



W22 Developing A Professional Code of Ethics in Digital Forensics

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After attending this presentation, attendees will be aware of issues that constitute a need to generate support for a unified professional code of ethics in digital forensics and will identify the steps necessary to establish such a code.

This presentation will impact the forensic science community by bringing together key stakeholders and representatives in the area of digital forensics, including academics, practitioners, and vendors to discuss the need for a professional code of ethics.

Almost every criminal and civil investigation now involves some form of digital evidence, yet we are a profession that lacks a clearly articulated, consensus-based code of ethics. In fact, it has been argued that without a code of ethics, the field of digital forensics cannot even *be* a “profession.”¹

Unlike some professions (e.g., legal, medical), digital forensics has neither a professional association on par with the American Bar Association (ABA) or the American Medical Association (AMA), nor a comprehensive code of ethics comparable to the ABA’s *Model Rules of Professional Conduct* or the AMA’s *Code of Medical Ethics*. Instead, multiple professional associations exist — some of which also provide certification for digital forensics professionals — such as the International Society of Forensic Computer Examiners (ISFCE), the International Association of Computer Investigation Specialists (IACIS), the Digital Forensics Association (DFA), and the American Society of Digital Forensics and e-Discovery (ASDFED), to name a few. A handful of these associations have established a set of professional ethical standards that members or certificate holders are expected to follow, but this is not the norm.

Sponsored by the National Science Foundation’s Science, Technology, and Society (STS) program, a workshop was held in May 2015 to discuss the need for a professional code of ethics in digital forensics. Some of the core areas discussed at the workshop included: misrepresentation of digital evidence, misrepresentation of credentials, duty to verify/validate/test if the tools are operating as intended, duty to not exceed one’s own knowledge, and a duty to uphold confidentiality and privacy. In addition, there is a need to address conflicts of interest (e.g., confirmation bias, loyalty to employer, financial bias, hired guns). In fact, the Ethics Committee of the Council of Scientific Society Presidents (CSSP) reached out to members of the American Academy of Forensic Sciences (AAFS) in July 2015 to determine if there were examples of bias in terms of the acceptance of results based on source of funding. Although the CSSP is concerned with a specific conflict of interest, there exist similar concerns in the field of digital forensics with conflicts of interest, such as ethical dissent (e.g., acts of conscience, whistle-blowing) and professional neutrality (e.g., examinations are valid regardless of employer); however, unlike the CSSP, almost none of the existing codes have enforcement mechanisms in place to investigate allegations of unethical conduct by digital forensics professionals or sanctions for offenders if violations are uncovered.

Based on the recommendation of attendees at the Professional Ethics in Digital Forensics workshop, a larger workshop is sought at AAFS that will bring together key stakeholders and representatives in the area of digital forensics, including academics, practitioners, and vendors. The goals of the workshop are to raise awareness about these issues, to generate support for a unified professional code of ethics in digital forensics, and to identify the steps necessary to establish such a code.

Reference(s):

1. Hooker J. (2006). Professional ethics: Does it matter which hat we wear? <http://ba.gsia.cmu.edu/jnh/hats.pdf>.

Code of Ethics, Digital Forensics, Profession