



Federal Bureau of Investigation
Washington, D.C. 20535

March 29, 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 | |
|--|---|---------------------------------|--|
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| <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) | |
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| <input checked="" type="checkbox"/> (b)(6) | | <input type="checkbox"/> (k)(7) | |

876 page(s) were reviewed and 90 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 eighth 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) ~ 31

- Page 2 ~ b3, b7E
- Page 4 ~ b3, b7E
- Page 5 ~ b7E
- Page 6 ~ b3, b7E
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- Page 32 ~ b3, b6, b7C, b7E
- Page 33 ~ b3, b7E
- Page 35 ~ b3, b7E

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23-Mar Travel (Arrive)
 Inform Coordinator of arrival / issues
 Equipment Delivery
 24-Mar 830 Arrive / Introductions
 900 Scenario Description 5
 Goals / Objectives 10
 Pre-Deployment Functions 5
 1000 Break
 1015 [Redacted]
 1100 [Redacted]
 1200 Lunch (1.5 HOURS)
 1330 [Redacted]
 1430 [Redacted]
 1530 [Redacted]
 1630 [Redacted]
 25-Mar 830 Arrive / Issues
 900 [Redacted]
 1100 [Redacted]
 1200 Lunch (1.5 HOURS)
 1330 [Redacted]
 1630 [Redacted]
 26-Mar 830 Arrive Station
 ?? [Redacted]
 27-Mar 83 [Redacted]
 ?? [Redacted]
 28-Mar 1200 Lunch (1.5 HOURS) [Redacted]
 2100 Event [Redacted]
 29-Mar NO EVENT
 30-Mar 830 Arrive / issues
 900 [Redacted]
 1100 [Redacted]
 1200 Lunch (1.5 HOURS)
 1330 In-house Demonstrations / Exercises
 1630 End
 31-Mar Practice Sessions
 1-Apr Practice Sessions
 2-Apr Practice Sesiions / Pickup (Noon)
 3-Apr Travel (Return)

b3
b7E

CELL/OTD 004543

NOTES:

If you encounter any problems or have questions, please contact at

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CELL/OTD 004566

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FEDERAL BUREAU OF INVESTIGATION
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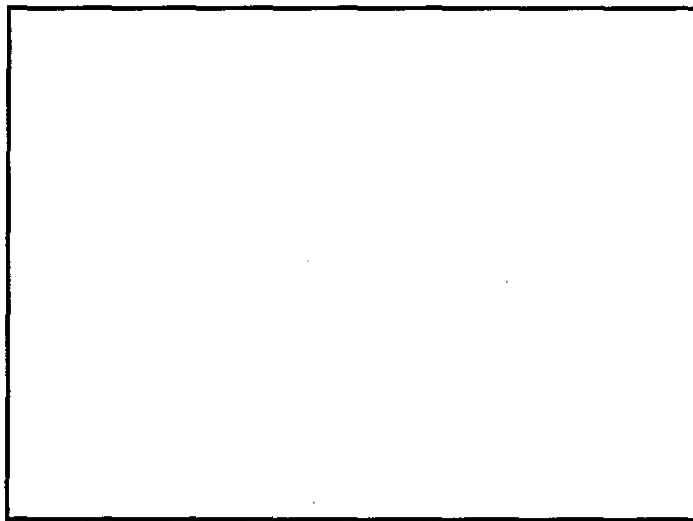
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PROGRAM

TRAINING COURSE #2

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APRIL 6-8, 2004

b7E



VA

for official use only

To: [redacted] From: Investigative Technology
Re: 268-HQ-1068430, 03/22/2004

Precedence: PRIORITY

Date: 03/22/2004

To: [redacted]

Attn: [redacted]

From: Investigative Technology
Electronic Surveillance Technology Section [redacted] QT-ERF
Contact: SSA [redacted]

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Approved By: [redacted]

Drafted By: [redacted]

Title: [redacted]

Synopsis: To provide details of [redacted] for [redacted]
commencing on 04/06/2004 to 04/08/2004 in [redacted] Virginia.

Details: The [redacted] is tasked with providing FBI field
offices with [redacted] legal guidance, technical
equipment, and technical training necessary for this [redacted]
[redacted] To this end [redacted] has organized, established and trained [redacted]

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[redacted]

[redacted] is hosting a [redacted] training course. The
point-of-contacts for this training are Electronics Engineer (EE) [redacted]
[redacted] and Electronics Technician (ET) [redacted] This

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To: [redacted] From: Investigative Technology
Re: 268-HQ-1068430, 03/22/2004

training will occur 04/06/2004 through 04/08/2004. All attendees are requested to travel on Monday 04/05/2004 prior to the training which starts on Tuesday morning at 8:30 am at the [redacted]. Training will be completed Thursday evening, with students having the opportunity to travel back to their field offices on Friday.

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[redacted]

Hotel reservation can be made at the [redacted]

[redacted]

The Per diem rate is \$72 for lodging and \$31 for meals.

Class participants are to use [redacted]

Questions can be directed to Supervisory Special Agents [redacted]

[redacted] of [redacted]

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CC: Mr.
Mr.
Mr.
Mr.
Mr.

[redacted]

[redacted]

♦♦

Call

[redacted] w/
#

[redacted] (Class #)

~~✓~~ - ~~Alert~~

[redacted]

Provide

[redacted]

~~✓~~ -

[redacted]

[redacted]

ATD 03/22/04

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b3

From:

[Redacted]

To:

Date:

Wed Mar 24 2004 3:10 PM

Subject:

[Redacted]

commencing on 4/6/04 -4/8/04

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NON-RECORD

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Per SSA

[Redacted]

please read the attached EC.

If you have any questions, please call me at

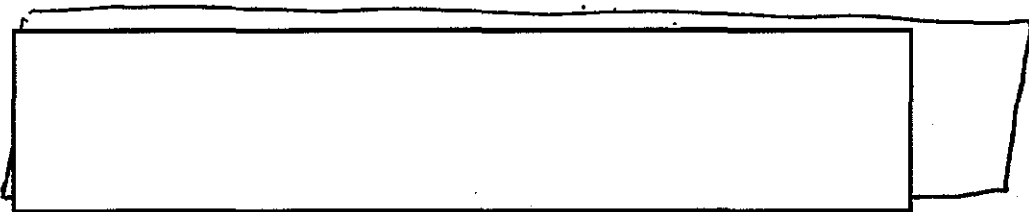
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Note - System utilizes



Note -



Training Guide



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For Official Use Only

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Training Course #2

b7E

VA

April 6 - 8, 2004

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0110 0019682



For Official Use Only

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Quick Start Guides

...RTD 001 963.

b7E

For Official Use Only

Solutions

CELL/STB 001964

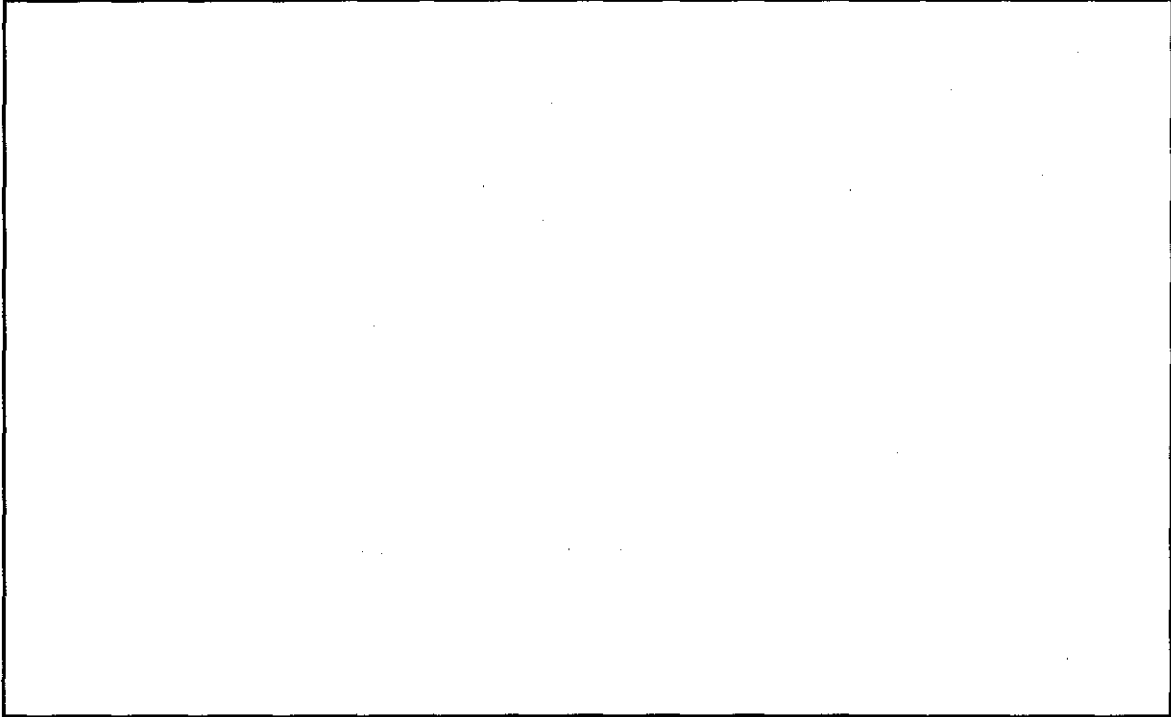
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Internet Resources

