaintiff's counsel.<sup>9</sup>

Mr. S was being deposed on Monday; on that afternoon we received his home computer for analysis. In the deposition, counsel discovered that Mr. S bought a new BlackBerry. We created an *image* of the computer's hard drive<sup>10</sup> and an inventory of the files on the drive on Tuesday. That inventory drew our attention to two files in particular, shown here in Figure 15.

We turned our attention to these backup files. The format of the file name, Backup-(YYYY-MM-DD).ipd, is consistent with the naming scheme used by the Windows edition of *BlackBerry Desktop Manager*. Comparison of the filesystem's attribute for storing time

<sup>7</sup> The case is real but identifying details have been changed as various agreements in the action are still in effect.

<sup>8</sup> We typically would seek to analyze the computer he used when employed by the plaintiff but we did not in this case due to technical specifics of the plaintiff's computing environment.

<sup>9</sup> This is a procedure we commonly suggest where there are competing interests in the data. Typically I will become party to the Protective Order and then follow the procedure such that opposing parties may be satisfied that their information is being protected from one another.

<sup>10</sup> An exact duplicate of the disk, sometimes also known as "bit copy" or "forensic image."

```
Documents and Settings/Owner/My Documents/
  Backup-(2010-01-07).ipd
  Backup-(2010-03-09).ipd
```

Figure 15: Two BlackBerry Desktop Manager Backup Files Identified

of file creation showed that the files were created on the dates indicated in the filenames.

Contacts databases for the backups seemed of particular interest.<sup>11</sup> The January backup had 145 entries in the Contacts database. March's backup had 4,241 entries in the Contacts database. Data extracted from the BlackBerry backup files were formatted for defense counsel's review.

Thursday morning, we produced the file inventory, extracted BlackBerry data, and our Initial Assessment Report of the hard drive to defense counsel for review, per the Protective Order. Friday afternoon, we received instructions for redaction from defense counsel: remove communications with counsel and passwords. We performed the redaction as instructed and sent the remainder of our findings along to plaintiff's counsel marked ATTORNEYS' EYES ONLY, per the Protective Order.

On the next Monday, we received Mr. S' new BlackBerry and analyzed it. Its Contacts database contained 4,226 entries. That extraction was also sent to defense counsel for review. On Tuesday we compared the Contacts database from the new BlackBerry with the Contacts database from the March backup and found 4,168 exact matches. Visual inspection of differences showed that many of the "non-matching" records were actually just corrections for items such as the format of a phone number.

We then turned our attention back to the March backup file—of which device? A personal BlackBerry? The work BlackBerry that had been wiped? BlackBerry devices are identified with a PIN—it's not a user's secret code, but something akin to the device's serial number. Helpfully, the Macintosh version of *BlackBerry Desktop Manager* provides this information in the backup filename itself, but the Windows edition stores only a type of backup (full or partial) and a date, as shown in Figure 15 above.

In the March backup file we found a database supporting the *BlackBerry Messenger* application—a BlackBerry-specific instant messaging application. In that database was the PIN of the device from which the backup came. It was clearly different from Mr. S' new BlackBerry, so the contacts were on another BlackBerry before they were on the new device. Although the other BlackBerry had been wiped, we still had system information available and were thus able to compare the PIN of the old device to the March backup. *Voilà!*

<sup>11</sup> The BlackBerry Contacts database is different from the phone's Address Book.

With this, we were able to establish:

1. Mr. S maintained his contacts in his BlackBerry device, the one that had been wiped and rendered unreadable to his former employer;
2. Mr. S made a backup of his employer's BlackBerry on his home computer approximately one month before quitting his job and going to work for a competitor;
3. Mr. S used the backup of the data from his old employer's BlackBerry to load to his new BlackBerry; and
4. Mr. S continued to maintain and update the contacts database as seen on his new BlackBerry.

I drafted a Declaration on Tuesday and arrived in court Wednesday morning, prepared to testify at the preliminary injunction hearing. As I sat in the gallery with both phones and my documentation, the parties went into a settlement conference. Negotiations continued throughout the day, and the hearing was rescheduled for one week later. Negotiations still incomplete, I appeared again and waited to testify. This time, a settlement was reached.

