



Federal Bureau of Investigation
Washington, D.C. 20535

February 22, 2013

MR. ALAN BUTLER
ELECTRONIC PRIVACY INFORMATION CENTER
SUITE 200
1718 CONNECTICUT AVENUE, NW
WASHINGTON, DC 20009

Subject: STINGRAY/CELL SITE SIMULATOR DEVICES

FOIPA No. 1182490- 000

Dear Mr. Butler:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Sections 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Explanation of Exemptions:

Section 552		Section 552a	
<input type="checkbox"/> (b)(1)	<input type="checkbox"/> (b)(7)(A)	<input type="checkbox"/> (d)(5)	
<input type="checkbox"/> (b)(2)	<input type="checkbox"/> (b)(7)(B)	<input type="checkbox"/> (j)(2)	
<input checked="" type="checkbox"/> (b)(3)	<input checked="" type="checkbox"/> (b)(7)(C)	<input type="checkbox"/> (k)(1)	
<u>The National Security Act of 1947</u>	<input type="checkbox"/> (b)(7)(D)	<input type="checkbox"/> (k)(2)	
_____	<input checked="" type="checkbox"/> (b)(7)(E)	<input type="checkbox"/> (k)(3)	
_____	<input type="checkbox"/> (b)(7)(F)	<input type="checkbox"/> (k)(4)	
<input checked="" type="checkbox"/> (b)(4)	<input type="checkbox"/> (b)(8)	<input type="checkbox"/> (k)(5)	
<input checked="" type="checkbox"/> (b)(5)	<input type="checkbox"/> (b)(9)	<input type="checkbox"/> (k)(6)	
<input checked="" type="checkbox"/> (b)(6)		<input type="checkbox"/> (k)(7)	

443 page(s) were reviewed and 116 page(s) are being released.

Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:

- referred to the OGA for review and direct response to you.
- referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) [5 U.S.C. § 552 (b)(7)(E)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

See additional information which follows.

Sincerely,



David M. Hardy
Section Chief
Record/Information Dissemination Section
Records Management Division

This represents the sixth interim release of information responsive to your Freedom of Information Act (FOIA) request.

Enclosure(s)

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

Serial Description ~ Unrecorded Serial

Total Deleted Page(s) ~ 165

- Page 24 ~ b3, b5, b7E
- Page 26 ~ b3, b5, b7E
- Page 31 ~ b3, b5, b7E
- Page 32 ~ b3, b5, b7E
- Page 33 ~ b3, b5, b7E
- Page 34 ~ b3, b5, b7E
- Page 35 ~ b3, b7E
- Page 36 ~ b3, b7E
- Page 38 ~ b3, b7E
- Page 41 ~ b3, b5, b7E
- Page 42 ~ b3, b5, b7E
- Page 45 ~ b3, b5, b7E
- Page 46 ~ b3, b4, b7E
- Page 47 ~ b3, b4, b7E
- Page 48 ~ b3, b4, b7E
- Page 49 ~ b3, b5, b7E
- Page 50 ~ b3, b5, b7E
- Page 51 ~ b3, b5, b7E
- Page 57 ~ Duplicate
- Page 61 ~ b3, b5, b7E
- Page 66 ~ Duplicate
- Page 67 ~ b3, b5, b7E
- Page 69 ~ b3, b5, b7E
- Page 70 ~ b3, b5, b7E
- Page 71 ~ b3, b5, b7E
- Page 72 ~ b3, b5, b7E
- Page 73 ~ b3, b5, b7E
- Page 74 ~ b3, b5, b7E
- Page 75 ~ b3, b5, b7E
- Page 76 ~ Duplicate
- Page 77 ~ Duplicate
- Page 78 ~ Duplicate
- Page 79 ~ Duplicate
- Page 80 ~ Duplicate
- Page 81 ~ Duplicate
- Page 82 ~ Duplicate
- Page 83 ~ Duplicate
- Page 84 ~ Duplicate
- Page 85 ~ Duplicate
- Page 86 ~ Duplicate
- Page 87 ~ Duplicate
- Page 88 ~ Duplicate
- Page 89 ~ Duplicate
- Page 90 ~ Duplicate

```
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
X Deleted Page(s) X  
X No Duplication Fee X  
X for this Page X  
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
```

Page 91 ~ Duplicate
Page 92 ~ Duplicate
Page 93 ~ Duplicate
Page 94 ~ Duplicate
Page 95 ~ Duplicate
Page 96 ~ Duplicate
Page 99 ~ Duplicate
Page 100 ~ b3, b5, b7E
Page 102 ~ Duplicate
Page 103 ~ b3, b5, b7E
Page 104 ~ Duplicate
Page 105 ~ b3, b5, b7E
Page 106 ~ b3, b5, b7E
Page 108 ~ b3, b5, b7E
Page 109 ~ b3, b5, b7E
Page 110 ~ b3, b5, b7E
Page 111 ~ Duplicate
Page 113 ~ Duplicate
Page 116 ~ Duplicate
Page 117 ~ b3, b7E
Page 119 ~ Duplicate
Page 120 ~ b3, b5, b7E
Page 123 ~ Duplicate
Page 124 ~ Duplicate
Page 127 ~ b3, b5, b7E
Page 128 ~ Duplicate
Page 129 ~ Duplicate
Page 130 ~ Duplicate
Page 131 ~ Duplicate
Page 132 ~ Duplicate
Page 133 ~ b3, b4, b5, b7E
Page 134 ~ b3, b4, b7E
Page 135 ~ Duplicate
Page 136 ~ Duplicate
Page 137 ~ Duplicate
Page 139 ~ Duplicate
Page 140 ~ Duplicate
Page 141 ~ Duplicate
Page 142 ~ Duplicate
Page 143 ~ Duplicate
Page 144 ~ Duplicate
Page 145 ~ Duplicate
Page 146 ~ Duplicate
Page 147 ~ Duplicate

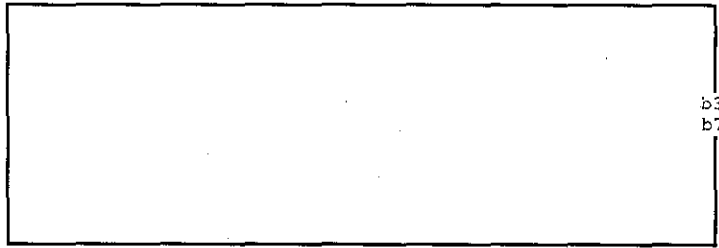
XXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Page 148 ~ Duplicate
Page 149 ~ Duplicate
Page 150 ~ Duplicate
Page 151 ~ Duplicate
Page 152 ~ Duplicate
Page 153 ~ Duplicate
Page 154 ~ Duplicate
Page 155 ~ Duplicate
Page 156 ~ Duplicate
Page 158 ~ Duplicate
Page 159 ~ Duplicate
Page 160 ~ Duplicate
Page 161 ~ Duplicate
Page 162 ~ Duplicate
Page 163 ~ Duplicate
Page 164 ~ Duplicate
Page 165 ~ Duplicate
Page 166 ~ Duplicate
Page 167 ~ Duplicate
Page 168 ~ Duplicate
Page 169 ~ Duplicate
Page 170 ~ Duplicate
Page 171 ~ Duplicate
Page 172 ~ Duplicate
Page 173 ~ Duplicate
Page 174 ~ Duplicate
Page 175 ~ Duplicate
Page 176 ~ Duplicate
Page 177 ~ Duplicate
Page 178 ~ Duplicate
Page 179 ~ Duplicate
Page 180 ~ Duplicate
Page 181 ~ Duplicate
Page 182 ~ Duplicate
Page 183 ~ Duplicate
Page 184 ~ Duplicate
Page 185 ~ Duplicate
Page 186 ~ Duplicate
Page 187 ~ Duplicate
Page 188 ~ Duplicate
Page 189 ~ b3, b5, b7E
Page 190 ~ Duplicate
Page 191 ~ Duplicate
Page 192 ~ Duplicate

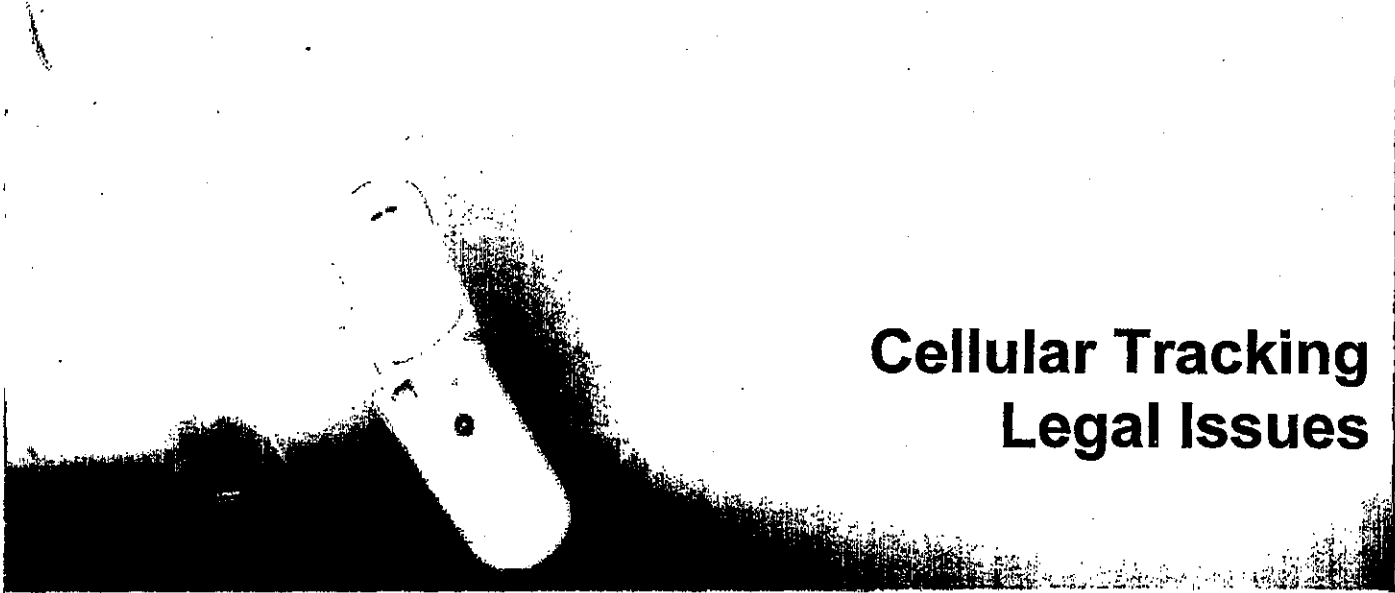
XXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Page 193 ~ Duplicate
Page 194 ~ Duplicate
Page 195 ~ Duplicate
Page 196 ~ Duplicate
Page 197 ~ Duplicate
Page 198 ~ Duplicate
Page 199 ~ Duplicate
Page 200 ~ Duplicate
Page 201 ~ Duplicate
Page 202 ~ Duplicate
Page 203 ~ Duplicate
Page 204 ~ Duplicate
Page 205 ~ Duplicate
Page 206 ~ Duplicate
Page 207 ~ Duplicate
Page 208 ~ Duplicate
Page 209 ~ Duplicate
Page 210 ~ Duplicate
Page 211 ~ Duplicate
Page 212 ~ Duplicate
Page 213 ~ Duplicate
Page 218 ~ Duplicate
Page 219 ~ Duplicate
Page 220 ~ Duplicate
Page 221 ~ Duplicate
Page 222 ~ Duplicate
Page 223 ~ Duplicate
Page 224 ~ Duplicate
Page 225 ~ Duplicate
Page 226 ~ Duplicate
Page 227 ~ b3, b5, b7E
Page 228 ~ b3, b5, b7E
Page 229 ~ b3, b5, b7E

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXX



b3
b7E





Cellular Tracking Legal Issues

CELL/OTD 024137



Overview

- DOJ's Policy on Cellsite Simulators: **Pen Register Device** (18 U.S.C. §. 3127(3))
 - **BEST PRACTICES**
- Emergency Pen Register Authority
 - Federal v. State Orders
 - Voluntary Disclosures
- Loan of ELSUR Policy
 - **Using State Orders**
 - 
 - **Liability-scope of authority**
- 
-
- Protecting Sensitive Techniques
 - Use as evidence

b3
b5
b7E

CELL/OTD 024138

**Pen Register Device:
18 USC 3127(3)**

b3
b7E

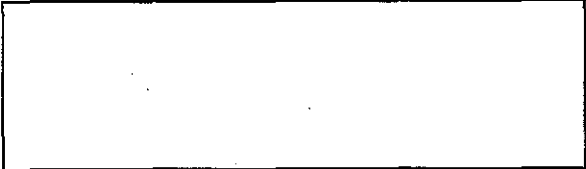
Old Definition

- "pen register" means a device which records or decodes electronic or other impulses which **identify the numbers dialed or otherwise transmitted on the telephone line to which such device is attached....**

New Definition

- "pen register" means a device ***or process*** which records or decodes ***dialing, routing, addressing, or signaling*** **information transmitted by an instrument or facility from which a wire or electronic communication is transmitted, provided, however, that such information shall not include the contents of any communication....**

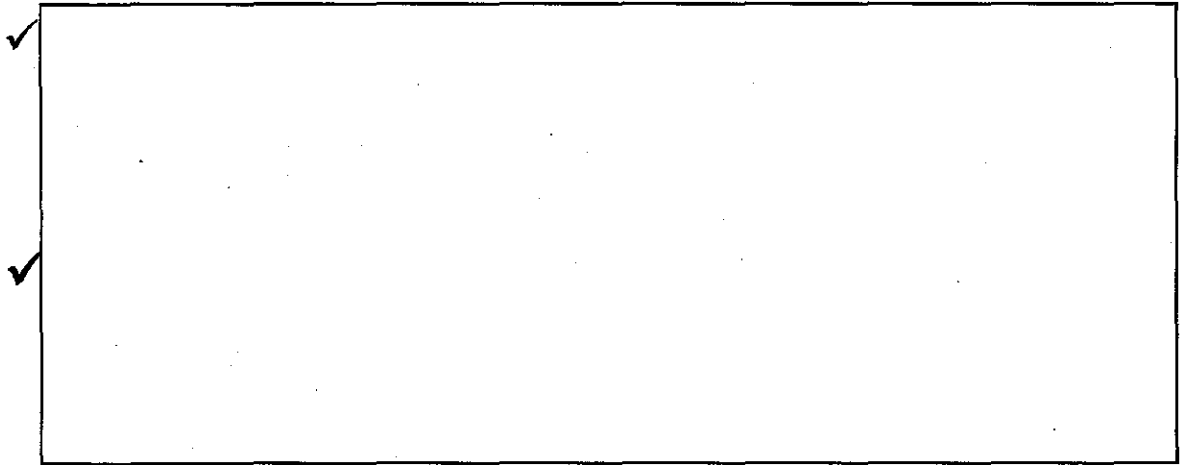
CELL/OTD 024139



New Law: USA Patriot Act

b3
b7E

DOJ/CCIPS & OEO:



b5

CELL/OTD 024140

✓ **“signaling information”**: any non-content information “transmitted by” a telephone instrument

<http://30.100.99.18/ogc/usabook/usabook/esis/13esis.htm>

New DOJ Opinion:

DOJ: Pen/Trap order [redacted]

b3
b5
b7E

[redacted]

to use a Pen Register Device to obtain
“signaling information” transmitted from a
cellular telephone to:

- 1) Identify a target phone or
- 2) Locate a phone

CELL/OTD 024741

BEST PRACTICES:

Use PR/TT order to authorize use of [redacted]

[redacted]

1. authorize installation & use [redacted]

[redacted]

2. Advise of potential [redacted]

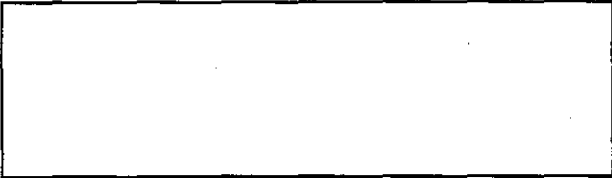
[redacted]