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Agenda

For Official Use Only

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Welcoming Remarks

88L/OTD 001976

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For Official Use Only

Agenda - Day 1

b7E

Activity	Time	Activity Length	Presenter(s)
Welcoming Remarks	8:30 - 8:35 am	5 min	
Discussion of Legal Issues	8:35 - 8:50 am	15 min	
Website Update	8:50 - 9:00 am	10 min	
Mobile Phone Systems Review	9:00 - 9:10 am	10 min	
	9:10 - 9:30 am	20 min	
	9:30 - 9:50 am	20 min	
Break	9:50 - 10:00 am	15 min	
	10:00 - 12:00 pm	2 hrs	
Lunch	12:00 - 1:00 pm	1 hr	
	1:00 - 5:30 pm	4 hrs 30 min	

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CELL 4010 001927

For Official Use Only

Agenda - Day 2

b7E

Activity	Time	Activity Length	Presenter(s)
Day 1 Review (Question and comments)	8:30 - 8:40 am	10 min	
	8:40 - 9:00 am	20 min	
	9:00 - 9:20 am	20 min	
Break	9:20 - 9:30 am	10 min	
	9:30 - 12:00 pm	2 hrs 30 min	
Lunch	12:00 - 1:00 pm	1 hr	
	1:00 - 5:30 pm	4 hrs 30 min	

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CELL/OTD 081978



For Official Use Only

Agenda - Day 3

TELETYPE UNIT

b7E

Activity	Time	Activity Length	Presenter(s)
Day 2 Review (Questions and comments)	8:30 - 8:40 am	10 min	
Additional Training	8:40 - 11:30 pm	2 hr 50 min	
Lunch	11:30 - 1:00 pm	1 hr 30 min	
Additional Training	1:00 - 3:00 pm	2 hrs	
Wrap-up, Feedback Forms, and Closing Remarks	3:00 - 3:30 pm	30 min	



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Legal

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Legal Guidelines

- Legal considerations await the OGC's review, analysis, and approval
- Additional Legal and Policy issues being identified
- Updates and reference material will be posted on
- Any specific legal question, guidance, or advice should be referred to your CDC and/or to the OGC

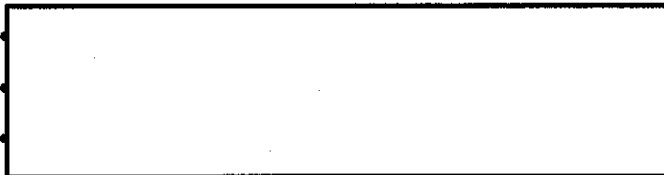
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CELL/OTB 001930

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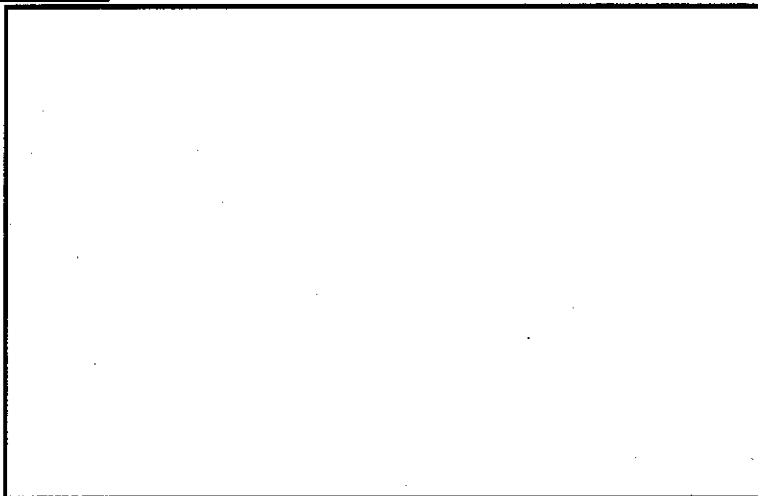
Preliminary Issues

- Pen Registers
- Title III
- Search Warrants



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CELL 070-001954



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[Redacted]

↓ Now under [Redacted] not [Redacted]

[Redacted]

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Effective Tools

- PURPOSE: To provide information, interactive media, and data collection for [Redacted]
- ACCESS: FBINET
- URL [Redacted]
- NETWORK CLASSIFICATION: Secret

	For Official Use Only	Recent Additions
<ul style="list-style-type: none">		

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	For Official Use Only	Coming Soon
<ul style="list-style-type: none">		

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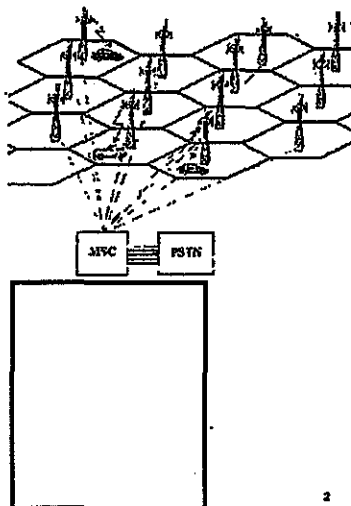
Mobile Phone Systems Review

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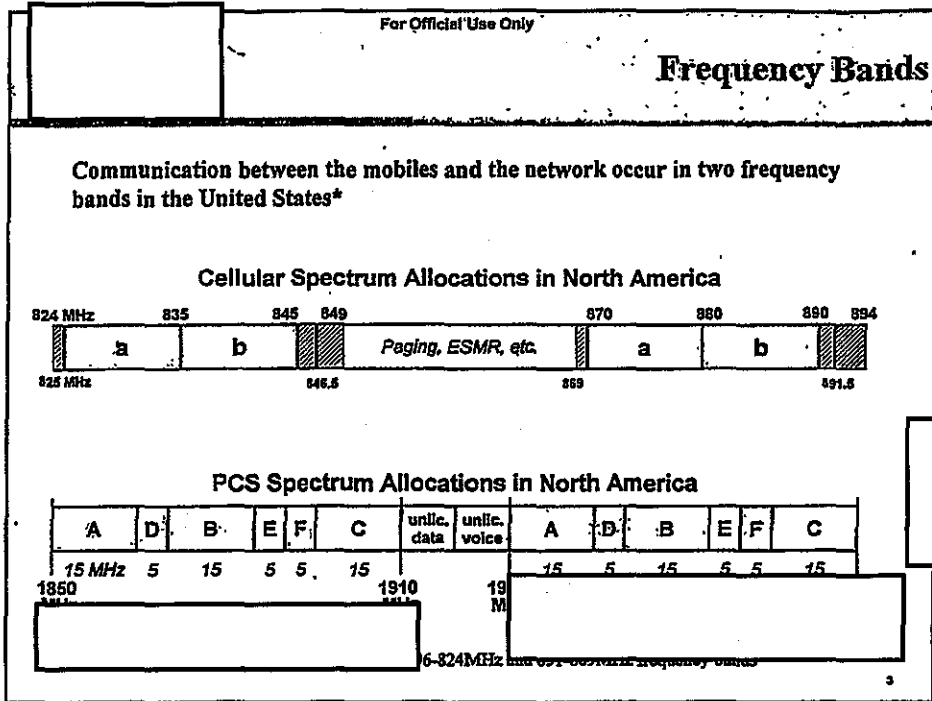
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Cellular System Concept

