



DIGITS LLC

Up Front

THE D-DISCOVERY NEWSLETTER OCTOBER 2010

DIGITS LLC Completes Merger

Appoints 34 Year Law Enforcement Veteran as Chief Operating Officer

DIGITS LLC announces the completion of a merger between DIGITS (Digital Information Gathering & Investigative Technologies, Inc) and Promileon, LLC, a software development Company. The newly created entity, spurred by the securing of private equity financing, will continue as one of America's leading Computer Forensic Consultancy's dedicated to leveraging its unique technology and it's globally recognized team of experts to exceed their client's expectations in high stakes computer forensic investigations.

DIGITS LLC, also announced the election of James Domres as Senior Vice President and Chief Operating Officer. Jim retired from his position as Assistant Chief Investigator of the New York State Attorney General's Office on September 28th after a highly decorated career in law enforcement.

"Given the increasingly important role that technology and computer forensics has become in today's shrinking world, we are thrilled to have Jim join as a full time member of DIGITS LLC. Jim is one of the foremost experts in the computer forensics and computer investigations field and is known worldwide. He

is a charter member of this industry and his experiences will prove to be an invaluable resource for our clients," said Michael McCartney DIGITS LLC, President and co-founder.

"Jim's 34 years of law enforcement experience, with more than 15 years of that in supervisory roles, uniquely qualifies him to provide invaluable expertise and value to DIGITS LLC. His leadership and abilities, bring forth a unique skill set to the business environment that this company operates in," says Ray Nowicki, CPA and founder of Nowicki & Company.

"I am excited to join DIGITS LLC in a



Co-Founders, Michael McCartney and James Domres

full time capacity. This agile and creative company will have an incredible impact on the computer forensics and computer security industry. DIGITS LLC will be in a position to help it's client be successful in today's global economy. I look forward to helping progress DIGITS' mission," said Jim Domres, Senior Vice President and Chief Operating Officer.

Although Jim has spent the last 29 years of his 34-year career in western New York, Jim's investigations were international in scope. His innovations and abilities have

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PRESIDENT/CEO MICHAEL G. MCCARTNEY TO SPEAK

On October 14th, the 2010 Technology Forum featuring Homeland Security & Technology will be held at the Seneca Niagara Casino in Niagara Falls, NY. This conference is Western New York's leading Technology & Homeland Security event with over 50 vendors, six classrooms with many educational sessions, a nationally known keynote speaker, and over 350 attendees. The conference will address the rapidly-changing world of technology and how the homeland security industry is using technology to drive productivity, comply with regulatory requirements, and adapt to converging markets, products and investors.



DIGITS LLC President and CEO Michael McCartney will present to the attendees on Digital Forensics. In his presen-

tation, Mr. McCartney will offer an in-depth analysis of what "Forensic" electronically stored information (ESI) is available on digital devices, where it is located, and how to get it. This includes what detailed forensic treasures are available on the hard drive of employee issued devices, such as internet browser history, search terms entered into Google and Yahoo, typed web sites visited, deleted emails, web based email activity, instant message chat activity and much more. In addition, the exclusive DIGITS' Human Resource Escrow Program will be outlined which is used by many corporations as a risk mitigation strategy and helps to reduce litigation costs associated with employment and labor law disputes.

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made him a recognized expert in the areas of Computer Investigations and Computer Forensics. He has received awards from corporate America, the United States Attorney's Office, The FBI, the US Department of Justice, the New York State Attorney General's Office and has been recognized in the US Congressional Record for his efforts.

About DIGITS LLC – With offices in Buffalo and in West Seneca, NY, our core business is designed to help our clients take full advantage of today's information technologies while guarding against the ever-changing threats posed by those very technologies. DIGITS LLC was founded in 2006 to fill the need in the legal and

corporate communities for highly skilled computer forensic and data recovery services, corporate computer investigations, litigation support services, network security advisory services, and general computer consulting services. DIGITS LLC officers have over 60 years of combined law enforcement experience in Computer Forensics and advanced technology investigations.

<http://www.digitllc.com>

When there is everything to lose.

**We dig deep into the data
to get to the truth.**

Upcoming Events

2010 Technology Forum
featuring
Homeland Security & Technology
October 14, 2010
Seneca Niagara Casino

CEO Mike McCartney will be presenting on Digital Forensics.

**Western New York
Society for Information
Professionals**
November 9, 2010
Chef's
291 Seneca St., Buffalo

CEO Mike McCartney will be presenting on Computer Forensics.