3. Not retain records beyond use to locate target phone?

■ [redacted]

b3
b5
b7E

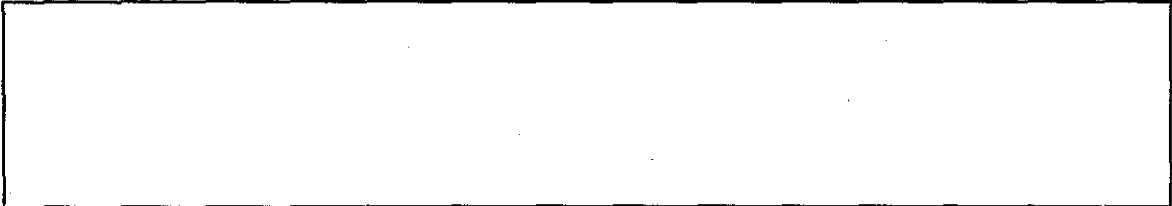
CELL/OTD 024142



Disruption of Service



- 47 U.S.C. § 333 prohibits interference with cellular frequencies

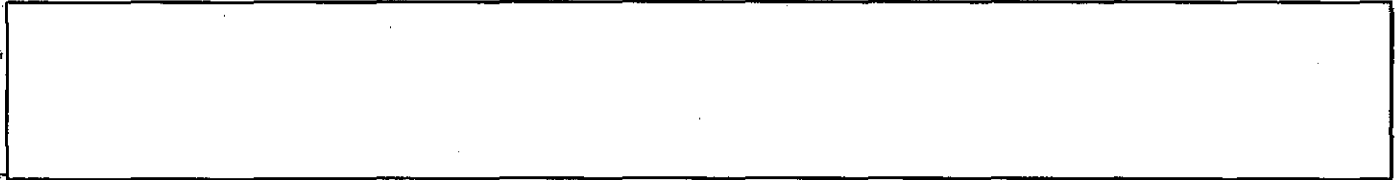


b3
b5
b7E

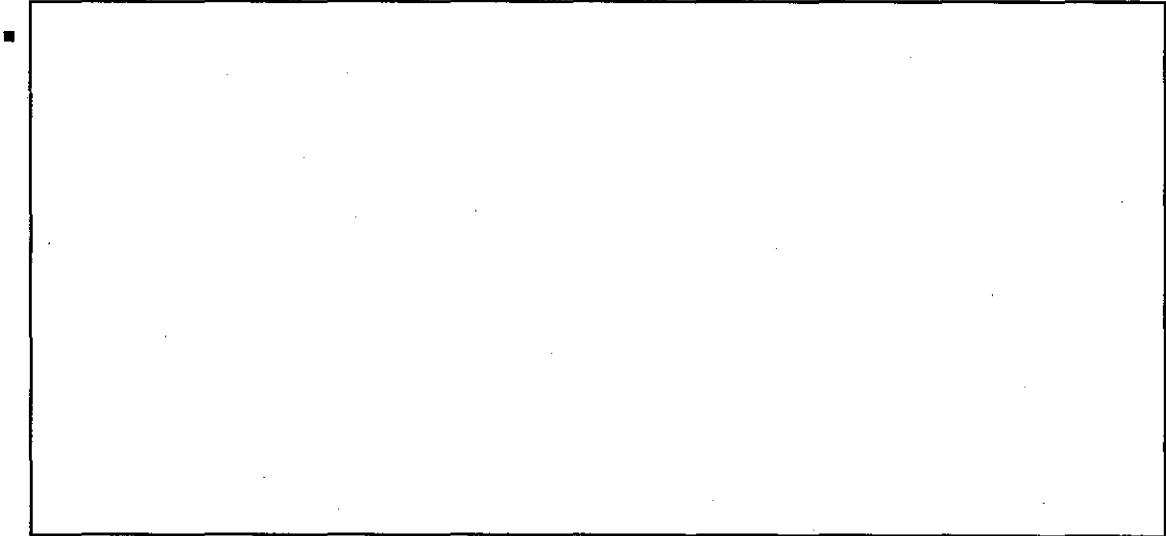
- 18 USC 3124: requires that a pen register be implemented with "minimum of interference" to those accorded service-



CELL/OTD 024144



■ Maintaining/Purging "Pen" data?



b3
b5
b7E

CELL/OTD 024146

[Redacted]

[Redacted]

[Redacted]

■ [Redacted]

b3
b5
b7E

[Redacted] Therefore, pursuant to 18 U.S.C. § 3123(d), I request that this application and order be sealed until otherwise ordered by this court; and

■ [Redacted]

CELL/OTD 024147

Emergency Provision
§ 3125(a)(1)

[Redacted]

- DOJ command Center [Redacted]
- OEO (business hours) [Redacted]
- Emergencies involving:
 - Immediate danger of death or serious injury or immediate threat to a national security interest

- [Redacted]
 - MIOG, Part 2, 10-10.7.1 [Redacted]
- [Redacted]

b3
b5
b7E

CELL/OTD 024748



Alternative authority

b3
b7E

Consent (18 USC 3121(b)(3))



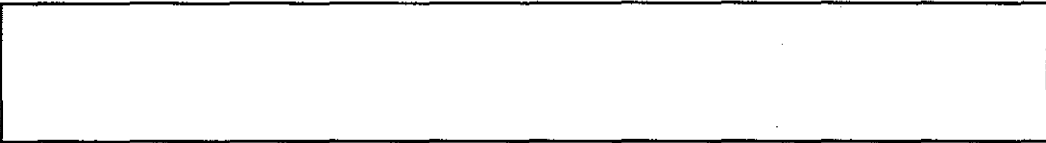
Voluntary Disclosure by Provider (18 USC

2702(c)(4)) : if provider “reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies the disclosure of: “a record or other information pertaining to a subscriber or customer of such service.”

CELL/OTIS 024149

b5
b7E

- 1.
- 2.




[REDACTED] at is Cell site location data

b3
b7E

CELL/OTD 024156

- Tower/Sector data:
 1. is generated by the network for network purposes regardless of a LE order.
 2. is necessary to Provision of Service & a call cannot be processed without it.
 3. exists in the network as a **RECORD** prior to its being obtained by LE.
 4. has no relationship to the content of a communication.
 5. is delivered to LE under CALEA only at the beginning and end of calls.



1. CALEA prohibits collecting location information "solely pursuant" to a PR/TT
2. 18 USC 2703(d) (stored communication act) 



3.



CELESTOD 024158
b3
b5
b7E

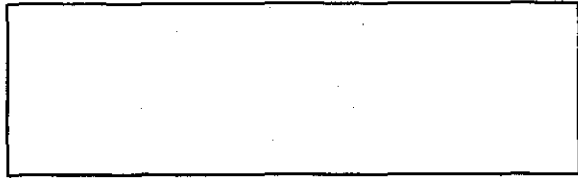


CALEA Delivery of location data

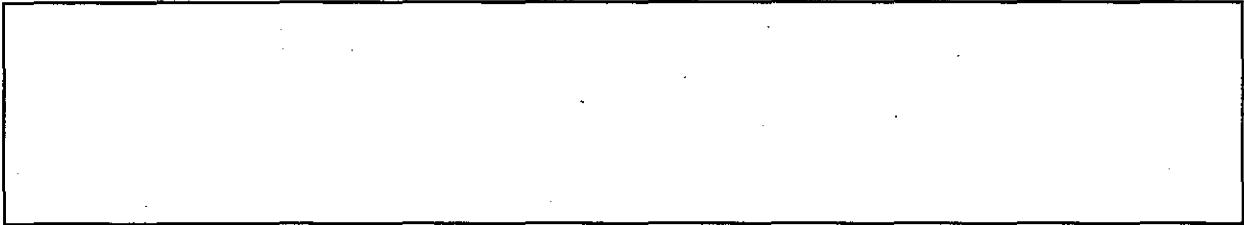
b3
b7E

CELL/OTD 024159

- **Near Real-Time:** CALEA (47 USC 1002) requires carriers to “expeditiously isolates”
 - “call-identifying information”: includes cell site information utilized in processing calls
 - for government access “before, during, or immediately after the transmission of a [] communication” (i.e., in real-time or near real-time)
- CALEA J-Standard: location information is delivered after generation of data by the carrier’s network and use in the provision of service (e.g., call origination, Answer, call release)



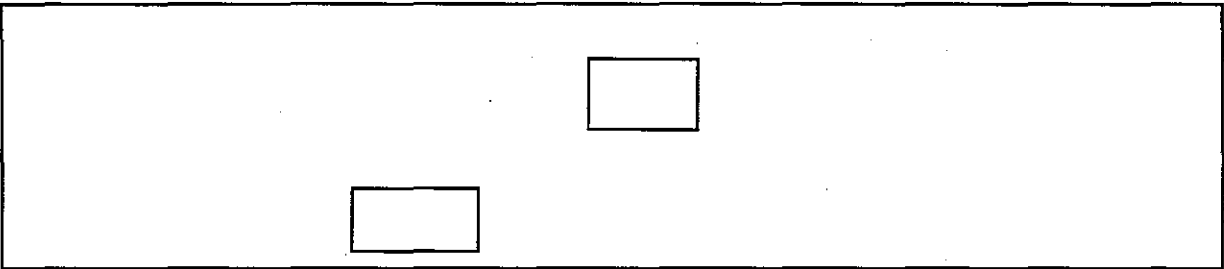
CELL/OTD 024162



■ **AND Use a PR/TT order for [redacted] gear**

- 1. [redacted]
- 2. Advise of [redacted]
[redacted]
- 3. Not retain records

b3
b5
b7E



[Redacted]

4th Amendment Privacy Interest

■ [Redacted]

[Redacted]

Smith v.

Maryland, 442 U.S. 435, 744 (1979).

- no legitimate expectation of privacy in information knowingly conveyed to a third party
- In re Digital Analyzer found "[n]o logical distinction between telephone numbers called and a party's own telephone number (or ESN number), all of which are regularly voluntarily exposed and known to others. 885 F. Supp. at 199 (citing Smith v. Maryland, 442 U.S. 735, 742-45 (1979)).

■ [Redacted]

[Redacted]

CELL/OTD 02

b3
b5
b7E

Protecting Sensitive Techniques

b3
b7E
CELL/OTD 02417

- Qualified Government Privilege in Non-disclosure based on *Roviaro v. United States*, 353 U.S. 53 (1957): disclosure of identity (and testimony) of informant.
 - Generally technique, type of device, location of install, etc. is protected
 - unless Defense can establish disclosure is necessary to defense, i.e., no other/adequate means to cross-examine/test evidence; if so:
 - then Balancing of interests

b5
b7E

- see also Jayme S. Walker "The qualified privilege to protect sensitive investigative techniques from disclosure." LEB Vol 69 NO.5 at 26 (May 2000).

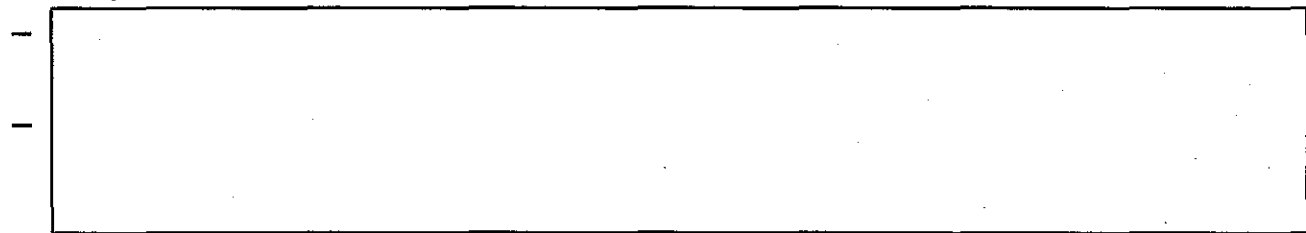


Qualified Privilege

b3
b7E

CELL/OT

- **Compare, United States v. Van Horn**, 789 F.2d 1492 (11th Cir.), cert. denied, 479 U.S. 854 (1986) (concealed microphone in office, defendant sought information about location of device claiming necessary to demonstrate that voices on tape could have been distorted by way mic was hidden and the distortion led to misidentification of the voice), recognized a qualified government privilege not to disclose sensitive investigative techniques.



b5

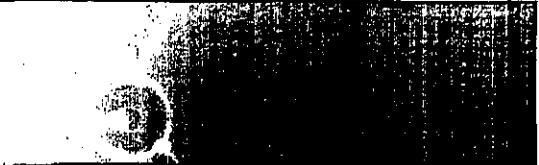
- **With United States v. Foster**, 986 F.2d 541, 543 (D.C. Cir. 1993) (defendant sought location of observation post: officer's observation of drug transaction was key evidence implicating defendant; surveillance not taped or photographed, so no alternative evidence for jury to examine to determine whether surveillance post provided clear view from which officer could make accurate identification of defendant).

Qualified Privilege (cont).

b3
b7E
0241

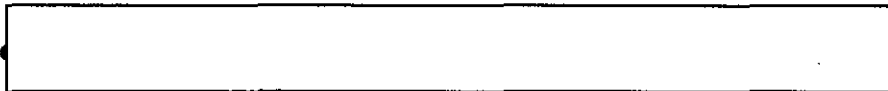
CELL/OTD

- **U.S. v. Garey, 2004 WL 2663023 (M.D.Ga. Nov. 15, 2004)**
 - Defendant sought nature & details of pen register used to determine the geographical location of a cellular phone
 - Court found the information protected by qualified investigative techniques privilege & national security privilege
 - Balanced government's interest in maintaining privilege with Defendant's need for the information
- **Defendant had the Product of the Surveillance: the cellphone used in making threatening calls was found in defendant's house during search of residence;**
 - Defendant did not need to know how the technology traced the geographic location of the phone.
 - locating the phone in the residence confirmed the accuracy of the geographic surveillance;
 - Moreover, Defendant could challenge the technology used to establish that phone found in residence was the one that actually made the criminal calls.



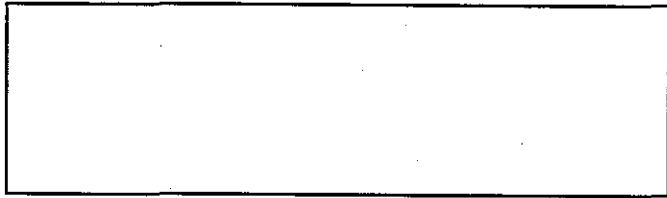
C.OTD 024174
b3
b6
b7C
b7E

Contact Info:



ASSISTANT GENERAL COUNSEL,
Science & Technology Law Unit,
Office of the General Counsel

•DOJ (CCIPS): www.cybercrime.gov



b3
b7E

CELL/OTD 024289

Cellular Tracking Legal Issues

May 16, 2007





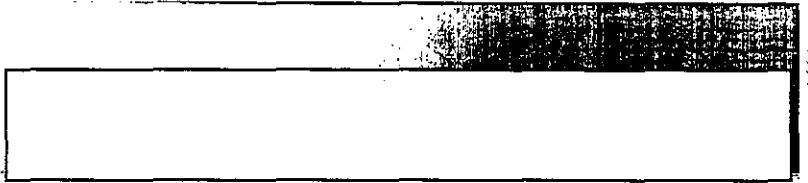
Pen Register Device

b3
b7E

- "pen register" means a device *or process* which records or decodes *dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted, provided, however, that such information shall not include the contents of any communication....*

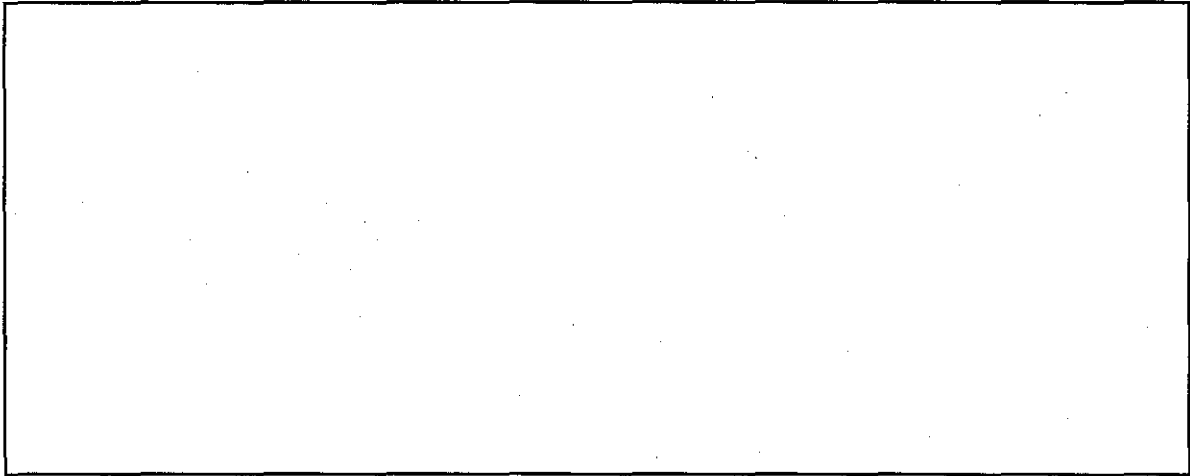
18 USC 3127(3)

CELL/OTD 024291



b3
b7E

DOJ/CCIPS & OEO:



CELL/OTD⁵ 024292

✓ **“signaling information”**: any non-content information “transmitted by” a telephone instrument

<http://30.100.99.18/ogc/usabook/usabook/esis/13esis.htm>



BEST PRACTICES: Use PR/TT order to authorize use of

[Redacted]

[Redacted]

1. authorize installation & use

[Redacted]

[Redacted]

2. Advise of potential

[Redacted]

[Redacted]

3. Not retain records beyond use to locate target phone?

■

[Redacted]

b3
b5
b7E

CELL/OTD 024293

[Redacted]

Disruption of Service

b3
b7E

[Redacted]

- **47 U.S.C. § 333 prohibits interference with cellular frequencies**

- [Redacted]

- **18 USC 3124: requires that a pen register be implemented with "minimum of interference" to those accorded service-**

- [Redacted]

- [Redacted]