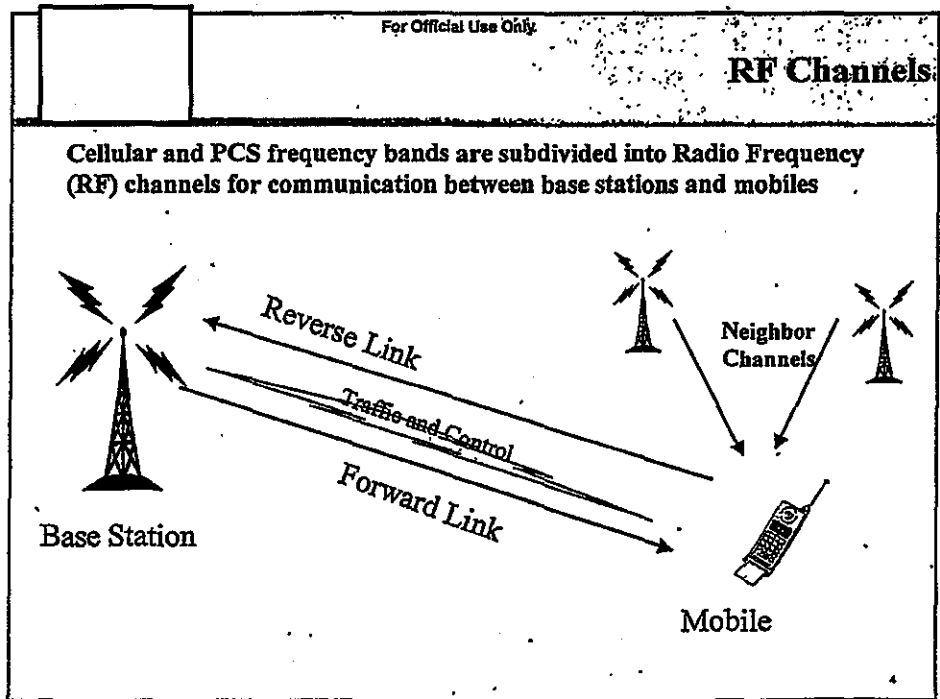
- Cellular System allows the reuse of spectrum within a region by employing centrally connected base stations
- Each base station wirelessly connects to multiple mobiles within a designated geographic area (cell)
- Base stations connect to a Mobile Switching Center (MSC) and then to the Public Switched Telephone Network (PSTN)
- The system allows
 - Reuse of spectrum in regions, increasing the capacity of the system over a trunked radio system
 - Mobility of users in the system without loss of connectivity



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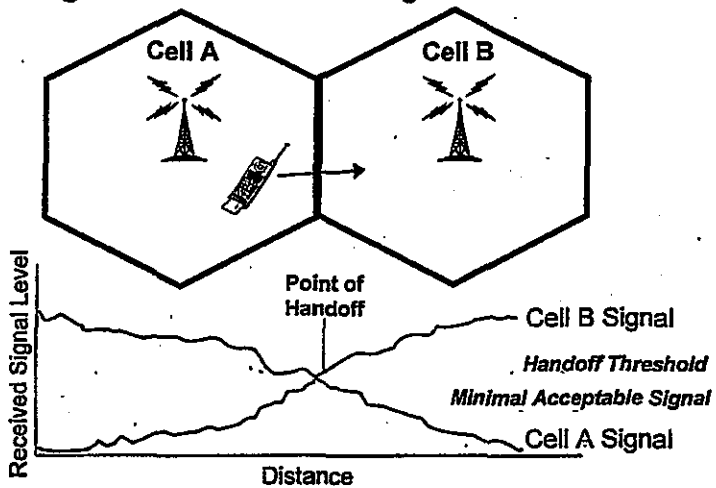


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Mobile Handoff

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To maintain seamless mobility in the system, mobiles must change assigned channels when moving from cell to cell.



Intro to



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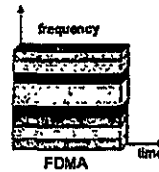
Introduction to [redacted]



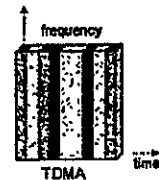
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Intro to [redacted]

- **Frequency Division Multiple Access (FDMA)** uses frequency as the only channel discriminator



- **Time Division Multiple Access (TDMA)** uses frequency and time as channel discriminators



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[Redacted]

Overview

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	For Official Use Only Introduction

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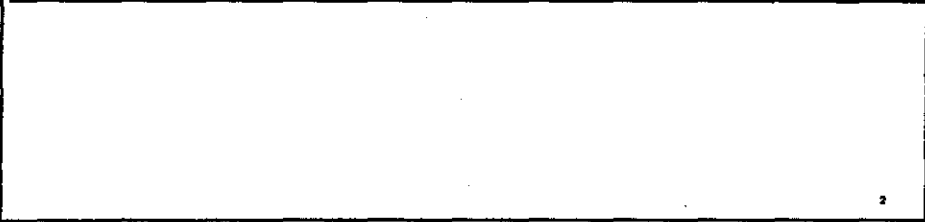
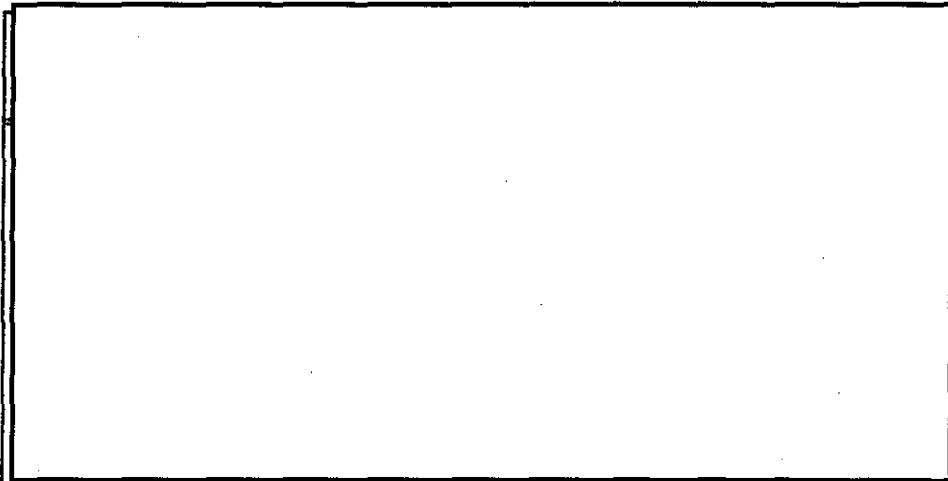


Field Exercises



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Introduction to [redacted]

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Overview





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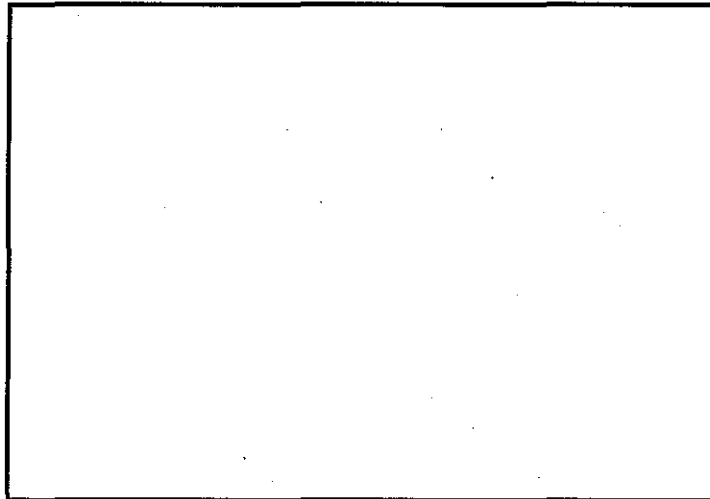
CONOPS



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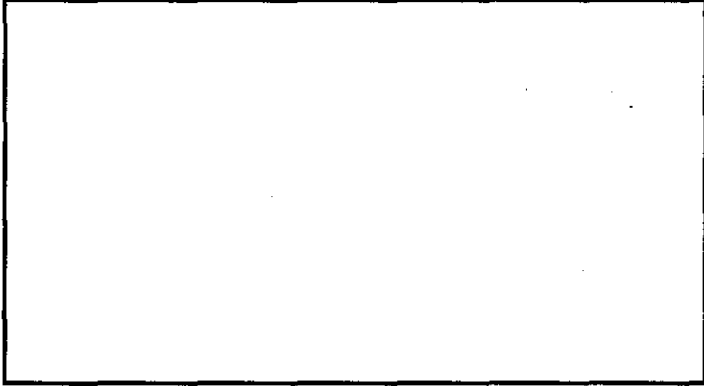
Surveillance Players