*For more information regarding these events
please contact
Mike McCartney at
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DIGITS LECTURES AT SEC FRAUD AND COMPLIANCE BOOT CAMP

On July 28, 2010, Michael McCartney, President/CEO of DIGITS was requested to lecture to the U.S. Securities and Exchange Commission on Setting the FCPA Compliance Standard: Principles and Practices for Effective Global Third-Party Due Diligence Programs. Some of the attendees in the audience for this three day boot camp were Charles Duross, Acting Deputy Chief, *DOJ Fraud Section*, Cheryl J. Scarboro, Chief, *SEC FCPA Unit*, Robin Gazawi, *Supervisory Special Agent, FBI-HQ*, Internal Corruption Unit, Charles Duross, *Acting Deputy Chief DOJ Fraud Section*, as well as Partners and representatives from Skadden Arps Slate Meagher & Flom, Shearman & Sterling, Fulbright & Jaworski, Kirkland & Ellis and many other Washington D.C. law firms.



tronically stored information (ESI) and how that information can add significant value to any Ethics and Compliance Program. According to the yearly CSI survey of businesses, nearly 90% of all business records produced today are never printed and exist solely in electronic format. In addition, employees trying to do things that they know an employer or the government regulatory body doesn't want them to do, will typically delete items of interest, or use "out of band" email communications to avoid detection. Having the compliance and audit committees review forensically extracted ESI as part of their review, significantly increases the effectiveness of those programs.

For more information on how to employ forensics in your ethics and compliance programs, contact Michael McCartney at michael.mccartney@DIGITSllc.com

The Lecture was designed to provide participants with a working knowledge of Foreign Corruption Practices Act compliance programs and how computer forensics can be an integral part of the internal audit committee process. The program detailed the value of forensically extracted elec-

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cessed. Finally, there are often parts of the information programmed in specifically for the benefit of the software designer. Software has bugs. Software developers need some method of knowing what software does and when it does it so they can track down the bugs and fix them. This works to our investigative advantage.

When taken as a whole, and not in individual components, this extra data comes together to paint a picture of system use. As a user interacts with a database to do their normal routines, patterns of use emerge. If a small company has a 9 to 5 staff, usage is expected to begin at 9 or

just after; slow down near traditional lunch times; pick up again after; and end at 5 or just before. Data is not expected to be modified in odd times unless there's a system function that is scripted to do that, in which case the routine is stored and probably predictable. Given enough sample data, each user will begin to have distinct usage patterns that can be statistically compared to other samples and variations determined. Variances outside the norm will begin to stick out like a beacon. Evidence of wrongdoing is identified by the consistency of what is stored on the media or consistency of data can be used to exonerate the ac-

cused. Ultimately, the data tells the story.

Although this example has been centered around a corporate database, the same can be said of a laptop hard drive. People are creatures of habit. It takes much more discipline and effort to randomize behavior than it does to fall into a pattern of actions. We don't even realize it, but our devices are storing all of our secrets and will reveal them to whomever knows how to ask the right questions.

THE SECRETS OUR DATA TELLS US

By Bradley Bartram, Vice President & CTO

I recently worked on an engagement dealing with a company defending against an action brought by an ex-employee. The case focused on alleged changes to a corporate database that, if true, would constitute a possible fraud.

This case made me stop and think about the nature of the data we put into our devices and what it knows about us. By now, any regular reader of this newsletter is aware of the normal pieces of data stored on digital devices and how easy it is to forensically recover them. However, what I'm going to discuss over the course of this article is the implied data that can be gleaned from a digital data repository.

Generally, when people think of their information, they tend to think of the obvious pieces of information they store. The content of the word document, the values and calculations placed into excel, the names and numbers in the address book, etc. These are all normal pieces of data that we look for and examine and provide us with the plot in our examination's narrative.

Any student of literature will recognize there's more to a good story than just the plot. There are characters, events, subtle details, twists, turns, and pacing. Taken as a whole, it all comes together to give the reader a cohesive story. Miss one or more critical elements and your great novel becomes pulp. A digital examination is the same way. We need more than just content to determine the full context of the investigation.

So how does any of this relate to the topic at hand?



Well, data put down onto storage over the course of normal use is a very interesting thing. It's very, very hard to fake. Sure, elements can be created that look like they belong and may be quite convincing when taken out of context as an individual fragment. When all of the data is taken together, things fit together in a logical and expected fashion - just like a well crafted story. Taken as a whole, a planted piece of data or an attempt to modify something will stick out to the trained observer.

What does our data know about us and why is it so quick to drop the dime?

Moving back to the database engagement I led off with, the data that's stored has a multi-dimensional element. First is the obvious content of the tables and the fields. This is what the database is designed to hold, usually in support of another application. Next are the various pieces of data that designers usually put into the system to make life either more convenient for the user or easier on them. These are bits of data like time stamps that may tell when a data record is created, modified, or other wise ac-

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