CELL/OTD 024295

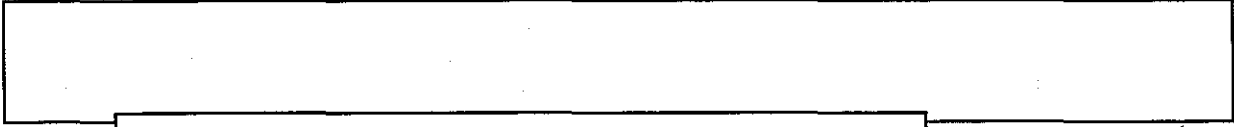
b3
b5
b7E



Purge



Data

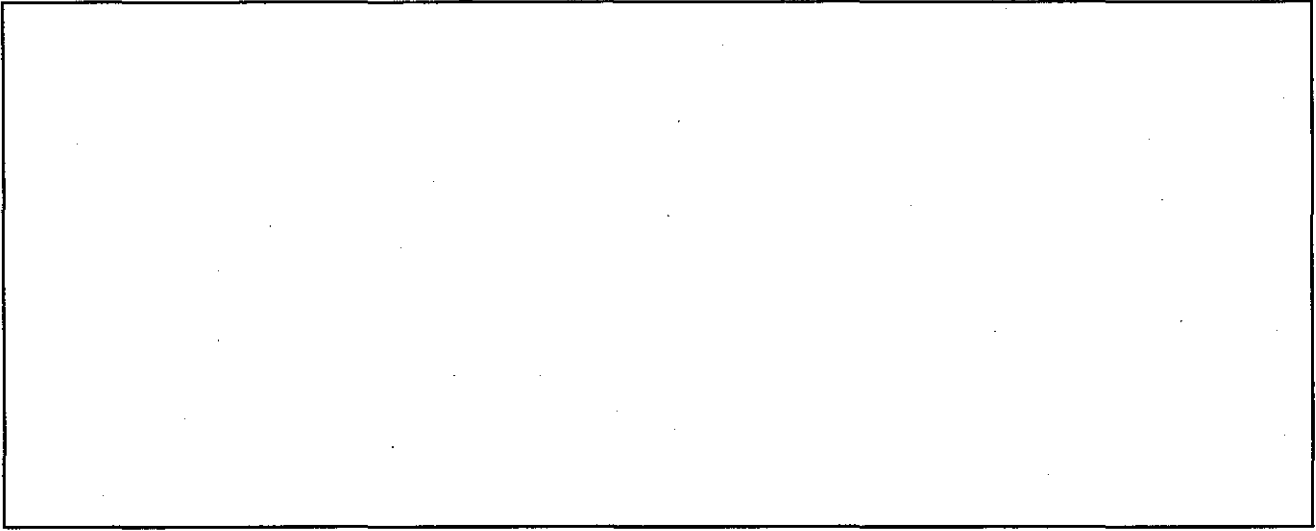


preserve 1st

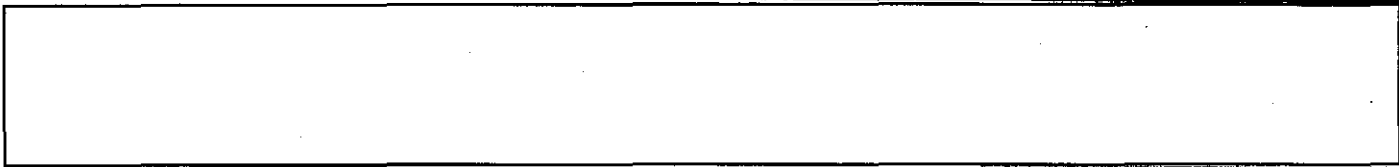
Amendment rights & Minimize



data

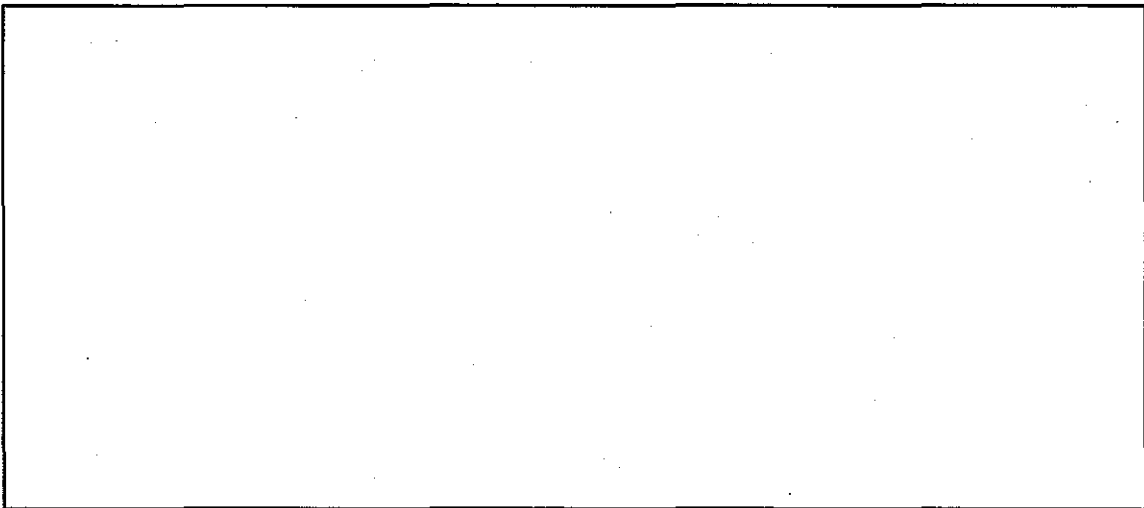


CELL/OTD 024296
b3
b5
b7E



■ Maintaining/Purging “Pen” data?

— 

■ 

CELL/OTD 024207 b3
b6
b7E

[Redacted]

[Redacted]



[Redacted]

■ [Redacted]

[Redacted] Therefore, pursuant to 18 U.S.C. § 3123(d), I request that this application and order be sealed until otherwise ordered by this court; and

■ [Redacted]

b3
b5
b7E
CELL/OTD 024298

Emergency Request

18 USC 2702(c)(4)

b3
b7E

Provider may Voluntary Disclose:

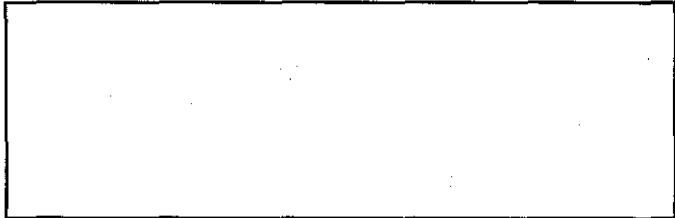
“a record or other information pertaining to a subscriber or customer of such service.”

if provider “in good faith, believes that an emergency involving danger of death or serious physical injury to any person requires disclosure without delay of information relating to the emergency.”

Reporting Requirement: annual report of number of accounts and summary basis for voluntary disclosures per 2702(d)

CELL/OTD 024301

CELL/OTD 024301



B3
07E-47



CELL/OTD



Cellular Tracking Legal Issues

Oct 18th, 2006



- DOJ's Policy on Cellsite Simulators: **Pen Register Device** (18 U.S.C. § 3127(3))
 - 
 - **LIABILITY RISKS & Best Practices**
- Loan of ELSUR Policy
 - **Using State Orders**
 - **Liability**
- Emergency Pen Register Authority
 - Federal v. State Orders
 - Voluntary Disclosures
- 
- **Protecting Sensitive Techniques**
 - Use as evidence

CELL/OTD 024249
CELL/OTD 024
b3
b5
b7E

[REDACTED]

New DOJ Opinion:

DOJ/CCIPS: Pen/Trap order [REDACTED]

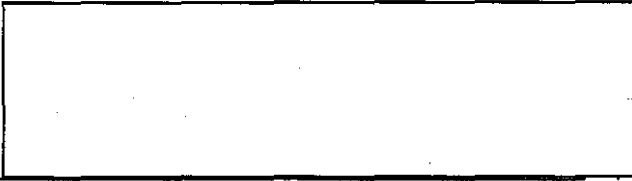
[REDACTED] a Pen Register Device) to obtain any "signaling information" transmitted from a cellular telephone to:

- 1) Identify a target phone or
- 2) Locate a phone

DOJ: "signaling information" is any non-content information "transmitted by" a telephone instrument

CELL/OTD 024252





b3
b5
b7E



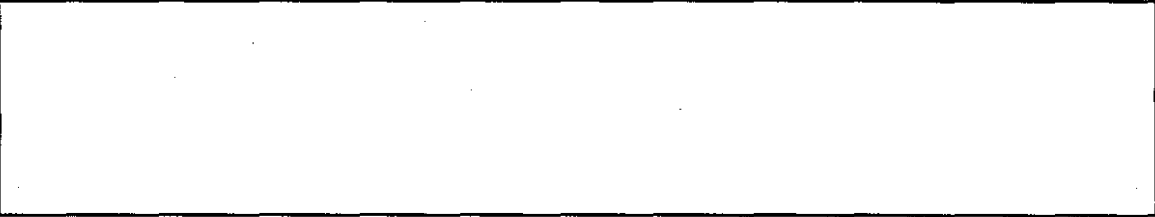
BEST PRACTICES:

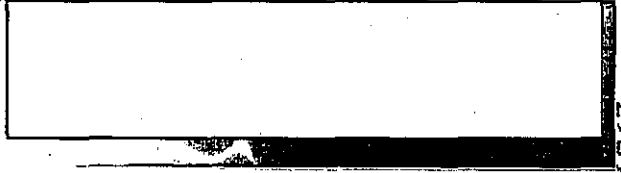
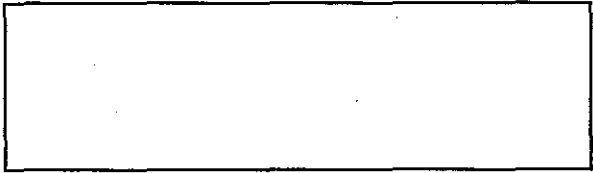
Use PR/TT order to authorize use of 



- authorize installation & use 
- Advise of potential 
- 

- Not retain records beyond use to locate target phone?

b3
b5
b7E

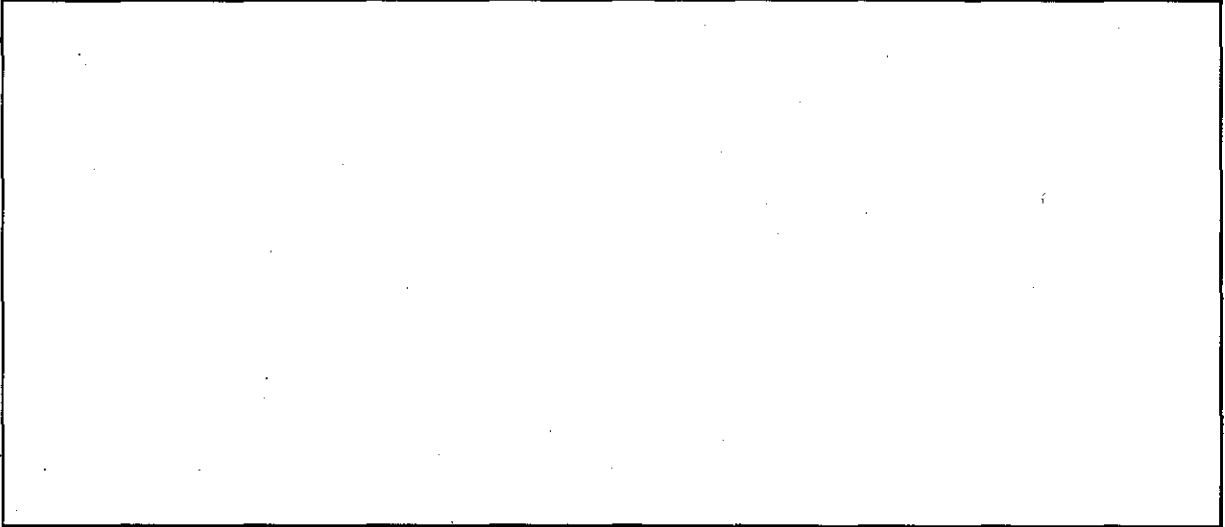
- 



b7E
b7D
ELL/OTD 024263

b7E
b7D
ELL/OTD 024263

■ Maintaining/Purging “Pen” data?



Emergency Provision

§ 3125(a)(1)

CELL/OTD 024265

[Redacted]
[Redacted]
- DOJ command Center [Redacted] or OEO (business hours)
[Redacted]

- Emergencies involving:
 - Immediate danger of death or serious injury

b3
b5
b7E

- [Redacted]
- MIOG, Part 2, 10-10.7.1 [Redacted]

[Redacted]

[Redacted]

Alternative authority

CELL/OTD 024266

Consent (18 USC 3121(b)(3)) [Redacted]

b3
b5
b7E

[Redacted]

Voluntary Disclosure by Provider under 18 USC 2702(c)(4) : if provider “reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies the disclosure of” “a record or other information pertaining to a subscriber or customer of such service.”



What is Cell site location data

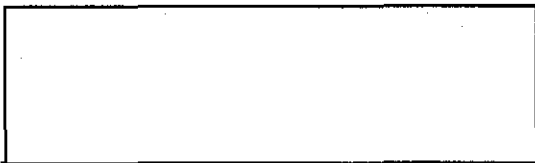
- is generated by the network for network purposes regardless of a LE order.
- is necessary to Provision of Service & a call cannot be processed without it.
- exists in the network as a **RECORD** prior to its being obtained by LE.
- has no relationship to the content of a communication.
- is delivered to LE under CALEA only at the beginning and end of calls.

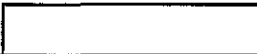
b3
b7E

CELL/OTD
024269

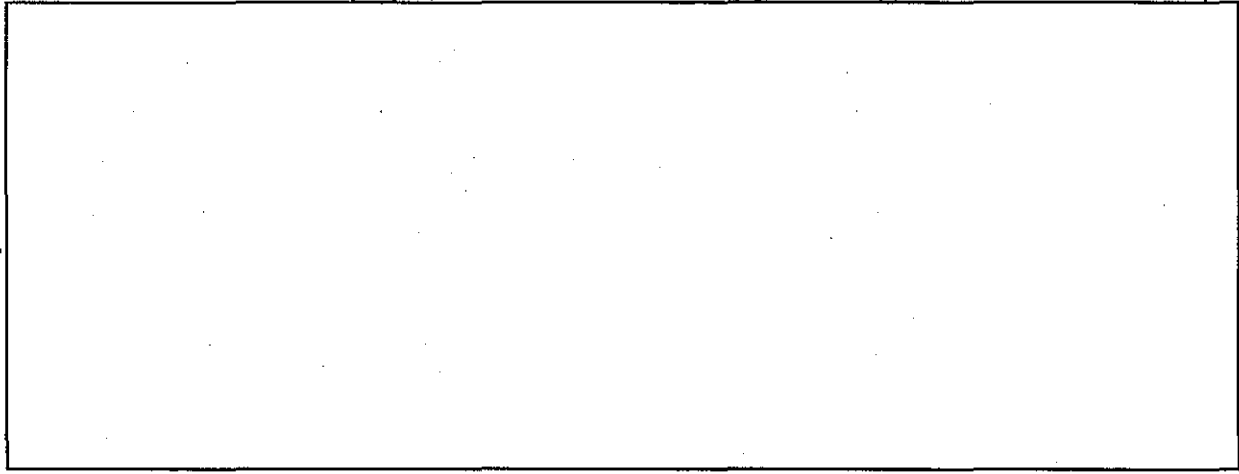
**HOLDING of Cell site
Court Decisions**

CELL/OTD 024272



- CALEA prohibits collecting location information "solely pursuant" to a PR/TT
- 18 USC 2703(d) (stored communication act) 

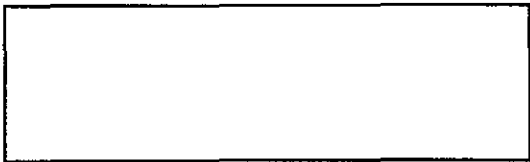
b3
b5
b7E



CALEA Delivery of location data

CELL/OTD b7E 24273

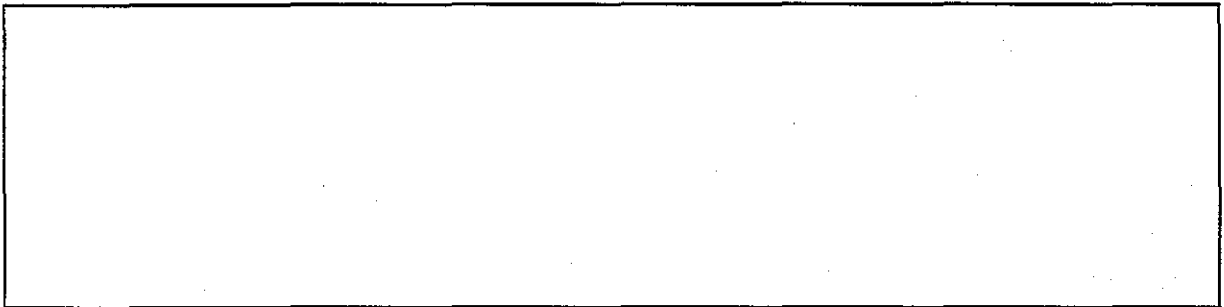
- **Near Real-Time**: CALEA requires carriers to “expeditiously isolates”
 - “call-identifying information”: includes cell site information utilized in processing calls
 - for government access “before, during, or immediately after the transmission of a [] communication” (i.e., in real-time or near real-time)
- CALEA Standard: location information is delivered after generation of data by the carrier’s network and use in the provision of service (e.g., call origination, Answer, call release)



024270

CELL/OTD

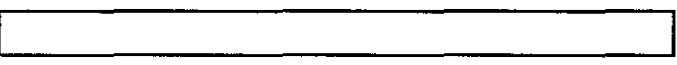
b3
b5
b7E



- **AND Use a PR/TT order for**  **gear**

— 

- 

- Advise of 

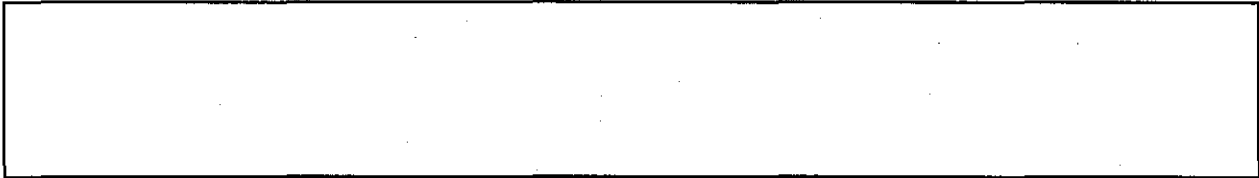
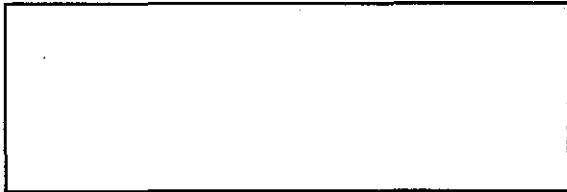
- 

- Not retain records

**4th Amendment
Privacy Interest**

024277

CELL/OTD

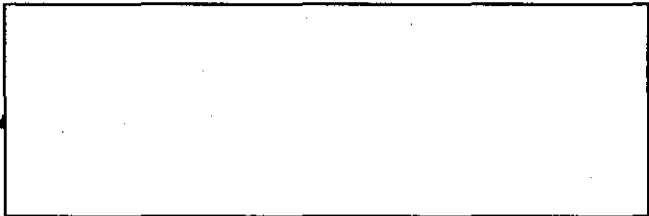


Smith v. Maryland, 442 U.S. 435, 744 (1979).