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5 Scenarios

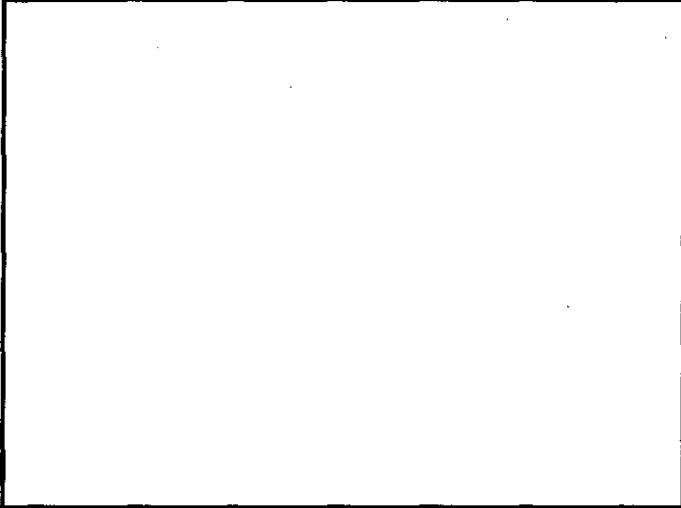


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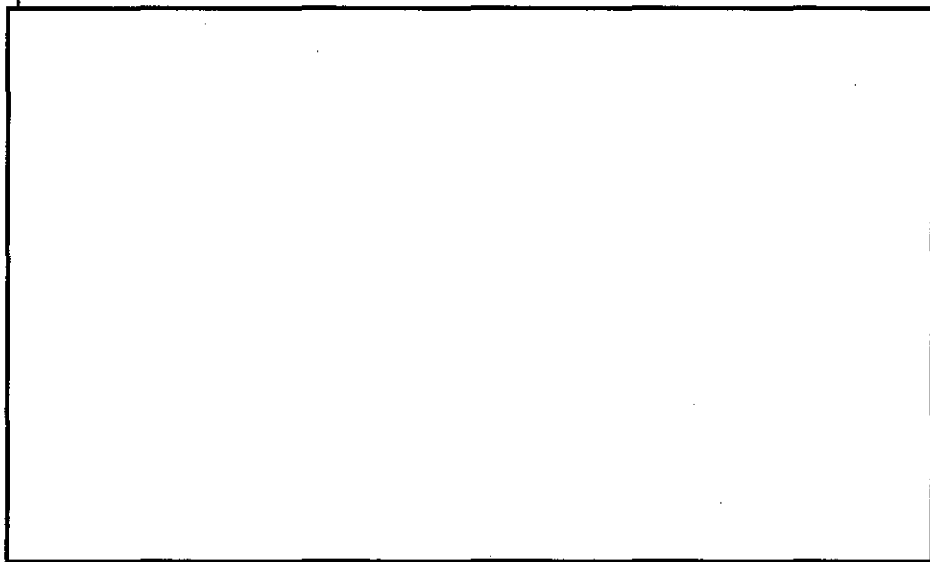
Scenario 1



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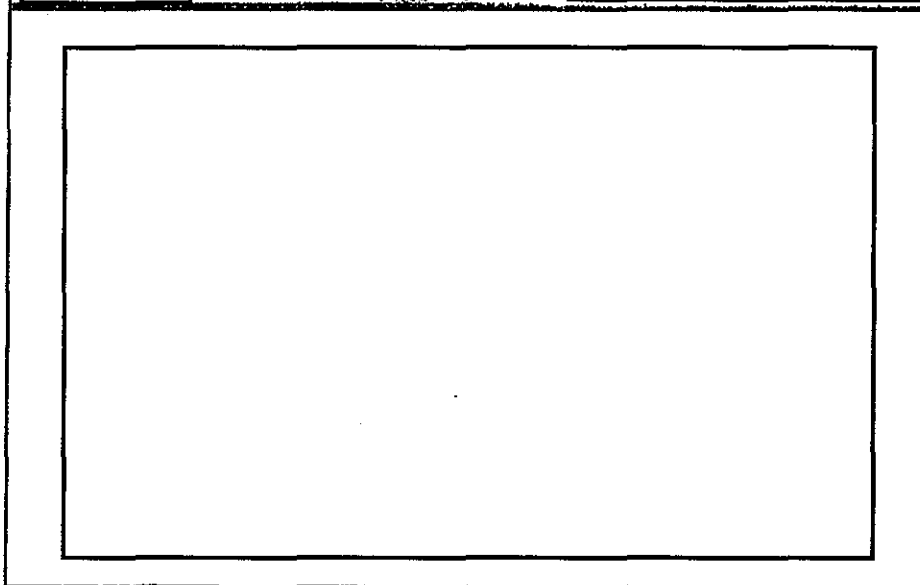
Scenario 1



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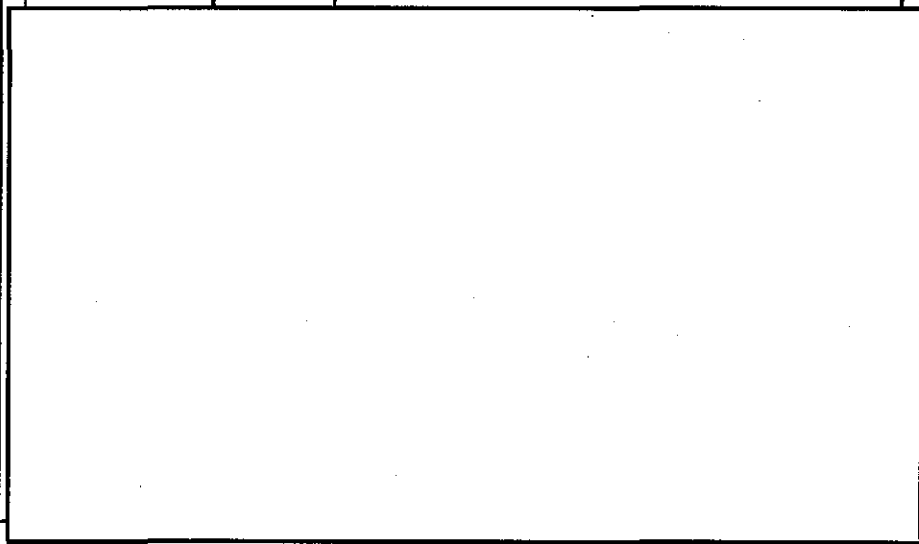
Scenario 2



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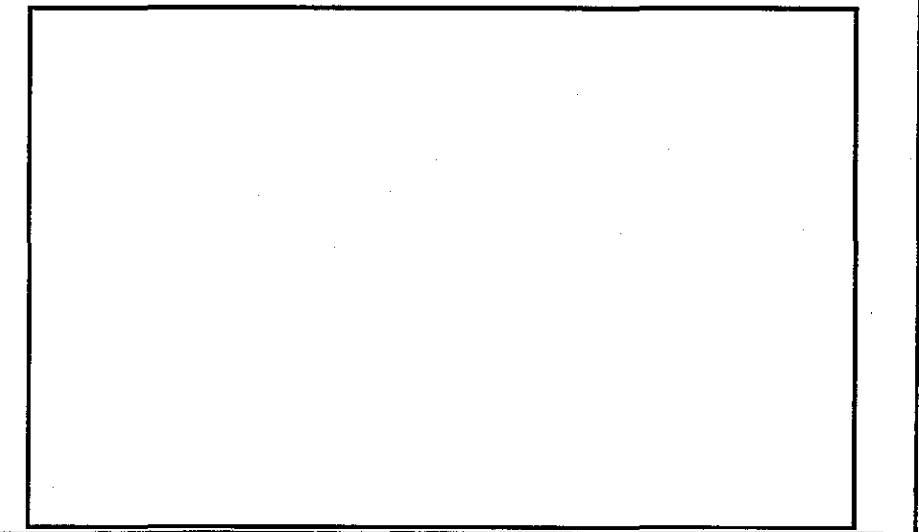
Scenario 2