Mr. S is prevented from using any of those contacts for a period of time, and all new contacts that he establishes must pass through an approval mechanism agreed by counsel for the parties to ensure that no contacts in the plaintiff's contact database are reached for a period of time.

### *Case Study: IT Gone Wild*

As the previous case study shows, movement of personnel from one company to another is a risk that companies need to address. As it turns out, however, not all smoke turns into fire.

When an employee moved from one company to another, the management of the former employer was concerned. When the information technology department learned of the departure, they examined the employee's laptop and mobile device and didn't find the documents or records that they expected to find.

Taking their findings to their inside lawyers, they showed how the information that they needed to get the business done was missing. The lawyers followed up by sending a strongly-worded letter to the former employee and his new employer. After a strong denial and some responses from the new employer's lawyers, the former company's lawyers went to their outside law firm and brought us in.

In our analysis, we found the data in question. We didn't even use any special techniques. The company quite simply misread what their tools were telling them and escalated before they had a chance to understand just what level of examination would stand up in court.

This is a common tale; we find with some frequency that information technology departments manage to create more problems than they solve in this area. Some common problems:

1. Misunderstanding data and running forward with a theory that is not distinguishable from fiction;
2. Failing to identify relevant data, keeping only a subset of what is actually required for the purpose of analysis;
3. Destroying evidence in the course of attempting to preserve it; and
4. Failing to maintain the necessary documentation to authenticate the data.

### *Supporting Proper Preservation and Analysis*

As many in the information security field have backgrounds in information technology, the mistake of focusing on tools is common. Tools are rarely the problem when things go poorly.

Organizations looking to build this capability need to consider what exactly they need to accomplish and then assess what they really should be doing internally, what they should be sending outside, and how to build a triage process to ensure that matters are handled properly.

*Drill! Drill! Drill!*

No one expects that an athlete, and especially a team, will perform well on game day without taking the time to practice. Neither can mobile analysis be done properly without being done in a context that includes training, exercising, and evaluation. Figure 16 shows how drills can be put to work for you.

1. Use training drills to understand:
  - (a) How well-prepared organization is for the scenario;
  - (b) How well the organization executes its plans;
  - (c) How the response compares to other executions of similar scenarios by other organizations; and
  - (d) Where the organization can improve its planning and execution.
2. Make drills relevant by assessing litigation portfolio to find:
  - (a) High-risk activities: Where likelihood or impact of failure is high;
  - (b) High-expense activities: Where expense in litigation portfolio is concentrated; and
  - (c) High-frequency activities: Frequent activities.
3. Prioritize followup activity based on findings by aligning portfolio performance with business priorities, e.g.,
  - (a) Reducing risk,
  - (b) Reducing expense,
  - (c) Reducing frequency of turning search and production into a "project" or
  - (d) Reducing response time.

Figure 16: Method for Addressing Information for Litigation Proactively



*Are you ready?*

Consider your program for evidence collection and analysis. Elements of a proper process for analysis:

1. Defined authorization. What are you authorized to do? By whom? Assume that things go badly, the lawsuits start flying back and forth, and prosecutors get interested: *Where is your get out of jail free card?*
2. Documentation. As the FBI says, "Physical evidence cannot be over-documented."<sup>12</sup> You need to be able to demonstrate, sometimes years after the fact, what you got, when you got it, how you got it, the state upon your receipt, and what you did with it. Does this happen in every case? Even the ones that need to be done "right away?" Variability here can kill confidence in your program.
3. Methodology. Your methods must be reliable and consistent.
4. On solid foundation. Why did the chicken cross the road? Unless you've got a PhD in chicken psychology with a history of research on motivations of chickens, you don't have the foundation to offer an opinion. The same is true of other people, and is probably true of the computer systems you're using. *Stick to the facts. Do not be pressured by counsel into giving an opinion.*
5. Tested. Be sure that your process is tested: not just your technical data extraction and production processes, but the entirety of your process from beginning to end.

<sup>12</sup> Colleen Wade, editor. *Handbook of Forensic Services*. Federal Bureau of Investigation, Quantico, Virginia, 2003. URL <http://www.fbi.gov/hq/lab/handbook/forensics.pdf>

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