- no legitimate expectation of privacy in information knowingly conveyed to a third party
- In re Digital Analyzer found “[n]o logical distinction between telephone numbers called and a party’s own telephone number (or ESN number), all of which are regularly voluntarily exposed and known to others. 885 F. Supp. at 199 (citing Smith v. Maryland, 442 U.S. 735, 742-45 (1979)).

b3
b5
b7E





b3
b7E

CELL/OID 02409

Cellular Tracking Legal Issues

March 21, 2007



What is Cell site location data

b3
b7E

- Tower/Sector data:
 1. is generated by the network for network purposes regardless of a LE order.
 2. is necessary to Provision of Service & a call cannot be processed without it.
 3. exists in the network as a **RECORD or Other Information** prior to its being obtained by LE.
 4. NON-Content data; not substance of a communication.
 5. is delivered only at the beginning and end of calls per CALEA J-Std

CELL/OTD 024228

**16-4.13.4 Loan of Electronic Surveillance Equipment (Formerly 16-7.3.4)
(See MIOG, Part 2, 10-9.14 and 10-10.10.) (RCU)**

(1) LOAN OF ELECTRONIC SURVEILLANCE EQUIPMENT TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES (RCU)

By Department Order 1945-95, dated January 18, 1995 (replacing Department Order 890-80, dated April 29, 1980), the Attorney General delegated to the Federal Bureau of Investigation the authority to approve loans of electronic surveillance equipment to state and local law enforcement agencies for use in their investigations (i.e., NOT joint FBI investigations). Under this delegation, the loan of such equipment is to be made only in exceptional circumstances and to be consistent with federal and state laws, as well as with state and local law enforcement regulations. (RCU)

Electronic surveillance equipment is defined as any equipment which would be used in Title 18, USC, Section 2510, et seq. (Title III) - or consensual electronic coverages. (RCU)

(a) It is the policy of the Department of Justice that loans of electronic surveillance equipment to state and local law enforcement agencies are generally to be discouraged and are to be permitted only: (RCU)

1. in furtherance of the federal government's interests in the investigation and prosecution of violations of state criminal law that are of federal concern; (RCU)
2. in compliance with all applicable provisions of federal, state and local law; (RCU)
3. without interfering with state and local control of state and local law enforcement; and (RCU)
4. without duplication of other federal programs of assistance to state and local law enforcement. (RCU)

(b) No request may be granted until the head of the state or local law enforcement agency certifies in writing that the agency: (RCU)

1. has authority under state and local law to borrow the equipment on the terms required by this Order; (RCU)
2. has valid legal authority under state and local law to conduct the particular electronic surveillance for which the equipment is requested; and (RCU)
3. cannot obtain the requested equipment from other law enforcement agencies within the state. (RCU)

(c) The Director of the FBI or his designee may, at his discretion, grant a request for the loan of electronic surveillance equipment upon receipt of a written request from a state or local law enforcement agency. The formal request must contain a copy of a written opinion of the chief legal officer of the state or local government relative to compliance with (b) 1. and (b) 2. above. (RCU)

(d) The Director of the FBI or his designee shall not grant a request for the loan of electronic surveillance equipment unless the Director or his designee determines that: (RCU)

1. there is no current need for the equipment within the Bureau; (RCU)
2. it is in the interest of the United States to facilitate the criminal investigation for which the equipment is needed; and, (RCU)
3. the agency has previously not violated the terms of any loan of electronic surveillance equipment by the FBI. (RCU)

(e) Any loan of electronic surveillance equipment shall be made by written agreement between the Director of the Federal Bureau of Investigation or his designee and the state or local law enforcement agency. The agreement shall identify the equipment and state the subject, duration,

location, and purpose of the surveillance to be conducted. It shall also include the following provisions: (RCU)

1. the loan of the equipment is subject to the needs of the Department of Justice, and the equipment must be returned upon request; (RCU)
2. the loan of the equipment is limited to the duration of the validly authorized surveillance for which it is requested, and in any event not to exceed 90 days; (RCU)
3. the equipment may be used only for the validly authorized surveillance for which it was requested; (RCU)
4. the agency will not permit any other person or governmental entity to use the equipment; (RCU)
5. the agency may disclose electronic surveillance equipment, information concerning it, or its installation or use only with the consent of the Director of the FBI or his designee and subject to the nondisclosure provisions set forth in 28 C.F.R. 1622, 1624, and 1626; (RCU)
6. the agency will not use the electronic surveillance equipment outside the United States or under circumstances where there is reason to believe that the equipment may be taken outside of the United States, without the approval of the Director of the FBI or his designee; and, (RCU)
7. the agency will reimburse the United States for all loss or damage to the equipment. Any dispute over the amount of loss or damage will be resolved by the Director of the FBI or his designee, and this resolution will be final. The Director of the FBI or his designee may agree to any other terms consistent with the above stipulations. (RCU)

(f) When the head of the state or local law enforcement agency represents to the Director or his designee that an emergency situation and need for electronic surveillance equipment exist and that the requesting agency is authorized under state law to conduct emergency electronic surveillance in such circumstances and specifies the provision of state law upon which he is proceeding, the Director or his designee may grant the emergency request. The information required to be submitted by the head of the law enforcement agency in (b) and (c) must be submitted to the Director or his designee within three days of the day on which the loan is made. (RCU)

(g) The Director of the FBI, pursuant to Attorney General Department Order 1945-95, dated January 18, 1995, has delegated his authority to permit [redacted] on a case-by-case basis, to assist in the installation and operation of electronic surveillance equipment. Such delegated authority requires the concurrent approval from the Section Chief of the appropriate Criminal Investigative Division section having oversight over the investigative program involved; the Section Chief of the appropriate Operational Technology Division Section having oversight over the electronic surveillance equipment involved; and the Office of the General Counsel. If such technical assistance is approved, the state or local court orders (where required) must specifically include the court's authorization for FBI assistance in the state and local electronic surveillance endeavor. Without such approval, no FBI personnel may install the equipment or participate in the surveillance. This restriction does not prohibit maintenance and repair of the equipment when not installed. (RCU)

b7E

(h) The Director of the FBI will retain all requests for electronic surveillance equipment by state and local law enforcement agencies. The Director will report to the Assistant Attorney General, Criminal Division, on October 1 and April 1 of each year on the duration and results of all loans made pursuant to the order. (RCU)

(i) The Director of the FBI, pursuant to Attorney General Department Order 1945-95, dated January 18, 1995, has delegated his authority to approve loans of electronic surveillance equipment upon written request from a state or local law enforcement agency. Such delegated authority requires the concurrent approval of the Section Chief of the appropriate Criminal Investigative Division section having oversight over the investigative program involved and the Section Chief of the appropriate Operational Technology Division Section having oversight over the electronic surveillance equipment involved. Where requests involve installation or operation of

CELL/OTD 024084

technical equipment by FBI [redacted] approval by the Office of the General Counsel is also required. (RCU)

(j) The FBI field division must advise FBIHQ when requesting approval to loan electronic surveillance equipment (be it either a routine or an emergency request) whether there is a current need for equipment within the division; whether, in the SAC's opinion, it is within the interests of the United States to loan the requested equipment in the specific criminal investigation; and, whether the agency involved has previously violated the terms of any loan of electronic surveillance equipment by the FBI. (RCU)

(k) Routine requests should be by electronic communication (EC) to FBIHQ, directed to the Operational Technology Division and to the appropriate Criminal Investigative Division section having oversight over the investigative program involved. This EC should enclose both a written request from the head of the local or state law enforcement agency and the written opinion of the chief legal officer of the local or state government. Emergency requests should be by telephone, confirmed by EC, and followed by an EC, enclosing the necessary documents. (RCU)

(2) THE USE OF FBI ELECTRONIC SURVEILLANCE EQUIPMENT IN JOINT CASES WHERE STATE AND LOCAL LAW ENFORCEMENT AGENCIES OBTAINED AUTHORITY FOR ITS USE (SEE MIOG, PART 2, 10-10.3 (8).) (RCU)

(a) A JOINT CASE, for purposes of this section, is an investigation in which there exists significant FBI interest in the subject or subjects of a local investigation and substantial FBI investigative resources have been utilized and/or will be utilized in the planned investigation with the local agency. (RCU)

(b) FBIHQ authority MUST be obtained prior to any use of FBI electronic surveillance equipment or personnel in furtherance of any order or authority obtained by state or local law enforcement agencies. Should approval be granted for such use, the pertinent local or state order or authority MUST contain specific language authorizing FBI participation and specifying whether the assistance is for installation, monitoring, or whatever is required. (RCU)

b7E

(c) In requesting FBIHQ authority, the field office is to set forth the following information: (RCU)

1. A synopsis of the investigation conducted to date by FBI and the local agency involved, to include the date the FBI case was opened, as well as when the joint investigation was initiated. (RCU)

2. the specific SAC comments as to the value of the assistance to the FBI investigation and extent of federal control over local electronic surveillance. (RCU)

3. the exact nature of equipment to be utilized and technical assistance required, and whether the equipment is on hand in the requesting division. (RCU)

4. the specific comments of the [redacted] as to the complexity of the equipment and the ability of the local agency to properly utilize technical equipment requested. (RCU)

5. that the local agency has valid legal authority under state or local law to conduct the electronic surveillance for which equipment will be utilized, to include citation of the specific statute; (RCU)

6. that the Chief Division Counsel or the Assistant U.S. Attorney has reviewed the affidavits and orders to be filed and concurs in their sufficiency; and, (RCU)

7. that FBI policy in limiting disclosure as set forth in Part 2, Sections 10-10.13 and 10-10.16, of this manual, will be honored in any subsequent local proceedings. (RCU)

The above information is to be provided by appropriate communication to the attention of the Operational Technology Division, as well as to either the Criminal Investigative Division or the [redacted] as appropriate. (RCU)

(d) Any request for FBI assistance in the execution of a locally obtained court order which [redacted] will be handled separately and will require

CELL/OTD 024085

significant justification. Emergency requests for such assistance are to be discouraged and likely will NOT be approved. (RCU)

**(3) LOAN OF ELECTRONIC SURVEILLANCE EQUIPMENT TO OTHER FEDERAL AGENCIES.
(RCU)**

(a) The loan of FBI technical electronic surveillance equipment to other federal agencies is permissible on a short- basis. The loan of equipment is subject to availability and must not negatively affect the technical investigative capabilities of the FBI. (RCU)

(b) For agencies of the Department of Justice (DOJ) (e.g., the Drug Enforcement Administration (DEA)), material support and assistance, including the loan of technical equipment, should be handled on a local level, subject to the provisions stated above in (3)(a). (RCU)

(c) For agencies outside the DOJ, requests must be made on a headquarters level, and the requesting agency must have appropriate electronic surveillance authority and capability. (RCU)

(d) All technical equipment provided must be available in existing field office inventory. (RCU)

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

Serial Description ~ Unrecorded Serial

- Total Deleted Page(s) ~ 162
- Page 4 ~ b3, b6, b7C, b7E
- Page 17 ~ b3, b4, b6, b7C, b7E
- Page 18 ~ b6, b7C, b7E
- Page 20 ~ b3, b4, b6, b7C, b7E
- Page 21 ~ b3, b4, b6, b7C, b7E
- Page 22 ~ b6, b7C, b7E
- Page 23 ~ b6, b7C, b7E
- Page 27 ~ b3, b7E
- Page 28 ~ b3, b7E
- Page 39 ~ b3, b7E
- Page 40 ~ b3, b7E
- Page 41 ~ b3, b7E
- Page 42 ~ b3, b7E
- Page 43 ~ b3, b7E
- Page 44 ~ b3, b7E
- Page 45 ~ b3, b7E
- Page 46 ~ b3, b7E
- Page 47 ~ b3, b7E
- Page 48 ~ b3, b7E
- Page 49 ~ b3, b7E
- Page 50 ~ b3, b7E
- Page 51 ~ b3, b7E
- Page 52 ~ b3, b7E
- Page 64 ~ b3, b5, b7E
- Page 65 ~ b3, b5, b7E
- Page 73 ~ b3, b6, b7C, b7E
- Page 82 ~ b6, b7C, b7E
- Page 87 ~ b6, b7C, b7E
- Page 88 ~ b3, b5, b6, b7C, b7D, b7E
- Page 89 ~ b3, b5, b6, b7C, b7D, b7E
- Page 90 ~ b3, b5, b6, b7C, b7E
- Page 91 ~ b3, b7E
- Page 92 ~ b4, b6, b7C
- Page 93 ~ b3, b4, b7E
- Page 94 ~ b4
- Page 95 ~ b4
- Page 96 ~ b4
- Page 97 ~ b3, b4, b7E
- Page 98 ~ b3, b4, b7E
- Page 99 ~ b3, b4, b7E
- Page 100 ~ b3, b4, b7E
- Page 101 ~ b3, b6, b7C, b7D, b7E
- Page 102 ~ b7D, b7E
- Page 103 ~ b3, b6, b7C, b7D, b7E

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Page 104 ~ b3, b5, b6, b7C, b7E
Page 105 ~ b3, b5, b7E
Page 106 ~ b3, b5, b7E
Page 107 ~ b3, b5, b7E
Page 108 ~ b3, b5, b7E
Page 109 ~ b3, b5, b7E
Page 110 ~ b3, b5, b7E
Page 111 ~ b3, b5, b7E
Page 112 ~ b3, b5, b7E
Page 113 ~ b3, b5, b7E
Page 114 ~ b3, b5, b7E
Page 115 ~ b3, b5, b7E
Page 116 ~ b3, b5, b7E
Page 117 ~ b3, b5, b7E
Page 118 ~ b3, b5, b7E
Page 119 ~ b3, b5, b7E
Page 120 ~ b3, b5, b7E
Page 121 ~ b3, b5, b7E
Page 122 ~ b3, b5, b7E
Page 123 ~ b3, b5, b7E
Page 124 ~ b3, b5, b7E
Page 125 ~ b3, b5, b7E
Page 126 ~ b3, b5, b7E
Page 127 ~ b3, b5, b7E
Page 128 ~ b3, b5, b7E
Page 129 ~ b3, b5, b7E
Page 130 ~ b3, b5, b7E
Page 131 ~ b3, b5, b7E
Page 132 ~ b3, b5, b7E
Page 133 ~ b3, b5, b7E
Page 134 ~ b3, b5, b7E
Page 135 ~ b3, b5, b7E
Page 136 ~ b3, b7E
Page 137 ~ b3, b5, b7E
Page 138 ~ b3, b7E
Page 139 ~ b3, b5, b7E
Page 140 ~ b3, b5, b7E
Page 141 ~ b3, b5, b7E
Page 142 ~ b3, b5, b7E
Page 143 ~ b3, b5, b7E
Page 144 ~ b3, b5, b7E
Page 145 ~ b3, b5, b7E
Page 146 ~ b3, b5, b7E
Page 147 ~ b3, b5, b7E

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Page 148 ~ b3, b5, b7E
Page 149 ~ b3, b5, b6, b7C, b7E
Page 150 ~ b3, b5, b7E
Page 151 ~ b3, b7E
Page 156 ~ b5, b7E
Page 157 ~ b5
Page 158 ~ b5, b6, b7C
Page 159 ~ b5, b6, b7C
Page 160 ~ b5
Page 161 ~ b5
Page 162 ~ b5
Page 163 ~ b3, b4, b5, b6, b7C, b7E
Page 164 ~ b3, b4, b5, b7E
Page 165 ~ b3, b4, b5, b6, b7C, b7E
Page 166 ~ b3, b4, b5, b6, b7C, b7E
Page 167 ~ b5, b6, b7C, b7E
Page 173 ~ b5, b6, b7C, b7E
Page 174 ~ b5, b6, b7C, b7E
Page 175 ~ b3, b5, b6, b7C, b7E
Page 176 ~ b5, b6, b7C, b7E
Page 177 ~ b5, b6, b7C, b7E
Page 178 ~ b5, b6, b7C, b7E
Page 179 ~ b3, b5, b6, b7C, b7E
Page 180 ~ b5, b6, b7C, b7E
Page 181 ~ b5, b6, b7C, b7E
Page 182 ~ b5, b6, b7C, b7E
Page 183 ~ b3, b5, b6, b7C, b7E
Page 184 ~ b5, b6, b7C, b7E
Page 185 ~ b4, b5, b6, b7C, b7E
Page 186 ~ b3, b4, b7E
Page 187 ~ b3, b4, b7E
Page 188 ~ b3, b4, b7E
Page 189 ~ b3, b4, b7E
Page 190 ~ b3, b4, b7E
Page 192 ~ b3, b4, b7E
Page 193 ~ b3, b4, b7E
Page 194 ~ b3, b4, b7E
Page 195 ~ b3, b4, b7E
Page 196 ~ b3, b4, b7E
Page 197 ~ b3, b4, b7E
Page 198 ~ b3, b4, b7E
Page 199 ~ b3, b4, b7E
Page 200 ~ b3, b4, b7E
Page 201 ~ b3, b4, b7E

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Page 202 ~ b3, b4, b7E
Page 203 ~ b3, b4, b7E
Page 204 ~ b3, b4, b7E
Page 205 ~ b3, b4, b7E
Page 206 ~ b3, b4, b7E
Page 207 ~ b3, b4, b7E
Page 208 ~ b3, b4, b7E
Page 209 ~ b3, b4, b7E
Page 210 ~ b3, b4, b7E
Page 211 ~ b3, b4, b7E
Page 212 ~ b3, b4, b7E
Page 213 ~ b3, b4, b7E
Page 214 ~ b3, b4, b7E
Page 215 ~ b3, b4, b7E
Page 216 ~ b3, b4, b7E
Page 217 ~ b3, b4, b7E
Page 218 ~ b3, b4, b7E
Page 219 ~ b3, b4, b7E
Page 220 ~ b3, b4, b7E
Page 221 ~ b3, b4, b7E
Page 222 ~ b3, b4, b7E
Page 223 ~ b3, b4, b7E
Page 224 ~ b3, b4, b7E
Page 225 ~ b3, b4, b7E
Page 226 ~ b3, b4, b7E
Page 227 ~ b3, b4, b7E
Page 228 ~ b3, b4, b7E
Page 229 ~ b3, b4, b7E
Page 231 ~ b3, b4, b7E
Page 232 ~ b3, b4, b6, b7C, b7E

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

[Redacted]

From: [Redacted]
Sent: Friday, March 30, 2007 10:52 AM
To: [Redacted]
Subject: RE: [Redacted] Authority for [Redacted] Phone

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-19-2012 BY 65179 DMH/stp

UNCLASSIFIED
NON-RECORD

b6
b7C
b7E
b3

Always appreciate of you suggestions [Redacted]. Thanks for your help. I have decided to talk with [Redacted] and AUSA [Redacted] about a Title III. I don't like all the work but it seems the only way to get him. [Redacted]

-----Original Message-----

From: [Redacted]
Sent: Friday, March 30, 2007 9:15 AM
To: [Redacted]
Cc: [Redacted]
Subject: [Redacted] Authority for [Redacted] Phone

b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

Hey [Redacted]

[Redacted]

I'd get the authority. Just another tool.