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Scenario 3

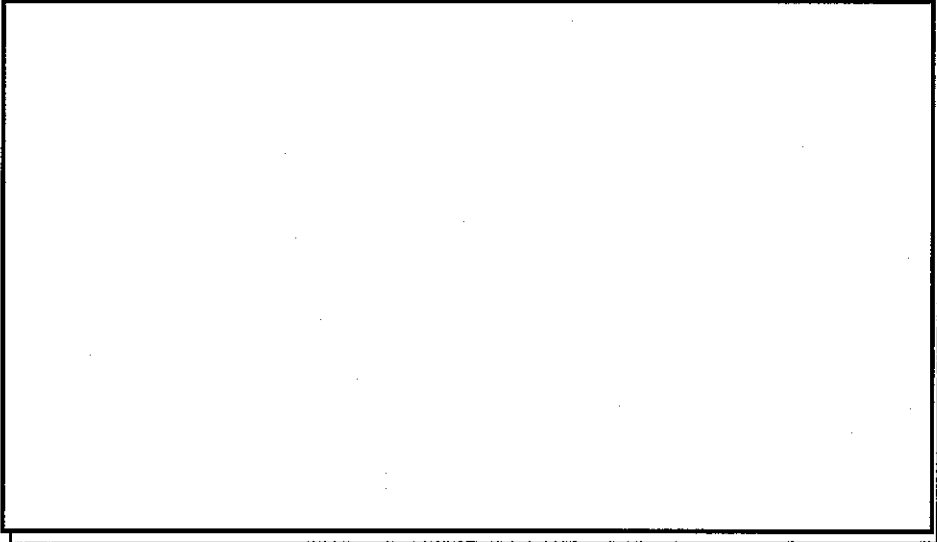


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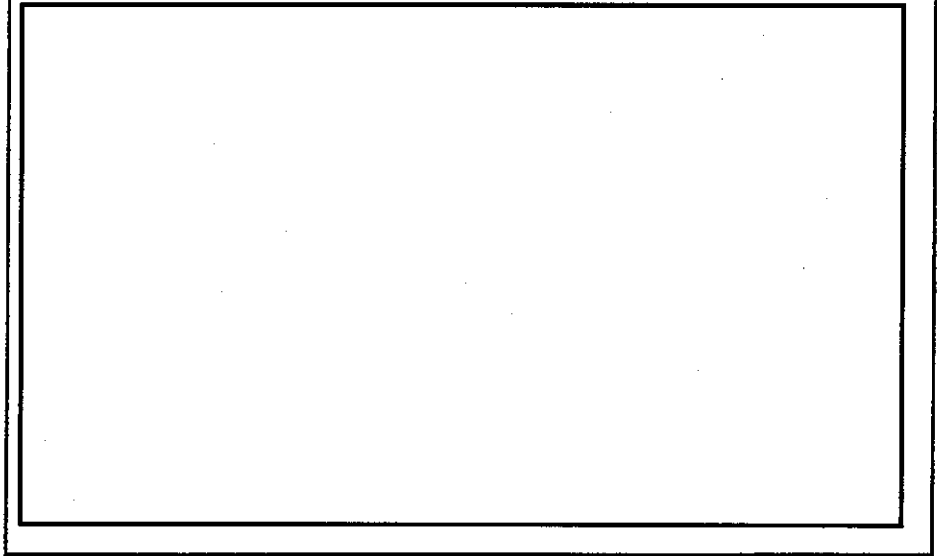
Scenario 3



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Scenario 4

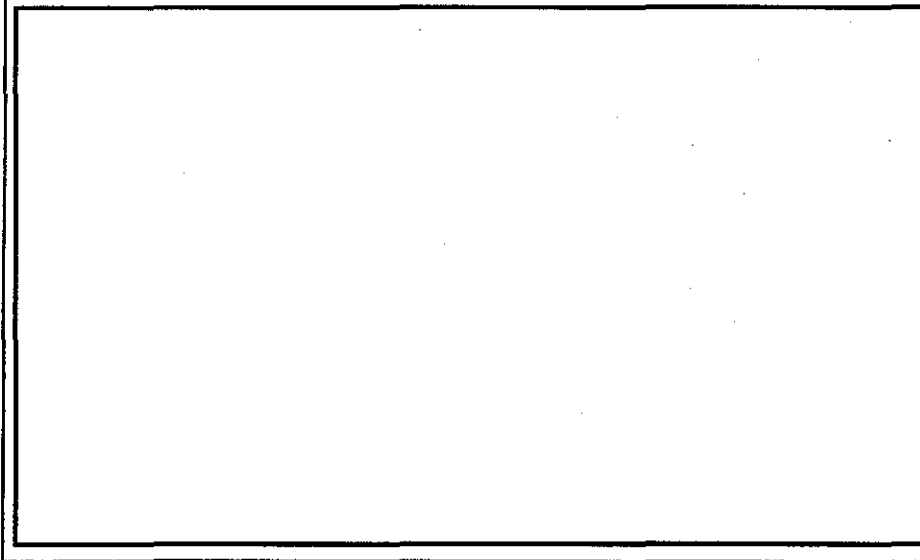


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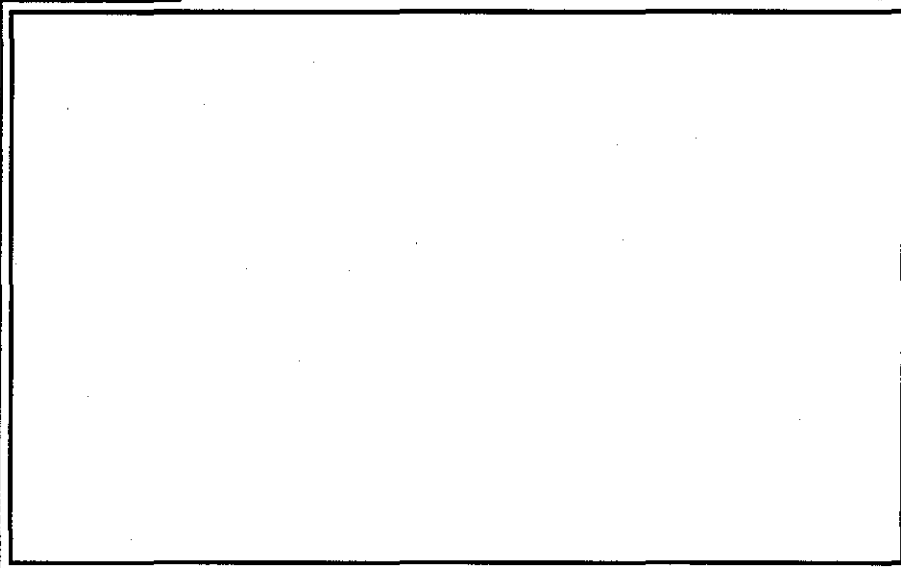
Scenario 4



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Scenario 5 - CALEA Surveillance

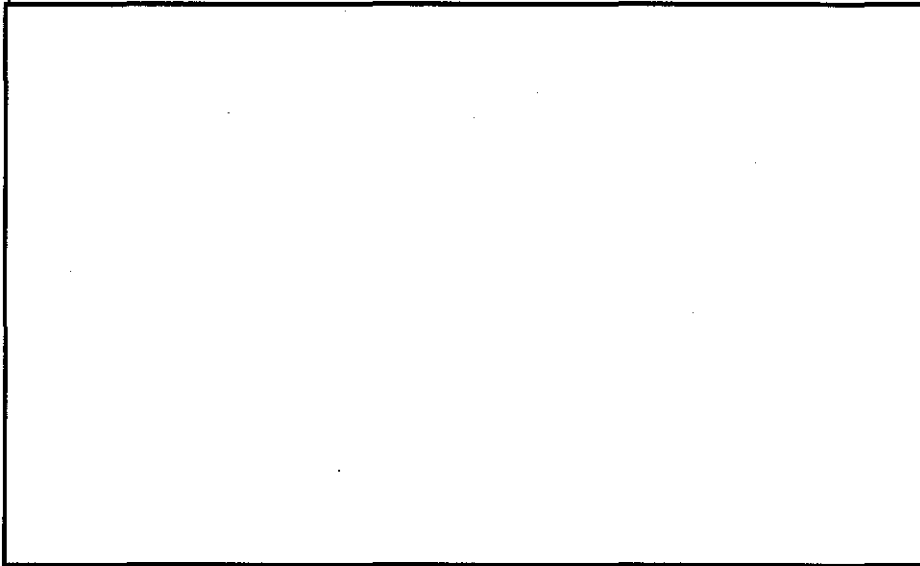


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Scenario 5 - CALEA Surveillance

