

Wal-Mart Stores, Inc. Leads with E-Discovery: Part 1

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When you hear about the next organization seeking ASCLD/LAB accreditation, you may not expect to hear a Fortune 500 company named: Wal-mart Stores, Inc.. Walmart's E-Discovery and Forensic Services Laboratory has their ASCLD/LAB assessment scheduled in November 2013. Ken Mohr, a principal at Crime Lab Design, heard about the project Larry Depew and his company, Digital Forensics.US, LLC was doing with Walmart and wanted to learn more about the trend for convergence of E-Discovery and digital forensic services. This two part article shares what was learned within the quiet, but exploding world of digital forensics.

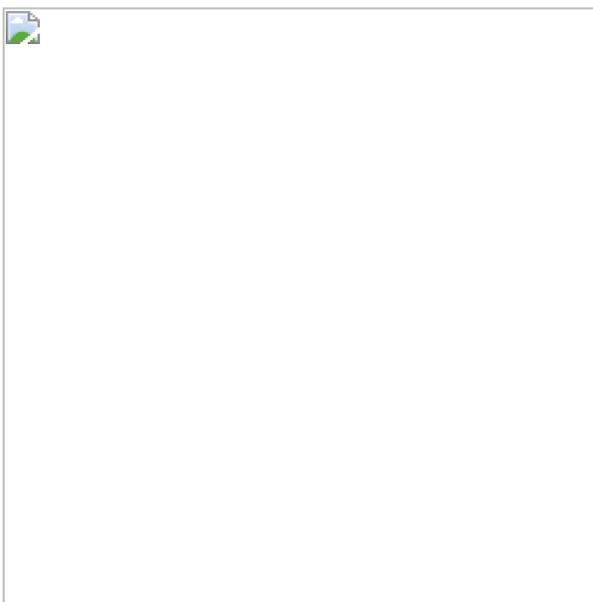
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Part one begins with an introduction to the process Depew and his associates provided in partnership with Walmart's lab assisting them with earning accreditation and concludes with a statement from Walmart's Quality



Manager on the value of the project. We will review some questions and answers between Ken and Larry in part two, exploring some of the physical space needs, equipment, and lab practices that will attribute to their future success.

Larry and his team guided Walmart's Lab through the following planned phased activities on the road to ASCLD/LAB accreditation:

Phase 1: Conduct an off-site analysis of their quality management system manuals (quality, technical, operations) against ISO/IEC 27015:2005 and the ASCLD/LAB 2011 Supplemental Standards.

Phase 2: Conduct an on-site analysis of operations against the standards.

Phase 3: Develop a roadmap and project schedule that incrementally establishes operational rigor that conforms to the International and ASCLD/LAB standards.

Phase 4: Draft policies and procedures into quality, technical, and operations manuals that describe how the laboratory will meet the International Standards.

Phase 5: Define the knowledge, skills, and abilities required for examiners to establish competency through an effective training program and documented to a training manual.

Phase 6: Mentor the implementation of the system in conformance with the standards.

Phase 7: Measure performance through such activities and internal audits and management reviews and make adjustments through formalized management review processes in an effort to improve the laboratory's level of performance in a Plan-Do-Check-Act continuous cycle.

These phases continued over two years. Depew has had three certified technical examiners all with ASCLD/LAB assessor experience working on this project. The laboratory is located in Bentonville, Arkansas. The lab is staffed with a Lab Director, a Quality Manager, an E-Discovery Manager, 20 E-Discovery Specialists (examiners), and 19 Forensic Examiners. Lab services include data collection, preservation, analysis, and reporting for internal investigations, such as employee misuse or investigation of false injury claims (e.g., staged "slip and fall"). They also collect and analyze video for law enforcement when a criminal event occurs in an area surveyed by Walmart cameras both in the stores and the parking lots. So, E-Discovery is the civil litigation side of data collection, preservation, analysis, and reporting. The E-Discovery unit uses the same tools/software/methods that law enforcement examiners use, but in response to ongoing or anticipated civil litigation.

How did a private company such as Walmart decide to seek accreditation?

I received a telephone call from the Lab's Quality Manager Ken Gill. He explained their desire to earn ASCLD/LAB accreditation having recently visited an FBI-sponsored Regional Computer Forensic Laboratory (RCFL). Their goal was to establish operational rigor that an external accreditation assessment would help establish, thus increasing confidence in the work product delivered to their customers.

What trends in the Digital Forensic industry is Walmart following or improving?

In my opinion, Walmart is leading rather than following the private sector industry in two ways. First, they recognized that the baseline technical processes and requirements for quality management are essentially the same for both their digital forensics and E-Discovery teams. Thus, unlike most organizations that have separate components for these

services, Walmart has combined their services into the E-Discovery and Forensic Services Laboratory. By encouraging cross-training between the teams, they have established an extensive set of resources that can be leveraged when work surges on one team. Second, Walmart is investing in their in-house forensic and E-Discovery program, rather than outsourcing, which saves an enormous amount of money. In addition to developing a hard drive recovery capability, they are building capacities for reverse engineering SSD devices and chip off multiple mobile devices found in business-issued equipment or BYOD. Third, Walmart is one of a few private sector companies that have sought accreditation as a component of the quality management system that establishes their results as reliable and defensible. It will be the first laboratory to achieve ASCLD/LAB accreditation under the international program for an E-Discovery laboratory.

A statement from Wal-Mart Stores, Inc. Quality Manager Ken Gill on what he has learned:

The development of our quality management system is best described using the analogy of painting the Golden Gate Bridge. It is never finished. When you get to the end, you head back to the other end and start painting again. Sure, a lot of work went into preparing for the ASCLD/LAB assessment. But our pursuit of improving operations doesn't end with accreditation. You are continually examining and re-examining your processes and procedures. You are ensuring that the teams remain proficient and that they are current. New technologies arrive and they need to be vetted. This along with pretty much verifying everything under the sun.

The fact that we now have a well-documented and functional mentoring program is of special importance to us. As the demands for our services grow, our forensics and E-Discovery teams grow as well. The process of bringing in new members to the teams and establishing their competence is very important. It is now streamlined with an effective and efficient mentoring program. The Mentor/Mentee pairing facilitates the efficient development of new associates' competencies. Defined training goals against which achievements are mapped and documented establish a record that our staff has the required skillset to provide our customers with reliable results.

Don't miss part two of this article as Ken and Larry explore some of the physical needs for the lab.

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Larry Depew, founder of Digital Forensics US LLC., is a graduate of the University of Maryland (BS Criminology). He continued his education at Maryland earning certification as a paralegal specializing in Freedom of Information and Privacy Acts. Later he attended George Washington University and ESI International earning a graduate certification in Project Management and undertook management training at Northwestern University, Kellogg School of Management. He is a certified project management professional through the Project Management Institute.