[Redacted]

b6
b7C
b7E
b3
b4

UNCLASSIFIED

UNCLASSIFIED

CELL/OTD 000984

[Redacted]

From: [Redacted]
Sent: Tuesday, March 27, 2007, 1:45 PM
To: [Redacted]
Subject: [Redacted] Glory Report

UNCLASSIFIED
NON-RECORD

Here is the write up.

b6
b7C
b7E



[Redacted]

Use corel Wordperfect to open. Later. I will look for another letter.

[Redacted]

UNCLASSIFIED

CELL/OTD 000985

-----Original Message-----

From: [redacted]
Sent: Friday, March 30, 2007 8:54 AM
To: [redacted]
Cc: [redacted]
Subject: [redacted]

b6
b7C
b7E
b3

UNCLASSIFIED
NON-RECORD

Hey [redacted]

I hope all is well. SA [redacted] of [redacted] presently has a Pen Register up and running for a bank robbery suspect. We are both familiar with using the [redacted] However, I am less familiar with [redacted]

[redacted] This would be extremely useful in her case to see [redacted] If this is possible how do you do this?

If this can be done [redacted] also be loaded into the [redacted] [redacted] and done the same way?

Thanks, [redacted]

UNCLASSIFIED

UNCLASSIFIED

CELL/OTD 000987

[Redacted]

From:
Sent:
To:

[Redacted]

Monday, April 09, 2007 9:52 AM

[Large redacted area]

b6
b7C

Cc:

Subject: b7E

[Redacted] System Access

UNCLASSIFIED
NON-RECORD

b7E

[Redacted] has thus far received the following request from the field offices for individual access to the [Redacted]
Please verify the information.

b7E

[Redacted]
[Redacted]

b6
b7C

[Redacted]
[Redacted]

b6
b7C

[Redacted]
[Redacted]

b6
b7C
b7E

[Redacted]
[Redacted]

b6
b7C

[Redacted]
[Redacted]

b6
b7C

CELL/OTD 000988

[Redacted]

b6
b7C

[Redacted]

b6
b7C

Thank You,

[Redacted]

-----Original Message-----

From: [Redacted] (FBI)
Sent: Wednesday, April 04, 2007 11:55 AM
To:

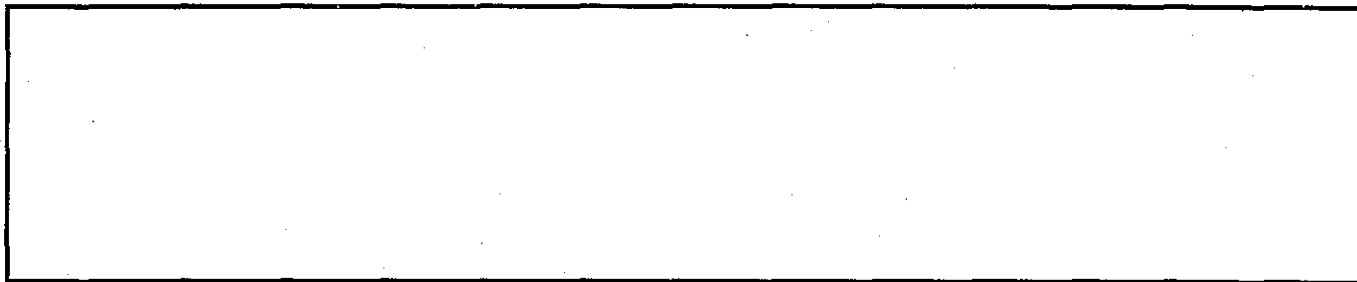
b6
b7C
b7E

[Redacted]

Subject: [Redacted] system Access [Redacted]

CELL/OTD 000989

UNCLASSIFIED
NON-RECORD



b6
b7C
b7E

UNCLASSIFIED

UNCLASSIFIED

CELL/OTD 000990

[Redacted]

From: [Redacted]
Sent: Thursday, April 12, 2007 3:56 PM
To: [Redacted]
Subject: Info

b6
b7C

UNCLASSIFIED
NON-RECORD

b6
b7C
b7E
b3

[Redacted]

[Redacted] will make arrangement for the replacement of your [Redacted]. At the moment [Redacted] is occupied with inventory inspection. He will take care of the request after inspection is completed. When you received the unit, I would be interested to see if there is improvement to your [Redacted] reception.

[Redacted] There is litigation matter that needs to be resolve with regard to [Redacted] product before it can be deployed with the full-blown version that is currently offered. A slim down version is in the work. For the moment, [Redacted] recommends that [Redacted] shall be take the lead in providing technical support should you have an immediate need for this type of surveillance activities.

[Redacted]

UNCLASSIFIED

CELL/OTD 000991

[Redacted]
[Redacted]
[Redacted]
From: b6 [Redacted]
Sent: b7C Monday, April 16, 2007 10:48 AM
To: b7E [Redacted]
Cc: b3 [Redacted]
Subject: RE: [Redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]
Thanks for taking the initiative to help the office out with this service. [Redacted]

SSA [Redacted]
[Redacted]
[Redacted]
[Redacted]

b6
b7C

-----Original Message-----

From: [Redacted]
Sent: Thursday, April 12, 2007 2:21 PM
To: [Redacted]
Subject: [Redacted]

b6
b7C
b7E
b3

For those of you who send out administrative subpoenas for telephone subscriber information [Redacted]
[Redacted] AS most of you are aware, a consumer is entitled to take their phone number to any phone company they so choose. [Redacted]

[Redacted]

[Redacted]

b7E

[Redacted]

[Redacted]

<< File: [Redacted] EC.wpd >>

[Redacted]
[Redacted]
Office: [Redacted]
Cell: [Redacted]
Direct Connect: [Redacted]

b6
b7C
b7E
b3

SENSITIVE BUT UNCLASSIFIED

CELL/OTD 000993

[Redacted]

From:
Sent:
To:

[Redacted]

Friday, April 27, 2007 10:14 AM

[Redacted]

b6
b7C
b7E
b3

Cc:

Subject:

New [Redacted] for [Redacted]

UNCLASSIFIED
NON-RECORD

Please note that the installation guide to upgrade your [Redacted] equipment is included [Redacted]. If you are experiencing difficulty whereby the [Redacted] please contact and email us the serial number of your equipment. [Redacted]

[Redacted]

[Redacted] We will provide a workaround solution to those limited few that experience this problem.

[Redacted]

b6
b7C
b7E
b4
b7E

UNCLASSIFIED

CELL/OTD 000994

[Redacted]

From:
Sent:
To:

[Redacted]
Monday, April 30, 2007 10:08 AM

[Redacted]

b6
b7C
b7E
b3

Subject:

Additional Info on [Redacted] for [Redacted]

UNCLASSIFIED
NON-RECORD

Please attempt to perform the install of the [Redacted] unit first before updating the [Redacted] step as described below, then [Redacted] if the [Redacted] and report to us the problem and provide us the serial number of your equipment. Do not attempt to [Redacted] is not successful.

[Redacted]

Please report to [Redacted] when the [Redacted] is completed so that we can document the procedure. Offices that do not report in will be assume to have not completed [Redacted]

Thanks,

[Redacted]

b6
b7C
b7E
b3
b4

-----Original Message-----

From:
Sent:
To:

[Redacted]
Friday, April 27, 2007 10:14 AM

[Redacted]

b6
b7C

Cc:

Subject:

New

for

UNCLASSIFIED
NON-RECORD

Please note that the installation guide to upgrade your [redacted] equipment is included [redacted] if you are experiencing difficulty whereby the [redacted] please contact and email us the serial number of your equipment [redacted]

[redacted] We will provide a workaround solution to those limited few that experience this problem.

b6
b7C
b7E
b4
b3

UNCLASSIFIED

UNCLASSIFIED

CELL/OTD 000996

[Redacted]

From: [Redacted]
Sent: Wednesday, May 09, 2007 1:22 PM

To: [Redacted]

Subject: b6
b7C
[Redacted] (and other guidance)
b7E

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

FYI

Just passing on some information about using a [Redacted] b7E
[Redacted] if you all have time to verify some of the below information, please do so. Feedback is the best way to figure out where the loop-holes are. b7E

[Redacted]

[Redacted]

- This means that you should not incur the [Redacted] b7E
b3

b7E • I verified the above information on the [Redacted] if you have a chance to buy some [Redacted] and are able to do the same kind of testing, please do and send feedback [Redacted]
[Redacted]

[Redacted]

b7E

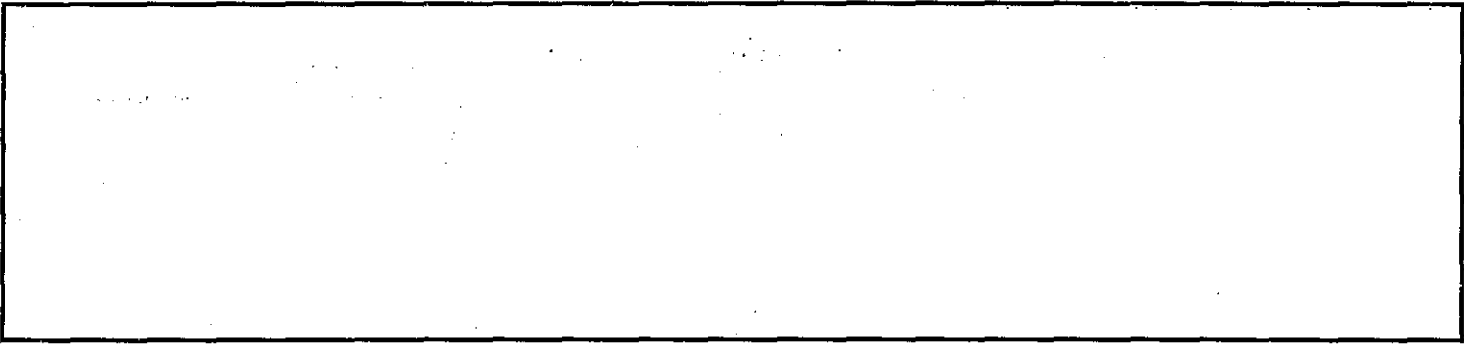
• [Redacted]

• [Redacted]

Thanks to everyone involved so far.

[Redacted]

b6
b7C
b7E
b4
b3



SENSITIVE BUT UNCLASSIFIED

b6
b7C
b7E

CELL/OTD 000998

UNCLASSIFIED

Let me know if you need additional information.

[Redacted]

SSA

[Redacted]

[Redacted]

b6
b7C

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

[Redacted]

From: [Redacted]
Sent: Friday, July 20, 2007 12:52 PM

b6
b7C

To: [Redacted]

Cc:

Subject: b7E [Redacted]

UNCLASSIFIED
NON-RECORD

All,

[Redacted]

b6
b7C
b7E
b3

[Redacted]

• [Redacted]

b7E
b3

One possible delay.

[Redacted]

UNCLASSIFIED

CELL/OTD 001007

[Redacted]

From: [Redacted]
Sent: Thursday, August 31, 2006 3:24 PM
To: [Redacted]
Cc: [Redacted]
Subject: 5 Quick Steps to Operating the [Redacted] for [Redacted] Technology

SENSITIVE BUT UNCLASSIFIED
NON-RECORD



5 Steps Process for
[Redacted]

b6
b7C
b7E
b3

Attached is a quick step guide to operating the [Redacted] gear.

SENSITIVE BUT UNCLASSIFIED

[Redacted]

From: [Redacted]
Sent: Tuesday, October 03, 2006 10:06 AM
To: [Redacted] ALL USERS
Subject: [Redacted] Training Opportunity

b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

-----Original Message-----

From: [Redacted]
Sent: Tuesday, October 03, 2006 9:38 AM
To: [Redacted]
Cc: [Redacted]
Subject: [Redacted] Training Opportunity

b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

Hi [Redacted]. please disseminate. Thank you.

b7E

TRAINING OPPORTUNITY

[Large Redacted Area]

CELL/OTD 001011

UNCLASSIFIED

b7E

UNCLASSIFIED

CELL/OTD 001012

[Redacted]

From: [Redacted]
Sent: Tuesday, October 03, 2006 10:18 AM
To: [Redacted]
Cc: [Redacted]
Subject: FW: Subject killed

b6
b7C

UNCLASSIFIED
NON-RECORD

UNCLASSIFIED
NON-RECORD

b6
b7C
b7E

[Redacted]

We were looking at data faxed from [Redacted] on a [Redacted] Once again, [Redacted]

[Redacted]

b7E

[Large Redacted Block]

Attached is a Wordperfect document dated March 2004, that is another documented example of the same problem.

It is impossible for us to provide quality [Redacted] support to the field without the basic tools. [Redacted] for us.

Thanks,

b6
b7C
b7E

[Redacted]



[Redacted]

b7E

-----Original Message-----

From: [Redacted]
Sent: Tuesday, October 03, 2006 9:33 AM
To: [Redacted]
Subject: Subject killed

b6
b7C

UNCLASSIFIED
NON-RECORD

The subject who's [redacted] was shot and killed by St. Johns Florida deputies last night following a pursuit.

Thanks for you help!

b7E

[redacted]

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

CELL/OTD 00107A



FBI FACSIMILE

COVER SHEET

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-19-2012 BY 65179 DMH/stp

PRECEDENCE

- Immediate
- Priority
- Routine

CLASSIFICATION

- Top Secret
- Secret
- Confidential
- Sensitive
- Unclassified

Time Transmitted: _____ b6
 Sender's Initials: _____ b7C
 Number of Pages: 1
 (including cover sheet)

To: b4 _____ Date: 03/15/2004
Name of Office

Facsimile Number: _____

Attn: b6
 b7C
Name Room Telephone

From:

Subject:

b6
b7C

Special Handling Instructions:

Originator's Name: Telephone:

Originator's Facsimile Number:

Approved: b6
b7C

CELL/OTD 001015

Brief Description of Communication Faxed: _____

WARNING

Information attached to the cover sheet is U.S. Government Property. If you are not the intended recipient of this information, disclosure, reproduction, distribution, or use of this information is prohibited (18.U.S.C. § 641). Please notify the originator or the local FBI Office immediately to arrange for proper disposition.

[Redacted]

From: [Redacted]
Sent: Tuesday, October 31, 2006 11:08 PM
To: [Redacted]
Subject: FW: [Redacted] class

UNCLASSIFIED
NON-RECORD

b6
b7C
b7E

[Redacted]

This [Redacted] is going to be held next Tuesday - November 7th - if you are interested in sending two people each - please feel free. The focus is going to be on the [Redacted] and agents that work [Redacted] matters - but I know you guys both have had occasions when [Redacted] would have been beneficial to your case.

Read from below up so you know the details. If it goes well - we will do this again and then include more people - but for right now just send two people if you would like. Just remember that it is switched to Tuesday, Nov. 7th.

[Redacted]

-----Original Message-----

From: [Redacted]
Sent: Tuesday, October 31, 2006 10:43 AM
To: [Redacted]
b6
b7C
b7E
Cc: [Redacted]
Subject: RE: [Redacted] class

UNCLASSIFIED
NON-RECORD

b6
b7C
b7E

To all:

The [Redacted] class is going to be switched to one day earlier - for many reasons - a conflict with [Redacted] retirement lunch - others couldn't make it - and I will probably have to testify on that day - so it will be held the same time (8:30am) in the LARGE SAC conference room on Tuesday, November 7th.