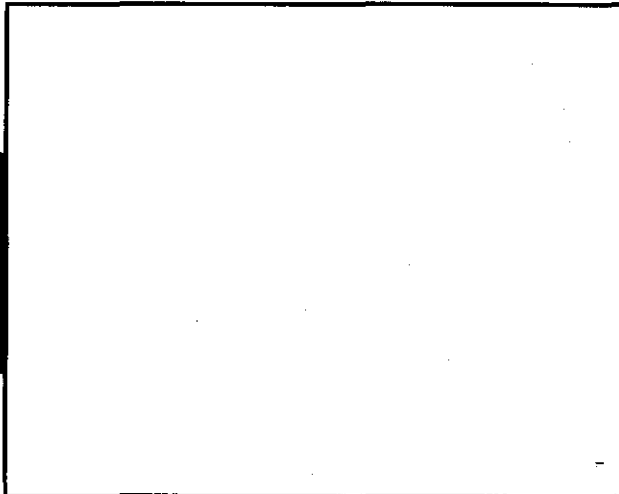
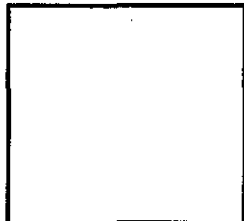


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Recent Case Studies - Sample Case 1

Background:

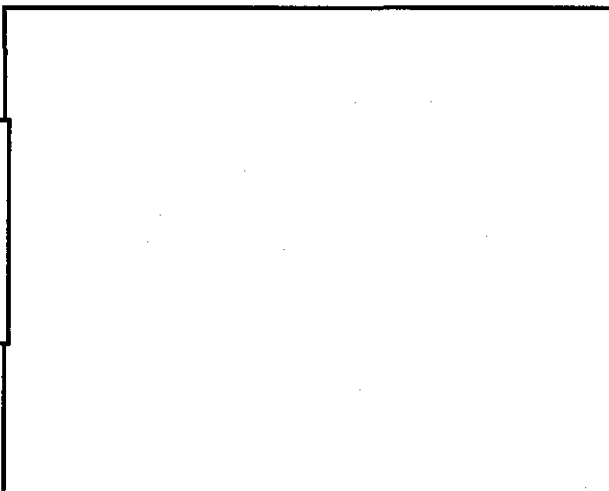
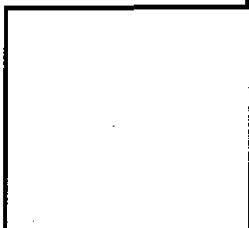


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Recent Case Studies – Sample Case 2

Background:

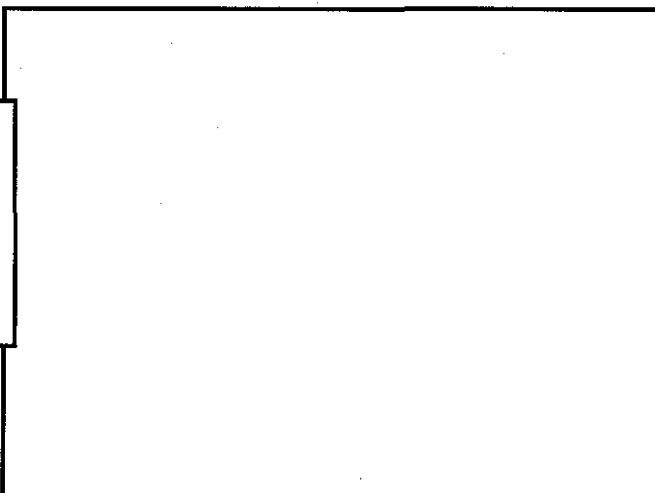
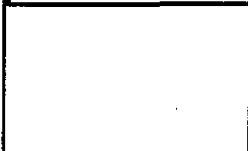
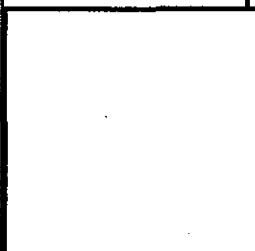


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Recent Case Studies – Sample Case 3

Background:



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Recent Case Studies – Sample Case 4

Background:

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[Redacted] Info

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Useful Acronyms

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Acronyms

- AMPS – Advanced Mobile Phone Service**
- ARFCN – Absolute Radio Frequency Channel Number**
- ATU – Advanced Telephony Unit**
- BCCH – Broadcast Control CHannel**
- BSC – Base Station Controller**
- BSIC – Base Station Identity Code**
- BSID – Base Station ID**
- BTS – Base Transceiver Station**
- CDMA – Code Division Multiple Access**
- DAMPS – Digital Advanced Mobile Phone Service**
- DSSS – Direct Sequence Spread Spectrum**
- DF – Direction Finding**
- ESN – Electronic Serial Number**
- FDMA – Frequency Division Multiple Access**
- GSM – Global Standard for Mobile Communication**
- HLR – Home Location Register**
- iDEN – Integrated Dispatch Enhanced Network**
- IMEI – International Mobile Equipment Identity**
- IMSI – International Mobile Subscriber Identity**

CELL/OTD 002184

Acronyms Cont'd

- LAC – Location Area Code
- MCC – Mobile Country Code
- MIN – Mobile Identification Number
- MNC – Mobile Network Code MIN – Mobile Identification Number
- MS – Mobile Station
- MSC/MTSO – Mobile Switching Center/ Mobile Telephone Switching Office
- NID – Network IDentification
- PA – Power Amplifier
- PCS – Personal Communications Service
- PN – Psuedo Noise
- PLMN – Public Land Mobile Network
- PSTN – Public Switched Telephone Network
- PTT – Push-To-Talk
- RF – Radio Frequency
- RSSI – Received Signal Strength Indication
- SID – System Identification
- SIM – Subscriber Identity Module
- TDMA – Time Division Multiple Access
- TMSI – Temporary Mobile Subscriber Identity

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Acronyms Cont'd

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VLR – Visitor Location Register

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Glossary

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Access Channel – Reverse CDMA channel used by mobile stations for communicating to the base station

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Absolute Radio Frequency Channel Number (ARFCN) – Number used for describing GSM channels (PCS1900 uses ARFCN's 512-810)

Advanced Mobile Phone Service (AMPS) – First U. S. cellular standard; based on analog FDMA technology

Base [Transceiver] Station (BTS) – Fixed radio site communicating with mobiles within a geographical area

Base Station Controller (BSC) – Interface between base stations and the switch which conveys switch commands to the appropriate base station and base station requests to the switch

Base Station Identity Code (BSIC) – Number identifying individual base stations and their capabilities

Broadcast Control Channel (BCCH) – Channel used by the base station to send control data to GSM mobiles

Camped – When a mobile is not on a call but actively monitoring the paging or control channel

Cellular Phone – Portable radio used to communicate wirelessly in a network

Code Division Multiple Access (CDMA) – Spread spectrum technology which uses codes to differentiate signals sharing the same frequencies

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Control Channel – Radio channel on the forward or reverse link used to send command and requests

REL.A10 002188

Glossary Cont'd

Direct Sequence Spread Spectrum – Technique employed in US cellular CDMA systems which uses codes shared between sender and receiver to spread transmitted data and send over the air

Direction Finding (DF) – A technique used to identify the location of a radio signal

Downlink – See Forward Link

Ec/Io – Ratio (in dB) between the Pilot Channel signal energy and the total interference in the received bandwidth

Electronic Serial Number (ESN) – Unique serial number programmed into the memory of a mobile phone by the manufacturer

Forward Link – From the base station to the mobile

Frequency Division Multiple Access (FDMA) – Multiplexing technique which uses frequency to distinguish users

Global Standard for Mobile Communications (GSM) – Cellular technology utilizing TDMA techniques which originated in Europe

Handoff – Process of switching a mobile unit from a voice or control channel of one cell to a new voice or control channel of another cell

Home Location Register (HLR) – Database containing mobile subscriber information for locally registered mobiles

Idle – See Camped

Integrated Dispatch Enhanced Network (iDEN) – Proprietary cellular technology utilized by Nextel

Intercept – Reception of communications between a subject and his serving network

DECLASSIFIED 09/21/89

Glossary Cont'd

International Mobile Equipment Identity (IMEI) – Code uniquely identifying the mobile station hardware

International Mobile Subscriber Identity (IMSI) – Method of identifying stations in the land mobile service

Handoff – Transferring communication with a mobile station from one base station to another

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Long PN Code – 42-bit pseudo-random code used to uniquely identify CDMA mobile stations on the uplink

