

Investigator Spotlight: An Expert Q&A Series

Former Director of the DEA's Special Operations Division shares how PenLink can reduce burden and aid investigators in closing their cases faster and more efficiently.

*In this month's edition of our monthly Investigative Q&A series, we sat down with **Derek Maltz, Former Director of the DEA's Special Operations Division**, to talk about how investigators are dealing with the huge amount of digital evidence in their cases and how investigations are changing to keep up with the latest technology. Maltz reveals a simple PenLink tip that investigators are not using enough, explores how digital evidence is changing the way investigators are looking at cases, and shows why digital evidence is easy for a jury to digest.*

Q: How has the investigative process changed over the last three to five years?

A: Technology is booming, and it's creating complexities never before seen in law enforcement. The massive amount of available data has been the biggest change. Investigators are now inundated with so much digital data, they don't have the training or the manpower to handle it. The amount of available data will continue to grow as the years go on, and that's why it's more critical than ever that investigators have the tools and technology to filter and triage it, to keep from being overwhelmed and to stay focused on their goals.

When I talk about data to investigators, I often use an analogy from the movie *The Perfect Storm*. The plot involves the main characters deciding to head out on a fishing boat, even though a storm is in the forecast. As a result, they face dire consequences from the storm and the huge

waves that it creates. The storm investigators are facing today is a storm of information and advanced technology, which has been growing for years. The huge waves of information keep crashing down on law enforcement, overwhelming them. It's critical that investigators

have a better way to manage the huge volumes of data and that our laws are updated to deal with encrypted communications.

With regard to those huge data sets—that's where PenLink comes in. Partnering with PenLink gives agencies a tool to help them effectively manage the influx of digital data and take on the task of analyzing and organizing the vast amounts of data they're seeing today.

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Derek Maltz

Former Director, DEA Special Operations Division

Q: What impact can digital evidence have on clearing cases?

A: That's a key question, because most investigators aren't comfortable dealing with

massive amounts of digital evidence. It's simply overwhelming to them. I can only imagine, if I were an investigator now, how overwhelming that would feel—where to start? But digital evidence is critical and provides such an advantage to investigators—if they can understand how to use it. If you're able to decipher and access the critical digital evidence that's available to you now, you'll find it's the best evidence you're ever going to get.

A major challenge in our industry is the lack of education on the topic. Training is often shied away from in law enforcement because of an outdated mentality among some leaders—and an unwillingness to admit they need to learn anything new. The good news is, we're seeing a new generation of investigators rising in the ranks who grew up with social media and understand its value, where old-school agents like me are used to investigating cases on the streets. Those techniques still have huge value, but combine them with the new techniques, and you'll have tremendous success. You just have to be willing to embrace some new techniques and learn how to use a few new tools.

Q: Research shows that investigators believe digital evidence is more important than DNA evidence. How would you compare them?

A: There's a lot more science involved in DNA evidence, which makes it trickier to use in court. If we were on a jury, both sides would present experts who would explain the DNA evidence to us. They would both make sense, most likely, and then we might begin to doubt ourselves—that kind of evidence is just so scientifically complex. There are challenges with digital evidence as well, but though a lot of jury members can't understand the subtleties of a blood spatter, if

someone sends a Snapchat to their friend, that's something many people understand easily.

That's why digital evidence is so important: it's easier for a jury to understand. We all live with social media and smartphones, and we use them every day—it's black and white to us. Most juries understand how Facebook works; if you can show them that someone sent a message on Facebook regarding a crime, that's key evidence they'll understand. Video captured on smartphones through search warrants is also evidence that juries will understand.

Q: How can PenLink make investigative agencies more efficient?

A: Today's investigators are under a tremendous burden. Burnout is more common than ever, because there's just so much work to be done sorting through a massive amount of digital evidence. In the old days we worked the streets; now it's a lot more desk work. There are so many devices, and trying to make sense of the data can take hours. There's so much digital data available, with more sources appearing almost daily.

A tool like PenLink makes a huge difference for investigators today. It makes the digital data more manageable and turns hours of manual work into automated processes that take just a few clicks. With a tool like that, investigators don't have to manually dig through thousands of rows of cell-phone or IP data to find important evidence. It's also a much faster way to sift through social media returns, since people aren't always just using their phones as phones. All this adds up to a great way to speed up an investigation and get new leads and evidence, preventing burnout and moving cases along more quickly. Mapping targets through the

available location data from the providers is another important way to track your targets and build your investigations.

Q: What's your favorite investigative tip?

A: Here's a tip I'm obsessed with. It seems simple, but a lot of agencies still aren't doing it. When you have a target's phone number, it's certainly a good practice to get call records from the provider. However, a lot of people aren't using their phones in the same way anymore. They're not always making calls—they're using their phones more for messaging, and to access apps like WhatsApp, Signal, Instagram, or Twitter. So if you only pull calls, you'll only get one piece of the puzzle. But if you look at a target's IP connection logs and sessions, upload that data into PenLink, and resolve the domain names, you'll be able to see what apps your target uses all day. This will allow you to reach out to those social-media providers with search warrants or court orders to continue your investigation in a direction that makes sense. This will allow you to fully identify what your target is doing every day and illuminate their criminal network.

*Thank you to **Derek Maltz** for his willingness to share the experiences and opinions he's gained through his many years in law enforcement. We appreciate him taking time away from his advocacy work around the fentanyl crisis and his busy schedule of speaking engagements to speak with us. Thank you, Derek, for all you've done and continue to do to keep our communities safe.*

If you would like to take part in our Q&A series, please reach out to info@penlink.com. To learn more about PenLink and to access resources, please visit www.penlink.com.

Q: How are the expectations for investigations evolving, and how are you preparing for those changes?

A: We just can't keep doing things the way we have been. We must keep up with the bad guys. So the expectation now is that if the bad guys are using advanced technology to commit crimes, law enforcement can't let itself be left behind. We have to use advanced technology ourselves and share best practices with each other to advance our cases.

I feel good about the generation coming up now—they've grown up with the internet, smartphones, and apps, so they understand them and know the valuable information that can be contained within them. With this new generation of tech-savvy investigators rising in the ranks, and with tools like PenLink available that can make all that information accessible and digestible without hours of manual work, our industry can make large strides in keeping up with the criminals.