It is probably more geared toward the agents and TFOs that will be doing the investigative work so that they are better equipped to properly hand things off to - but it would be good for the ISSs who do a lot with [Redacted] to come. We will cover everything from the moment you get a [Redacted] from an informant or other source [Redacted]

[Redacted] There will be a lot of good info and handouts given out so that everyone is up to date on the latest things you need to complete your mission.

I just recently did this twice in the last two weeks for other groups - so it will definitely go about [Redacted] So plan on a little bit later of a lunch. I promise you won't be bored. We will have a short legal portion in the middle by [Redacted] and also a [Redacted]

Just remember - date switch to Tuesday, November 7th - 8:30am - SAC Large Conference Room.

CELL/OTD 001016



b6
b7C

-----Original Message-----

From: [redacted]
Sent: Monday, October 30, 2006 9:47 AM
To: [redacted]

Cc: [redacted]
Subject: [redacted] class

b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

Crime fighters, On Wednesday 11/8/2006, [redacted] will be teaching a class on how to prepare a case [redacted]
[redacted] The class will be a soup to nuts presentation and afterward you will be fully up to speed on what to do. This is a mandatory class for all [redacted] Make every effort to be there. The class will take about [redacted] beginning at 8:30am in the SAC conference room. Txs [redacted]

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

CELL/OTD 001017

[Redacted]

From:
Sent:
To:

[Redacted]

Friday, November 03, 2006 2:16 PM

[Redacted]

Cc:

[Redacted]

b6
b7C

Subject:

b7E

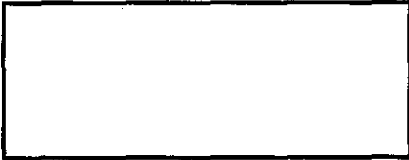
RE: [Redacted] Updates

UNCLASSIFIED
NON-RECORD



b7E

Forgot the attachment. Ops.



b6
b7C

-----Original Message-----

From:
Sent:
To:

Friday, November 03, 2006 1:11 PM

Cc:

b6
b7C

Subject:

Updates b7E

UNCLASSIFIED
NON-RECORD

A new version of the [redacted] is available for download. Follow the directions below to get the new version. [redacted]

b7E

I have also attached the updated manual.

Downloading the current version of [redacted]

b7E

The most current version and several previous versions of the [redacted] are available for download over the [redacted]

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

b7E

b6
b7C

UNCLASSIFIED

UNCLASSIFIED

[Redacted]
From: [Redacted]
Sent: Tuesday, November 07, 2006 2:10 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: [Redacted] Nov 15-17, 2006

b6
b7C
b7E

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted] will attend this training session. Thanks for the TR number also. [Redacted]

[Redacted]

b6
b7C

-----Original Message-----

From: [Redacted]
Sent: Tuesday, November 07, 2006 11:13 AM
To: [Redacted]
Cc: [Redacted]
Subject: [Redacted] Nov 15-17, 2006

b6
b7C
b7E

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

b6
b7C
b7E
b3

I have 2 slots open for attending the meeting next week, and would like to extend them to your office, as [Redacted] is on the list for receiving capability when it is finally delivered to FFE after the demonstrations. I recommend [Redacted] support this trip as he has had experience with the [Redacted] although I leave the final attendance to your recommendation.

b6
b7C
b7E

I will forward the final EC, with all travel informaton to you once I am provided the names of individuals attending. Travel will be paid for out of the [Redacted] TR#.

b7E



b6
b7C

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

CELL/OTD 001836

[Redacted]

From: [Redacted]
Sent: Monday, November 13, 2006 10:45 AM
To: [Redacted]
Subject: RE: Subject killed

b6
b7c

UNCLASSIFIED
NON-RECORD

[Redacted]
Not sure if you ever heard back on this issue or not.

[Redacted]

b6
b7c
b4
b7E

Hope that clears it up. [Redacted]

[Redacted]

[Redacted]

b6
b7c

-----Original Message-----

From: [Redacted]
Sent: Friday, October 06, 2006 1:07 PM
To: [Redacted]
Subject: FW: Subject killed

b6
b7c
b7E
b4

UNCLASSIFIED
NON-RECORD

Can we address this issue with [Redacted] and provide [Redacted] with some feedback if we have not already done so?

SSA [Redacted]
[Redacted]

-----Original Message-----

From: [Redacted]
Sent: Tuesday, October 03, 2006 10:18 AM
To: [Redacted]
Cc: [Redacted]
Subject: FW: Subject killed

b6
b7c

UNCLASSIFIED
NON-RECORD

UNCLASSIFIED
NON-RECORD

[Redacted]

b6
b7c

CELL/OTD 001037

We were looking at [redacted] from [redacted] on a homicide case last night [redacted]

b4
b7E

[Large redacted block]

b7E

Attached is a Wordperfect document dated March 2004, that is another documented example of the same problem.

It is impossible for us to provide quality [redacted] support to the field without the basic tools. [redacted]

[redacted] for us.

b6
b7C
b7E

Thanks,

[redacted signature]

<< File [redacted]

b7E

-----Original Message-----

From: [redacted]
Sent: Tuesday, October 03, 2006 9:33 AM
To: [redacted]
Subject: Subject killed

b6
b7C

UNCLASSIFIED
NON-RECORD

The subject who's [redacted] we were looking at yesterday, was shot and killed by St. Johns Florida deputies last night following a pursuit.

b7E

Thanks for you help!

[redacted signature]

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

CELL/OTD 001038

UNCLASSIFIED

CELL/OTD 001039

[Redacted]

From: [Redacted]
Sent: Tuesday, November 14, 2006 2:49 PM
To: [Redacted]
Cc: [Redacted]
Subject: FYI

UNCLASSIFIED
NON-RECORD

b6
b7C
b7E



[Redacted]

I will do a repeat of this class when required.

Have a nice day,
[Redacted]

UNCLASSIFIED

CELL/OTD 001040

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/14/2006

To: [Redacted]

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

b6
b7C

Drafted By:

Case ID #: 66F-WF-C197809-TR (Pending)

Title: IN-HOUSE [Redacted] TRAINING b7E

Synopsis: [Redacted] training conducted at [Redacted] b7E

Details: A technical training class on the [Redacted] and [Redacted] Equipment" was conducted on 11/13/06. The class ran from [Redacted] and was conducted at the [Redacted] by [Redacted]

b6
b7C
b7E

[Redacted]

b7E

The following [Redacted] squad members attended this class:

- 1) [Redacted]
- 2) [Redacted]
- 3) [Redacted]
- 4) [Redacted]
- 5) [Redacted]
- 6) [Redacted]
- 7) [Redacted]
- 8) [Redacted]
- 9) [Redacted]

b6
b7C
b7E

◆◆

CELL/OTD 001W1

[Redacted]

From: [Redacted]
Sent: Tuesday, November 21, 2006 4:49 PM
To: [Redacted]
Cc: [Redacted]
Subject: PR assistance to another DOJ agency

b6
b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Large Redacted Area]

[Redacted] - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL

[Redacted]
Assistant General Counsel
Science & Technology Law Unit
[Redacted]
Quantico, Va. 22135
[Redacted]

b6
b7C
b7E
b5
b3

SCIENCE & TECHNOLOGY LAW UNIT - OFFICE OF THE GENERAL COUNSEL

b6
b7C

-----Original Message-----

From: [Redacted]
Sent: Tuesday, November 21, 2006 9:44 AM
To: [Redacted]
Cc: [Redacted]

Subject: FW: SAC Authority re "Loan of [redacted] Equipment" b7E

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Hey [redacted]

Hope all is well. This should be an easy question, compared to what you have been dealing with.

[redacted]

b6
b7C
b5

Thanks, [redacted]

-----Original Message-----

From: [redacted]
Sent: Monday, November 13, 2006 11:31 AM
To:

b6
b7C

[redacted]

CELL/OTD 001043

b6
b7C
b7E

Subject: FW: SAC Authority re "Loan of [redacted] Equipment"

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Please see below.

-----Original Message-----

From: [redacted]
Sent: Monday, November 13, 2006 10:37 AM

To: [redacted]

Cc:
Subject: SAC Authority re "Loan of [redacted] Equipment"

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b6
b7C

[redacted] per UC [redacted] please forward to the field. Thanks [redacted]

-----Original Message-----

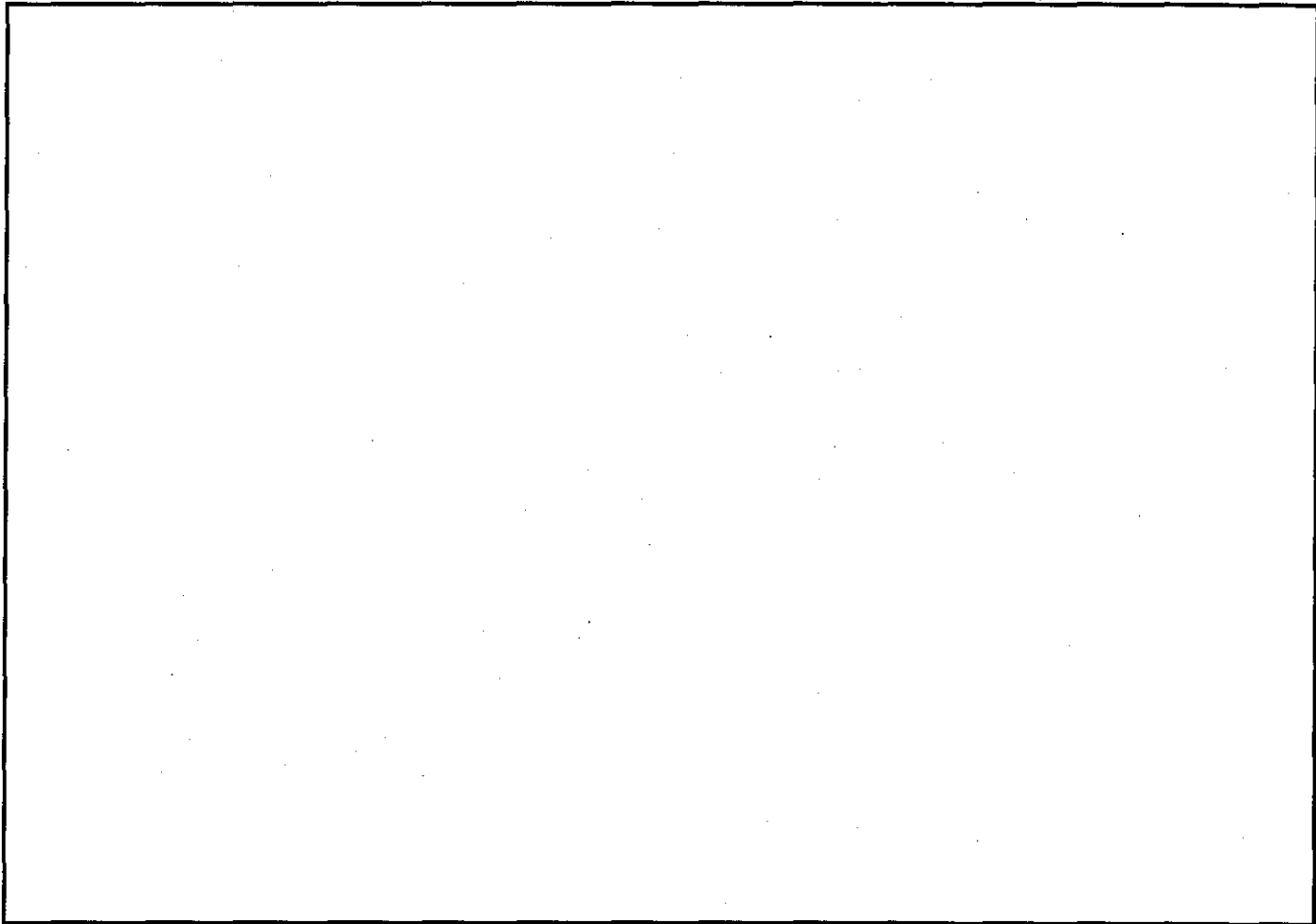
From: [redacted]
Sent: Thursday, November 09, 2006 9:10 AM

To: [redacted]

Cc:
Subject: RE: Authority questions

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b5
b7E
b3



[Redacted]

PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL

[Redacted]

Assistant General Counsel
Science & Technology Law Unit

[Redacted]

Quantico, Va 22135

[Redacted]

b6
b7C
b7E
b5
b3

SCIENCE & TECHNOLOGY LAW UNIT

OFFICE OF THE GENERAL COUNSEL

-----Original Message-----

From: [Redacted]
Sent: Thursday, November 09, 2006 7:43 AM
To: [Redacted]
Cc: [Redacted]

Subject: RE: Authority questions (FBI) b6
b7C

UNCLASSIFIED
NON-RECORD

[Large Redacted Area]

b6
b7C
b7E
b5

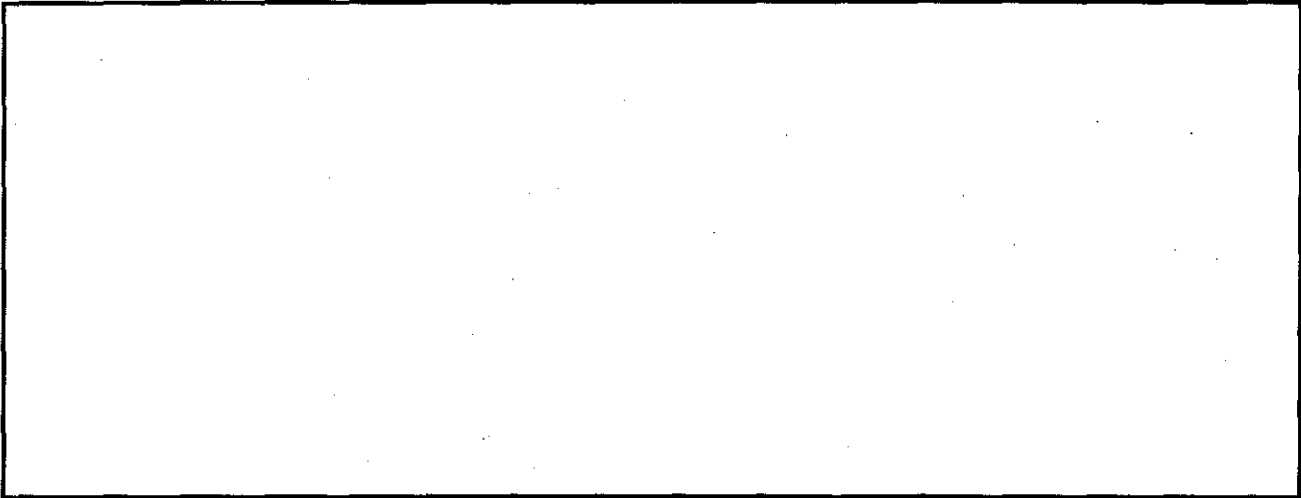
-----Original Message-----

From: [Redacted]
Sent: Wednesday, November 08, 2006 7:10 PM
To: [Redacted]
Subject: Authority questions

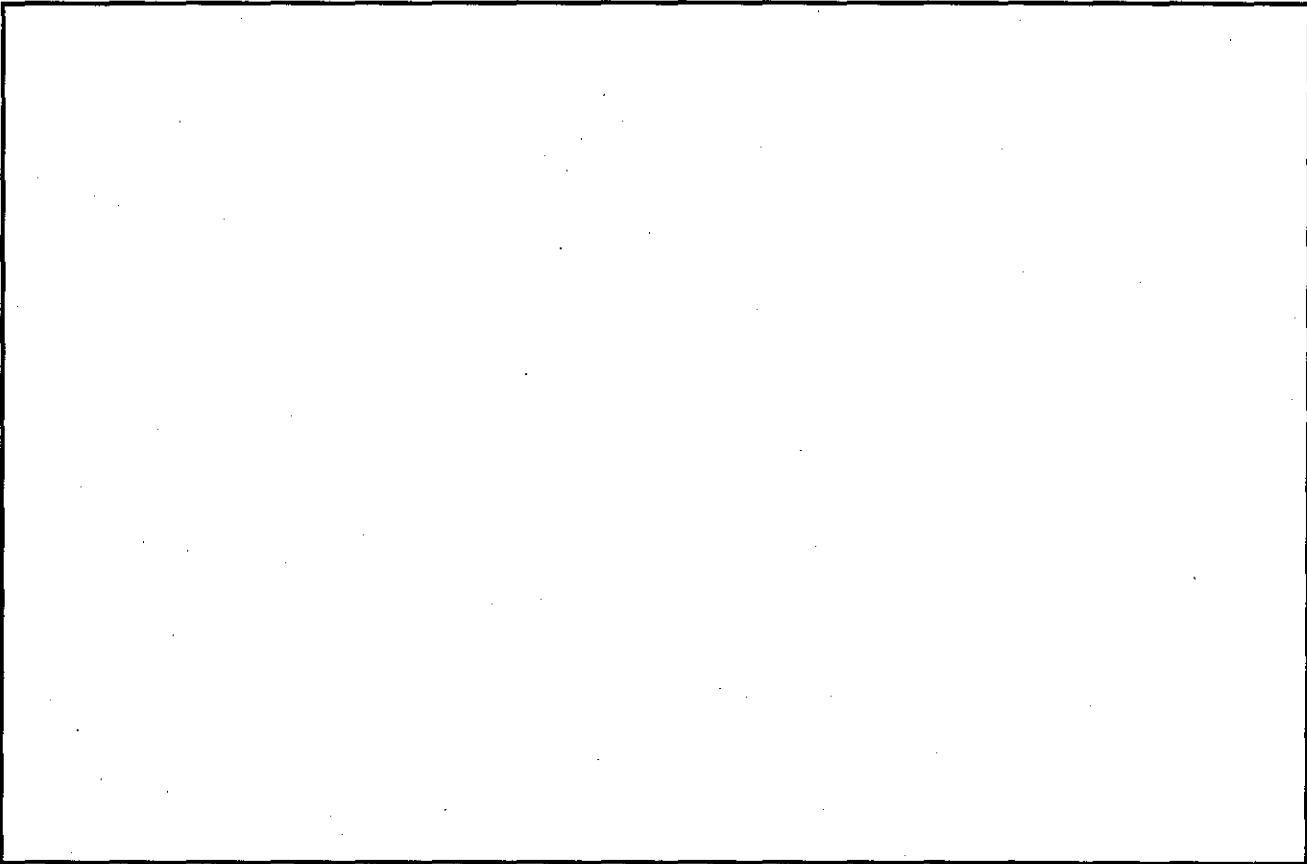
UNCLASSIFIED
NON-RECORD

b6
b7C

[Redacted]



b5



b5

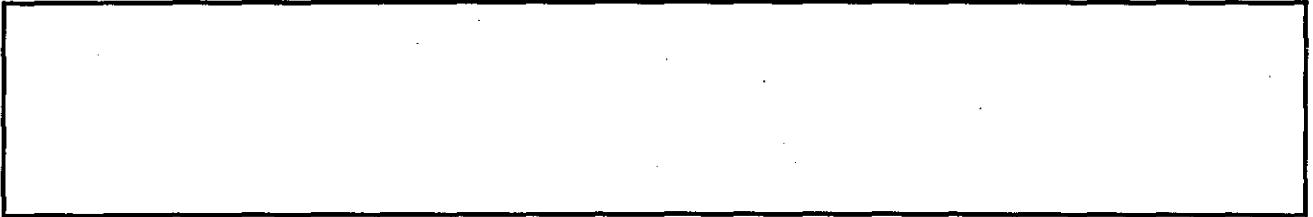
b6
b7C

This looks familiar and I assume came from you [redacted] It seems that this stuff is really being decided at the HQ / Quantico level and not so much in the field and so I wanted to clarify this with you all.