Mobile Identification Number (MIN) – Telephone number associated with a mobile phone

Mobile Station – *See Cellular Phone*

Mobile Switching Center (MSC) – Switch connecting the cellular network to the PSTN which coordinates call routing in a given service area

Mobile Telephone Switching Office (MTSO) – *See Mobile Switching Center*

Multipath - Radio signals from the transmitter arriving at the receiver via a number of different paths

Neighbor Channel – One of a group channels that are probable candidates for handoff

Network Identification (NID) – Number uniquely identifying a network within a cellular system

Paging Channel – Walsh code channel in the CDMA forward channel used for transmission of control information and pages from the base station to the mobile

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Glossary Cont'd

Pilot Channel – Signal transmitted continuously by CDMA base stations allowing mobiles to acquire base station timing and assess signal quality

PN Code Offset – One of 512 time offset versions of the Short PN Code used to identify CDMA base station sectors in a network

Power Amplifier (PA) – Provides gain in a transmitter

Public Switch Telephone Network (PSTN) – Collection of interconnected voice-oriented public telephone networks

Radio Frequency (RF) – Radio signals between 9 kHz-300 GHz

Registration – Process by which a mobile station identifies its location and parameters to a base station

Reverse Link – From the mobile to the base station

Short PN Code – 15-bit pseudo-random code used to uniquely identify CDMA base station sectors in a network

Short PN Code Offset – *See* PN Code Offset

Sync Channel – Walsh code channel 32 in the CDMA forward channel which transports the synchronization message to the mobile

System Identification (SID) – Number uniquely identifying a cellular system

Temporary Mobile Station Identity (TMSI) – Temporary mobile station identification assigned by the base station

Time Division Multiple Access (TDMA) – Multiplexing technique which uses frequency and time to distinguish users

141700 000194

Glossary Cont'd

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Traffic Channel – Communicating path between a mobile station and base station used to transport call content and commands

Uplink – *See Reverse Link*

Visitor Location Register (VLR) – Database containing mobile subscriber information for mobiles active in the local system but registered in another cellular system

Walsh Codes – 64 orthogonal codes used to define CDMA communication subchannels on the forward link

CELL/OTD 002192

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

Serial Description ~ Unrecorded Serial

Total Deleted Page(s) ~ 97

- Page 2 ~ b3, b7E
- Page 26 ~ b4, b6, b7C, b7E
- Page 30 ~ b3, b7E
- Page 31 ~ b3, b7E
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- Page 34 ~ b3, b7E
- Page 35 ~ b3, b7E
- Page 36 ~ b4, b7E
- Page 37 ~ b3, b7E
- Page 42 ~ b3, b7E
- Page 43 ~ b3, b7E
- Page 47 ~ b5
- Page 53 ~ b3, b7E
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Page 109 ~ b1, b3, b7E
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Page 140 ~ b7E
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To: Operational Technology From: Operational Technology
Re: 319X-10-HQ-A1487709 - OTD, 10/02/2010

(U) Objective I: Ensure all FBI Field Offices involved with the [redacted] are supplied with policy, direction, and all current capabilities required to meet all deployment requirements.

b7E

(U) Performance Measurement I: Objective performance will be measured/monitored through conference and working group meetings, along with feedback. Statistical accounting shall also be incorporated to track the success of all programs that are being supported by [redacted]

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(U) Objective III: [redacted]

(U) Performance Measurement I: Objective performance will be measured/monitored through clearly communicated customer requirements and feedback.

◆◆

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[Redacted]

From:

[Redacted]

Sent:

Sunday, August 28, 2011 1:43 PM

To:

[Redacted]

Cc:

Subject:

New [Redacted] approval letter -- UNCLASSIFIED//LES/FOUO

Classification: UNCLASSIFIED//LES/FOUO
=====



please use this latest template for our approval letters:

b6
b7C
b7E



[Redacted]

=====
Classification: UNCLASSIFIED//LES/FOUO

CELL/OTD 022341

Legal Update

Science & Technology Law Unit, OGC



CELL/OTD 015747

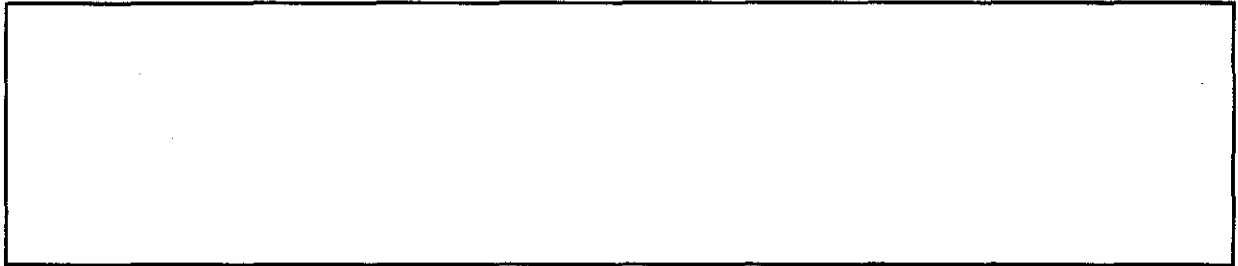
Agenda

- Geolocating:
 - Cellular "GPS" v. CellSite data
 - [redacted] & [redacted] b7E
 - Role of 3rd Party-provider & 4th Amendment
- Emergency Disclosure
 - Prospective vs. Stored
 - Records vs. Contents
 - Authorities & Immunity
- Warshak (6th Cir)
 - 4th Amendment & Stored Content
 - Role of 3rd Party-Provider
 - Ramifications: e.g., PCTDD-content

Locating a Cell Phone

1. **Cell Site Data** —tower/sector

2.



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3. **Geolocation** —from provider

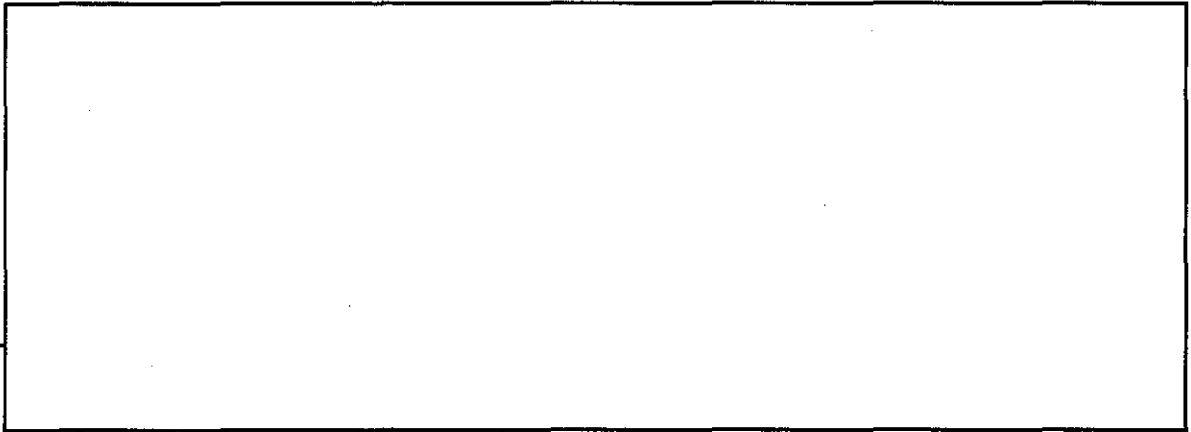
1. Handset-based (GPS)

2. Network-based (signal strength triangulation)

Cell site Court Decisions

1. CALEA prohibits collecting location information "solely pursuant" to a PR/TT
2. 18 USC 2703(d) (stored communication act) only applies to historical records; can't authorize prospective disclosure of location information for "records" that don't yet exist.