b5

b7E
b5

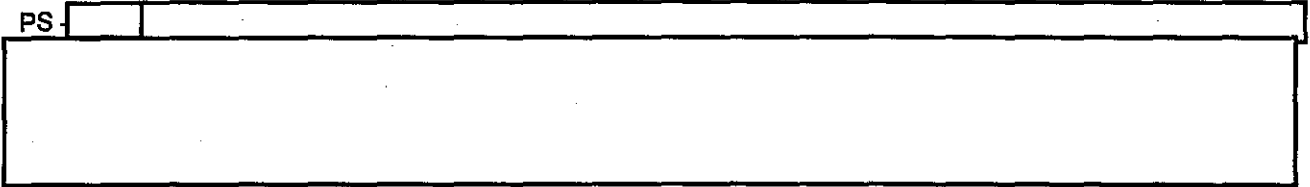


Thank you in advance for your response to this.



b6
b7C
b7E

PS



thanks

UNCLASSIFIED

UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

CELL/OTD 001050

[Redacted]

From: [Redacted]
Sent: Monday, December 04, 2006 5:35 PM
To: [Redacted]
Subject: RE: [Redacted]

b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

Awesome job [Redacted] you guys make this job worthwhile Thanks Again. Try [Redacted] and [Redacted] this will change in the near future.

SSA [Redacted]

b6
b7C
b7E

[Redacted]

-----Original Message-----

From: [Redacted]
Sent: Monday, December 04, 2006 7:15 AM
To: [Redacted]
Subject: FW: [Redacted]

UNCLASSIFIED
NON-RECORD

b6
b7C
b7E

Hey [Redacted]

Below is a summary of the [Redacted] case we worked last week.

[Redacted]
[Redacted] and I will be the ones submitting claims.

Thanks,
[Redacted]

P.S. Is there a new [Redacted] if so, what is it?

-----Original Message-----

From: [Redacted]
Sent: Thursday, November 30, 2006 1:38 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: [Redacted]

b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

Gentlemen - Many thanks from [Redacted] for your dedication and efforts...we truly appreciate it. I hope you had a safe trip back, and please let us know if there is ever an opportunity for us to return the favor!

[Redacted]

-----Original Message-----

CELL/OTD 001051

From: [redacted]

Sent: Thursday, November 30, 2006 8:06 AM

To: [redacted]

Cc: [redacted]

Subject: [redacted]

UNCLASSIFIED
NON-RECORD

b6
b7C
b7E

Thanks to all for an awesome job in [redacted]

[redacted]

b6
b7C
b7E

As a side note, [redacted]

[redacted]

Again, thanks to everyone for a job well done!

SA [redacted]

[redacted]

b6
b7C

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

CELL/OTD 001052

[Redacted]

[Redacted]

From:
Sent:
To:

Tuesday, December 05, 2006 4:34 PM

[Redacted]

b6
b7C

Cc:

[Redacted]

Cc:

[Redacted]

Subject:

[Redacted] Personnel

b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

Good Evening to all,

[Redacted] advised you earlier about her departure from [Redacted] This communication is to advise you that [Redacted] [Redacted] However, this should not effect our ability to provide you with 24 hour support. I can be reached at [Redacted] 24/7 to answer any questions. To all; Happy Holiday and thanks from all of us at [Redacted] for another outstanding year. Be Safe!!

SSA [Redacted]

b6
b7C
b7E

UNCLASSIFIED

[Redacted]

From: [Redacted]
Sent: Wednesday, January 03, 2007 4:59 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: [Redacted]

b6
b7C
b7E

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

This is what I sent [Redacted] for his report. Let me know if you see anything that needs to be added.

-----Original Message-----

From: [Redacted]
Sent: Friday, December 22, 2006 10:45 AM
To: [Redacted]
Subject: RE: [Redacted]

b6
b7C
b7E

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Thanks

SSA [Redacted]

[Redacted]

b6
b7C
b7E

-----Original Message-----

From: [Redacted]
Sent: Friday, December 22, 2006 4:36 AM
To: [Redacted]
Cc: [Redacted]
Subject: [Redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b6
b7C
b7E

[Redacted]

Here is a quick down and dirty of our operation on Thursday Dec 21, 2006.

b6
b7C
b7E
b3

[Large Redacted Block]

b7E
b3

[REDACTED]

On a side note, [REDACTED] was a great help. He went out of his way to help us [REDACTED]

b6
b7C
b7E

[REDACTED]

As per our conversation on the phone, please don't send this out to the field without changing the writer to your name. I don't need the e-mails from other [REDACTED] that usually follow success stories to ERF. Thanks.

Hope this is what you wanted,

[REDACTED]

b6
b7C

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

CELL/OTD 001057

[redacted]
From: [redacted]
Sent: Tuesday, January 09, 2007 12:38 PM
To: [redacted]
Cc: [redacted]
Subject: RE: [redacted]

b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

[redacted] can you check with [redacted] to see if he has changed the [redacted] requested earlier to the site. Thanks

SSA [redacted]

b6
b7C
b7E

-----Original Message-----

From: [redacted]
Sent: Tuesday, January 09, 2007 10:28 AM
To: [redacted]
Cc: [redacted]
Subject: RE: [redacted]

UNCLASSIFIED
NON-RECORD

b6
b7C
b7E

Hey [redacted]

This worked last time, but no longer seems to work, Any suggestions?

Thanks,

-----Original Message-----

From: [redacted]
Sent: Monday, December 04, 2006 5:35 PM
To: [redacted]
Subject: RE: [redacted]

UNCLASSIFIED
NON-RECORD

b6
b7C
b7E

Awesome job [redacted] you guys make this job worthwhile Thanks Again. Try [redacted] this will change in the near future.

b6
b7C
b7E

SSA [redacted]

-----Original Message-----

From: [redacted]
Sent: Monday, December 04, 2006 7:15 AM
To: [redacted]

b6
b7C

Subject: FW: [redacted] b7E

UNCLASSIFIED
NON-RECORD

Hey [redacted]

Below is a summary of the [redacted] case we worked last week. [redacted]

[redacted] and I will be the ones submitting claims.

Thanks, [redacted]

b6
b7C
b7E

P.S. Is there a new [redacted] site? If so, what is it?

-----Original Message-----

From: [redacted]
Sent: Thursday, November 30, 2006 1:38 PM
To: [redacted]
Cc: [redacted]
Subject: FW: [redacted]

UNCLASSIFIED b6
NON-RECORD b7C
b7E

Gentlemen - Many thanks from [redacted] for your dedication and efforts...we truly appreciate it. I hope you had a safe trip back, and please let us know if there is ever an opportunity for us to return the favor!

[redacted]

-----Original Message-----

From: [redacted]
Sent: Thursday, November 30, 2006 8:06 AM
To: [redacted]
Cc: [redacted]
Subject: [redacted]

UNCLASSIFIED b6
NON-RECORD b7C
b7E

Thanks to all for an awesome job [redacted]
[redacted]
[redacted]
[redacted]

As a side note, [redacted]
[redacted]

[Redacted]

Again, thanks to everyone for a job well done!

[Redacted]
[Redacted]
[Redacted]

b6
b7C
b7E

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

[Redacted]

From: [Redacted]
Sent: Tuesday, January 09, 2007 4:06 PM
To: [Redacted]
Subject: RE: [Redacted]

UNCLASSIFIED
NON-RECORD

b6
b7C
b7E

[Redacted]

[Redacted]

[Redacted]

-----Original Message-----

From: [Redacted]
Sent: Tuesday, January 09, 2007 10:28 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: [Redacted]

UNCLASSIFIED
NON-RECORD

b6
b7C
b7E

Hey [Redacted]

This worked last time, but no longer seems to work. Any suggestions?

Thanks, [Redacted]

-----Original Message-----

From: [Redacted]
Sent: Monday, December 04, 2006 5:35 PM
To: [Redacted]
Subject: RE: [Redacted]

UNCLASSIFIED
NON-RECORD

b6
b7C
b7E

Awesome job [Redacted] you guys make this job worthwhile Thanks Again. Try [Redacted] this will change in the near future.

SSA [Redacted]
[Redacted]

-----Original Message-----

From: [Redacted]
Sent: Monday, December 04, 2006 7:15 AM
To: [Redacted]
Subject: FW: [Redacted]

b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

Hey [redacted]

Below is a summary of the [redacted] case we worked last week. [redacted]

[redacted] will be the ones submitting claims.

Thanks, [redacted]

b6
b7C
b7E

P.S. Is there a new [redacted] site? If so, what is it?

-----Original Message-----

From: [redacted]
Sent: Thursday, November 30, 2006 1:38 PM
To: [redacted]
Cc: [redacted]
Subject: FW: [redacted]

UNCLASSIFIED
NON-RECORD

b6
b7C
b7E

Gentlemen - Many thanks from [redacted] for your dedication and efforts...we truly appreciate it. I hope you had a safe trip back, and please let us know if there is ever an opportunity for us to return the favor!

[redacted]

-----Original Message-----

From: [redacted]
Sent: Thursday, November 30, 2006 8:06 AM
To: [redacted]
Cc: [redacted]
Subject: [redacted]

UNCLASSIFIED
NON-RECORD

b6
b7C
b7E

Thanks to all for an awesome job in [redacted]

[redacted]

As a side note [redacted]

[redacted]

Again, thanks to everyone for a job well done!

SA [REDACTED]
[REDACTED]
[REDACTED]

b6
b7c

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

CELL/OTD 001063

[Redacted]

From: [Redacted]
Sent: Tuesday, February 13, 2007 12:03 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: [Redacted] call activity reports from [Redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b6
b7C
b7E
b3

[Redacted]

[Redacted]

[Redacted]

-----Original Message-----

From: [Redacted]
Sent: Tuesday, February 13, 2007 11:28 AM
To: [Redacted]
Cc: [Redacted]
Subject: [Redacted] call activity reports from [Redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b6
b7C
b7E
b3

[Redacted]

[Redacted]

Thanks



b6
b7c

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

[Redacted]

From: [Redacted]
Sent: Tuesday, February 20, 2007 1:00 PM
To: [Redacted]
Subject: RE: [Redacted] call activity reports from [Redacted]

SENSITIVE BUT UNCLASSIFIED b6
NON-RECORD b7C
 b7E

[Redacted]

Try our [Redacted] for detailed answers to your questions.

[Redacted]

-----Original Message-----

From: [Redacted]
Sent: Tuesday, February 20, 2007 10:11 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: [Redacted] call activity reports from [Redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b6
b7C
b7E

[Redacted]

Thanks for the info.

Two Questions:

[Redacted]

b7E

Thanks again,

[Redacted]

-----Original Message-----

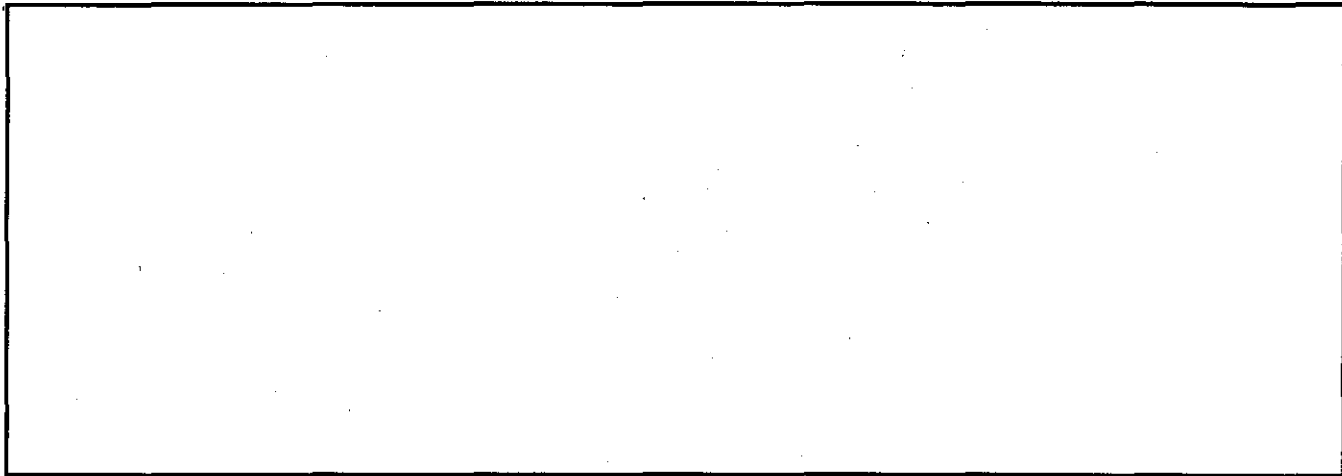
From: [Redacted]
Sent: Tuesday, February 13, 2007 12:03 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: [Redacted] call activity reports from [Redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b6
b7C
b7E
b3

[Redacted]

[Redacted]

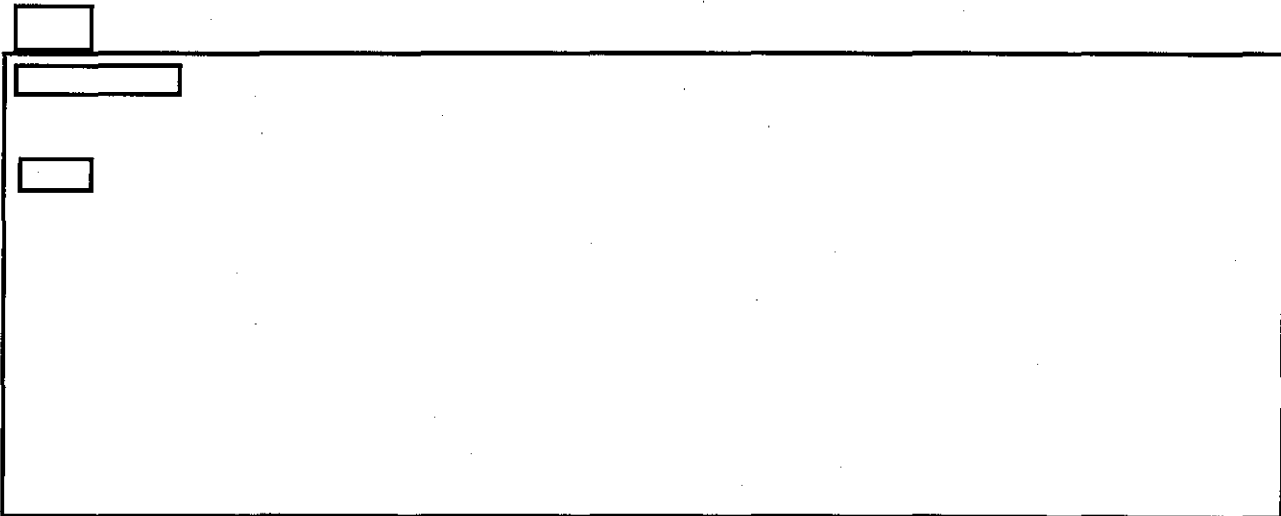


Original Message

From: [redacted]
Sent: Tuesday, February 13, 2007 11:28 AM
To: [redacted]
Cc: [redacted]
Subject: [redacted] call activity reports from [redacted]

b6
b7C
b7E
b3

SENSITIVE BUT UNCLASSIFIED
NON-RECORD



Thanks.
[redacted]

b6
b7C
b7E
b3

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

1 ANN BIRMINGHAM SCHEEL
United States Attorney
District of Arizona
2
3 FREDERICK A. BATTISTA
Maryland State Bar Member
PETER S. SEXTON
Arizona State Bar No. 011089
4 JAMES R. KNAPP
Arizona State Bar No. 021166
Assistant U.S. Attorneys
5 Two Renaissance Square
40 North First Avenue, Suite 1200
6 Phoenix, Arizona 85004
Telephone: (602) 514-7500
Fred.Battista@usdoj.gov
7 Peter.Sexton@usdoj.gov
James.Knapp2@usdoj.gov

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-19-2012 BY 65179 DMH/stp

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF ARIZONA

10 United States of America,
11 Plaintiff,
12 v.
13 Daniel David Rigmaiden, et al.,
14 Defendant.
15

No. CR-08-0814-PHX-DGC
GOVERNMENT'S MEMORANDUM
RE MOTION FOR DISCOVERY

16 The United States, through undersigned counsel, submits this Memorandum in an attempt
17 to clarify and narrow some issues for the upcoming October 28, 2011, hearing regarding
18 Defendant's Motion for Discovery.

19 First, the United States proposes that the Court assume, arguendo, for Defendant's Motion
20 for Discovery and any forthcoming motion to suppress, that the aircard tracking operation was
21 a Fourth Amendment search and seizure.¹¹

22
23 ¹¹ The United States' position continues to be that, as a factual matter, the operation did
24 not involve a search or seizure under the Fourth Amendment. The United States explained in
25 its March 11, 2011, Memorandum Regarding Law Enforcement Privilege that Defendant does
26 not have a reasonable expectation of privacy in his general location or in the cell site records he
27 transmitted wirelessly to Verizon. (CR 465 at 13-17.) Therefore, the use of the cell site
28 simulator is not a search under the Fourth Amendment. See, e.g., Smith v. Maryland, 442 U.S.
735, 740 (1979) ("application of the Fourth Amendment depends on whether the person
invoking its protection can claim a 'justifiable,' a 'reasonable,' or a 'legitimate expectation of
privacy' that has been invaded by government action"). Nevertheless, in an attempt to simplify
the analysis and to avoid unnecessary disclosure of privileged information, the United States will

(continued...)

1 Second, the United States agrees to rely solely on the Rule 41 tracking warrant,
2 application, and affidavit, No. CR08-90330-MISC, to authorize the use of equipment to
3 communicate directly with Defendant's aircard and determine its location. ^{2'}

4 Third, the United States will agree to allow the Court to factually assume, that, at the
5 conclusion of the July 16, 2008, aircard tracking operation, the FBI located the aircard within
6 Unit 1122 of the Domocilio Apartments. ^{3'}

7 Fourth, with respect to whether the equipment used to locate the aircard was operated in
8 a "man in the middle" manner or caused a brief "disruption of service," the United States will
9 agree that the Court can assume, arguendo, that it did. ^{4'}

10 Fifth, for the purpose of defendant's pending motion(s) to compel discovery and his
11 prospective motion to suppress, the United States does not expect to present facts in any in
12 camera proceeding that it would then request the Court to consider for the purpose of rebutting
13 any of defendant's claims without disclosing those facts to the defendant.

14
15
16 ^{1'} (...continued)
17 no longer argue in this case only that the aircard tracking operation was not a search or seizure
18 under the Fourth Amendment, and will instead rely on its authority under the hybrid order and
19 tracking warrant, Defendant's lack of standing, and, if necessary, the agents' good faith reliance
20 on these court orders.

21 ^{2'} Again, the United States' position is that the hybrid order confers sufficient authority
22 to use a cell site simulator and that a tracking warrant is unnecessary. Nevertheless, the United
23 States will rely solely on the Rule 41 warrant application, affidavit and order in this case to
24 authorize its use of a cell site simulator. The hybrid order, No. CR08-90331-MISC, will be used
25 to justify obtaining cell site and other non-content information from Verizon Wireless.

26 ^{3'} This is not, in fact, accurate. As explained previously, the FBI was only able to
27 narrow the aircard down to three or four apartments. But to avoid disclosure of privileged
28 information and simplify the Fourth Amendment analysis, the United States will concede, for
purposes of any forthcoming motion to suppress, that the FBI located the aircard within Unit
1122 of the Domocilio Apartments.

^{4'} The United States indicated at the September 22, 2011, hearing that it believed "the
simulator in this case was taking the message if received from the aircard and sending it on to
a Verizon tower." (RT 9/22/2011 (CR 637) at 61:5-8.) As FBI Agent Bradley Morrison
clarifies in the attached affidavit, however, the equipment did not capture any content and it did
not act as a "man in the middle," collecting data and passing it along to Verizon Wireless.
(Morrison Aff. 2-3 ¶ 4.)

1 Finally, the United States is submitting a sworn affidavit from Bradley Morrison, the Unit
2 Chief of the FBI Tracking Technology Unit, to describe facts regarding the aircard tracking
3 operation and clarify some remaining factual issues. The United States will make Agent
4 Morrison available ex parte and in camera to answer questions the Court may have about the
5 tracking operation and the equipment used. In addition, the United States will make this
6 individual available for testimony at any future suppression hearing, so long as the United States
7 has an opportunity to file a motion in limine in order to seek to limit cross-examination regarding
8 privileged law enforcement sensitive material. In order to proceed in this fashion, the United
9 States requests an opportunity to explain, in camera, the basis for its claims of privilege.

10 Respectfully submitted this 27th day of October, 2011.

11 ANN BIRMINGHAM SCHEEL
12 Acting United States Attorney
13 District of Arizona

14 S/Frederick A. Battista

15 FREDERICK A. BATTISTA
16 PETER S. SEXTON
17 JAMES R. KNAPP
18 Assistant U.S. Attorneys
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2011, I caused the attached document to be electronically transmitted to the Clerk's Office using the ECF system for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Philip Seplow
Shadow Counsel for Defendant Daniel David Rigmaiden

Taylor Fox
Counsel for Defendant Ransom Carter

A copy of the attached document was also mailed to:

Daniel David Rigmaiden
Agency No. 10966111
CCA-CADC
PO Box 6300
Florence, AZ 85132

S/James Knapp

FW: [redacted] Memo [redacted] Edits

Sent: Friday, October 28, 2011 3:12 PM

b6
b7C

To: [redacted]

Cc: [redacted]

Attachments: Pleading Paper.pdf (13 KB)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-19-2012 BY 65179 DMH/stp

[redacted]

[redacted]
Assistant General Counsel
Science & Technology Law Unit
Federal Bureau of Investigation

b6
b7C
b3
b7E

THIS COMMUNICATION MAY CONTAIN PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT AND ATTORNEY WORK PRODUCT MATERIAL. DO NOT DISCLOSE WITHOUT PRIOR PERMISSION FROM FBI OGC.

From: [redacted]

Sent: Friday, October 28, 2011 2:57 PM

b6
b7C

To: [redacted]

Subject: RE: [redacted] Memo - [redacted] Edits

[redacted] thanks again for your help. Here's what the final version of the memo looks like. We'll keep you posted on the progress.

From: [redacted]

Sent: Thursday, October 27, 2011 2:52 PM

b6
b7C

To: [redacted]

Cc: [redacted]

Subject: RE: [redacted] Memo - [redacted] Edits

[redacted]

As discussed over th phone, here are the documents with edits in track changes format. I have the agent

CELL/OTD 004880

standing by to sign and send out, so if you could look at them as quickly as possible, that would be great.

[Redacted]

[Redacted]

Assistant General Counsel
Science & Technology Law Unit
Federal Bureau of Investigation

b6
b7C

[Redacted]

THIS COMMUNICATION MAY CONTAIN PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT AND ATTORNEY WORK PRODUCT MATERIAL. DO NOT DISCLOSE WITHOUT PRIOR PERMISSION FROM FBI OGC.

From: [Redacted]

Sent: Thursday, October 27, 2011 1:23 PM

To: [Redacted]

Cc: [Redacted]

Subject: RE: [Redacted] Memo [Redacted] Edits

b6
b7C

[Redacted]

[Redacted] asked me to pass along the attached, which incorporates some suggestions from [Redacted] on the draft affidavit. Please let us know where we are on the affidavit and whether you have any comments on the memo [Redacted] sent. We plan to file it in advance of the hearing, which is tomorrow.

Thanks again for your help.

[Redacted]

From: [Redacted]

Sent: Wednesday, October 26, 2011 6:49 PM

To: [Redacted]

Cc: [Redacted]

Subject: [Redacted] Memo [Redacted] Edits

b6
b7C

<< File: Memo re Motion for Discovery JRK20111020 - FAB Edits 10-26-11.wpd >>

CELL/OTD 004881

Re: [redacted] mission in [redacted]
[redacted]

Sent: Thursday, August 25, 2011 12:55 AM

To: [redacted]
Cc: [redacted]

b6
b7C
b7E

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-19-2012 BY 65179 DMH/stp

[redacted]
I'd like to just add my [redacted] and appreciation to [redacted] for taking the time to help with the mission. Not only was his expertise invaluable, but his instruction on operational techniques was excellent.

Thanks again for your support in allowing [redacted] to come out to help. I look forward to employing the [redacted] mission here in [redacted]. I know the case agents are all excited in us having this capability.

[redacted]
[redacted]

b6
b7C
b7E

From: [redacted]
To: [redacted]
Cc: [redacted]
Sent: Thu Aug 25 00:35:34 2011
Subject: [redacted] mission in [redacted]

b6
b7C
b7E

Thank you for your support in putting this mission together. We had a number of difficulties, and without your quick responses and approvals, I don't think we would have pulled it off. Thank you.

I also wanted to let you know that [redacted] was a BIG help. I know he was in Denver during the mission, but he was still responsive and provided information, even until after mid-night his time.

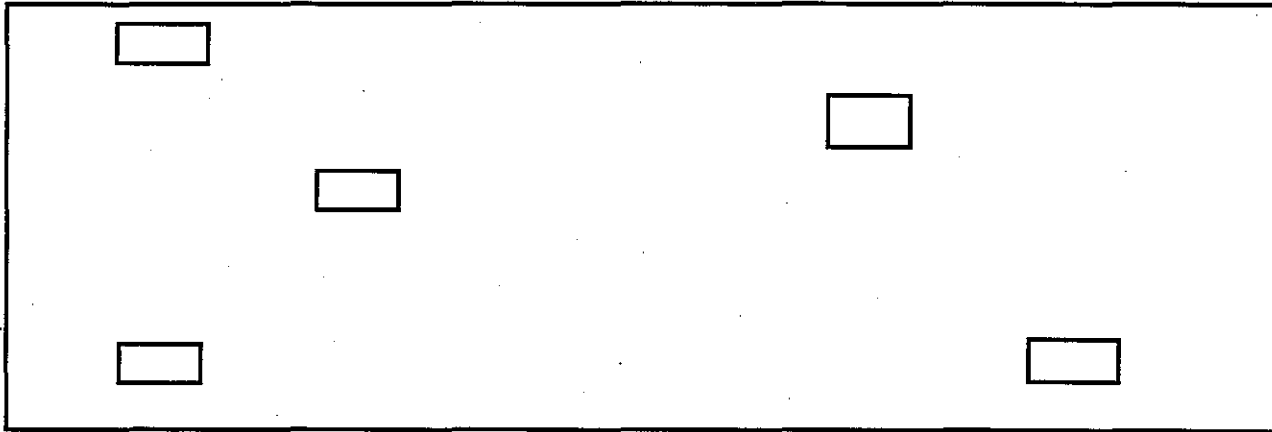
b6
b7C
b7E
b3

Below is a summary of the mission, and a list of issues we should work on before the next mission:

Summary:

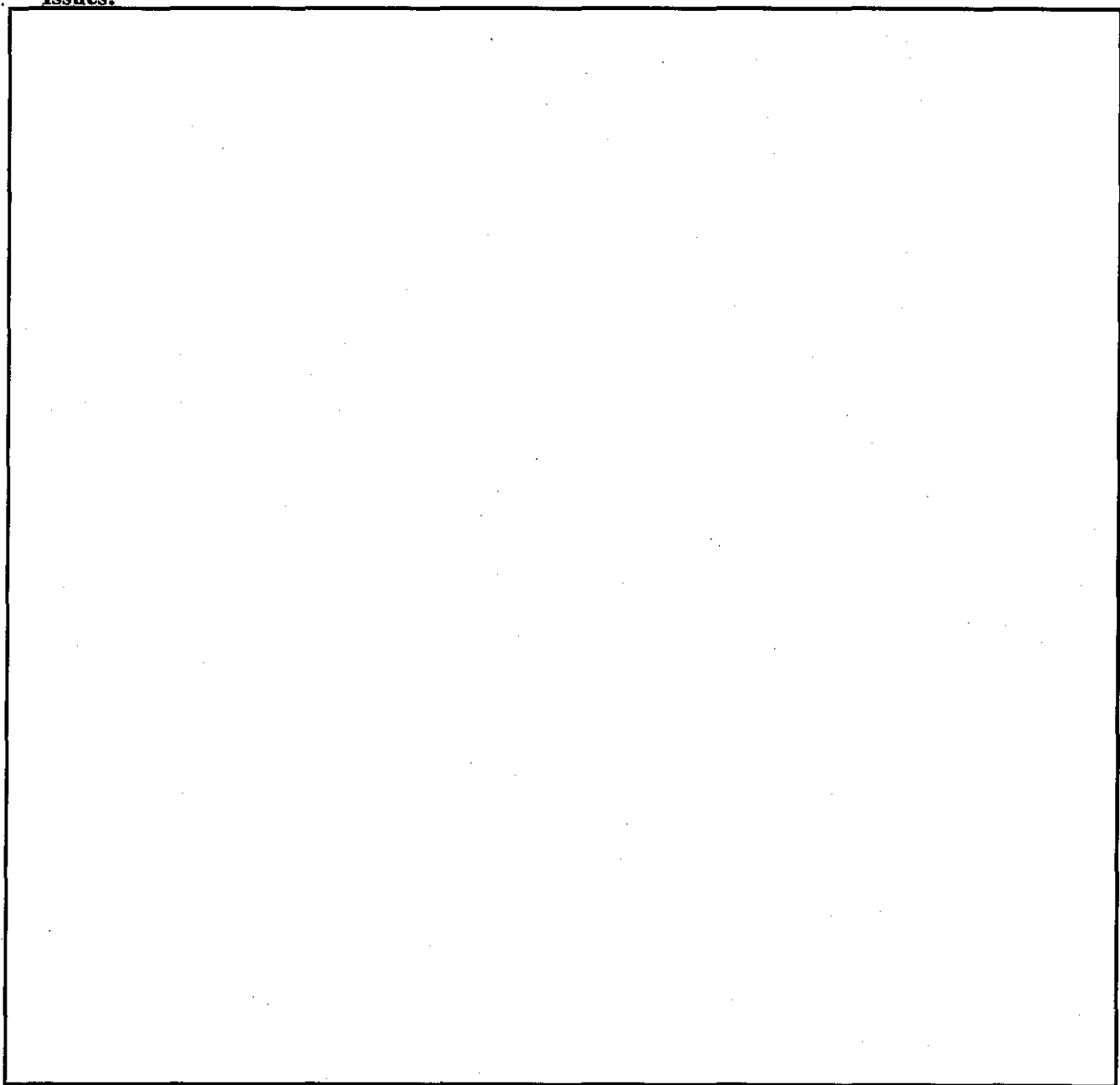
[Large redacted area containing the summary of the mission and list of issues]

CELL/OTD 004882



b6
b7C
b7E
b3

Issues:



b6
b7C
b5
b3
b7E

[redacted] and I discussed the possibility of him coming to [redacted] to assist with a week's worth of [redacted] missions, possibly after January. We also discussed the possibility of me coming out to assist [redacted] with training for [redacted]. Obviously, this will be your call. In the mean time, I will be available to assist via phone.

b6
b7C
b7E

[redacted]

b7E

Please let me know your thoughts and what you would like me to do to proceed.

Thank you again for the opportunity. I believe this was a very productive trip,
Special Agent [redacted]

[redacted]
[redacted]
[redacted]

b6
b7C

CELL/OTD 004884

Date: Fri, 27 Jul 2007 15:15:25 -0700

From: [redacted]
Subject: Fwd: Fw: [redacted] info
To: [redacted]

b6
b7C
b7D
b7E

Note: forwarded message attached.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-19-2012 BY 65179 DMH/stp

Looking for a deal? Find great prices on flights and hotels with Yahoo! FareChase.
<http://farechase.yahoo.com/>

--Forwarded Message Attachment--

Date: Thu, 26 Jul 2007 14:30:44 -0300
From: [redacted]
To: [redacted]
Subject: Fw: [redacted] info

b6
b7C
b7D
b7E

here you go

-----Forwarded Message-----

From: [redacted]
Sent: Jul 25, 2007 12:21 PM
To: [redacted]
Subject: [redacted] info

b6
b7C
b7D
b7E

Good Morning,

Attached is the [redacted]

b7E
b3

Let me know if you have any further questions.

Thanks,

[redacted]

Manager, Customer Support

[redacted]

[redacted]

b6
b7C
b7E

CELL/OTD

004903

b7E

[redacted]

5/17/2012

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-19-2012 BY 65179 DMH/stp

Subject: [redacted] (word format)
Date: Wed, 1 Aug 2007 17:14:03 -0400
From: [redacted]
To: [redacted]
CC: [redacted]

b6
b7C
b7D
b7E

[redacted]

b6
b7C
b4
b7E

[redacted] If you need help or have questions feel free to contact us. I have cc'd [redacted] who is with our Customer Service Department and walked [redacted] thru the same process. Thanks [redacted]

[redacted]
[redacted]
Federal Law Enforcement Marketing Manager
[redacted]

b6
b7C
b7E

CELL/OTD 004942

b7E

[redacted]

5/17/2012