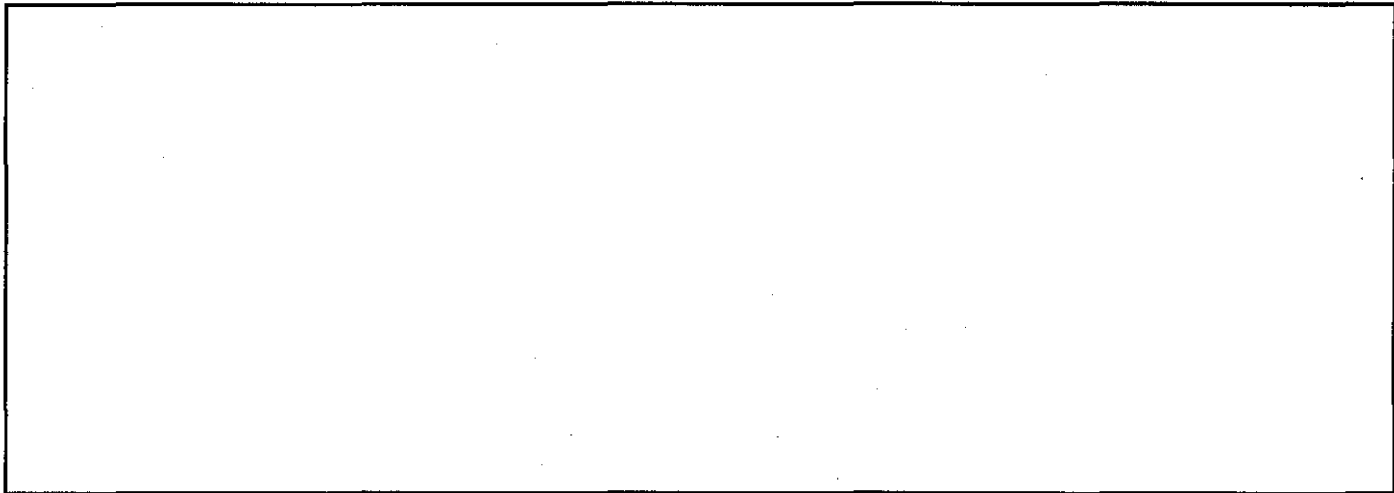
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CELL/OTD 015758

Opinions Since August 2005



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- DOJ position since 1994: invoke § 2703(d) in combination with pen/trap (“hybrid theory”)

- 

CELL/OTD 015759

Access to Historical Location Data

- Past tower/sector records available using 2703(d) order
 -
- Historical GPS data typically does not exist
 - some exceptions exist, such as “kiddie-tracking” phones where logging is expressly part of service

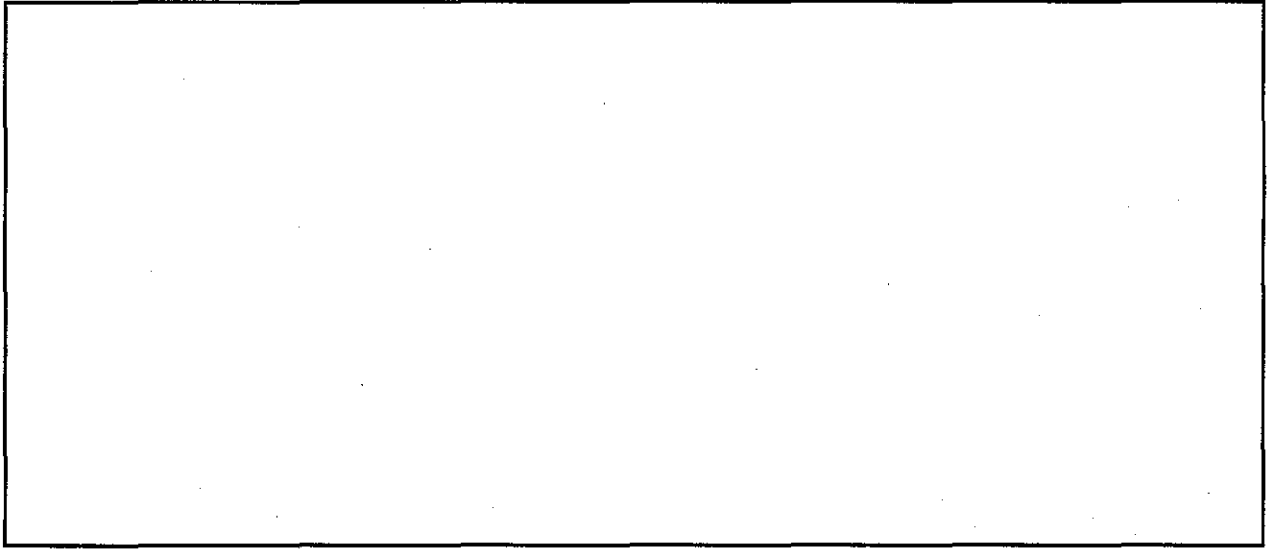
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CELL/OTD 015760

GEOLocation Data—E911

- FCC “Enhanced 911” mandate requires wireless telephone carriers to be able to deliver certain location data for 911 calls
- Carriers implement this capability in either of 2 ways:
 - **“Handset solution”**: **GPS**
 - FCC requires accuracy:
 - to 50 meters for 67% of calls
 - to 150 meters for 95% of calls
 - **“Network solution”**: **Triangulation**
 - FCC requires accuracy:
 - to 100 meters for 67% of calls
 - to 300 meters for 95% of calls

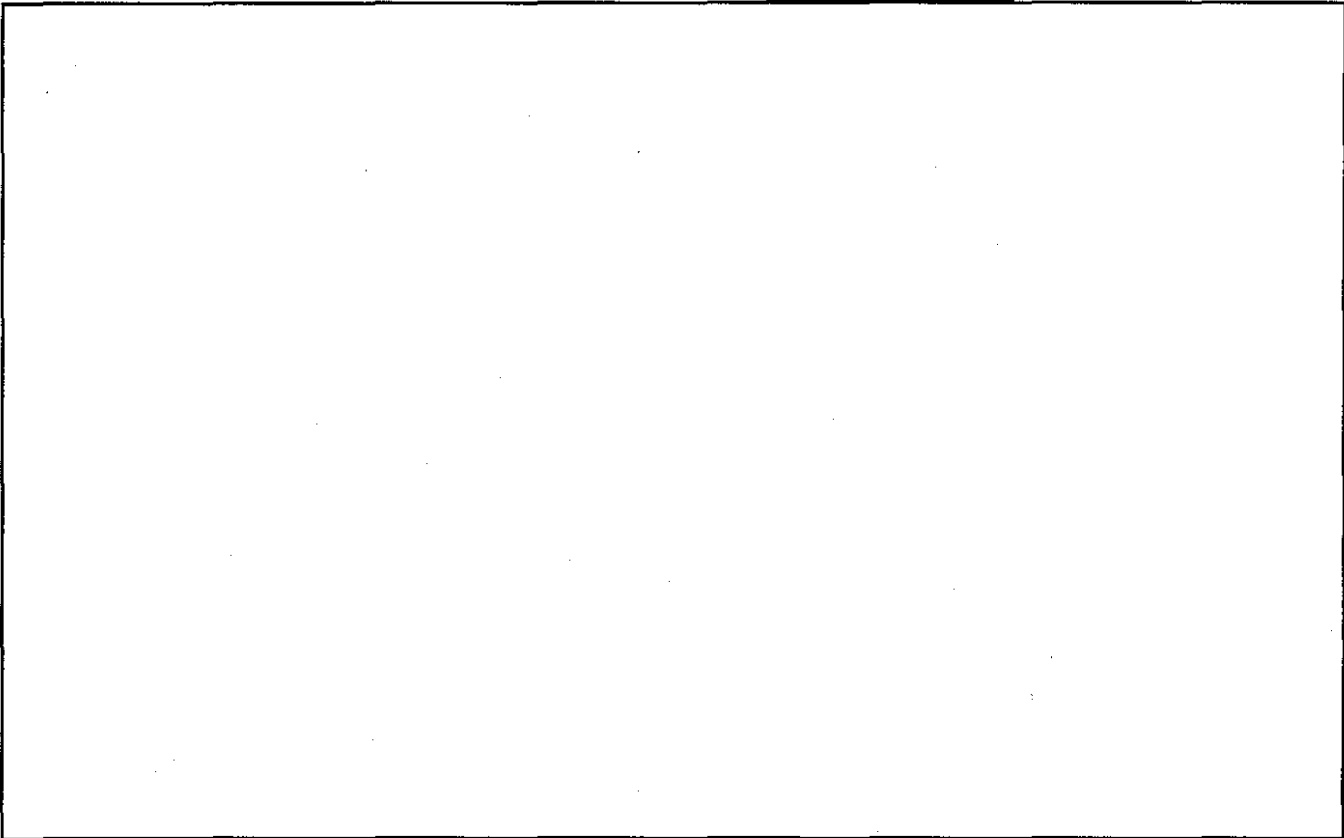
Is GPS Data Protected by the Fourth
Amendment?:



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Is Geolocation Data Protected by the
Fourth Amendment?



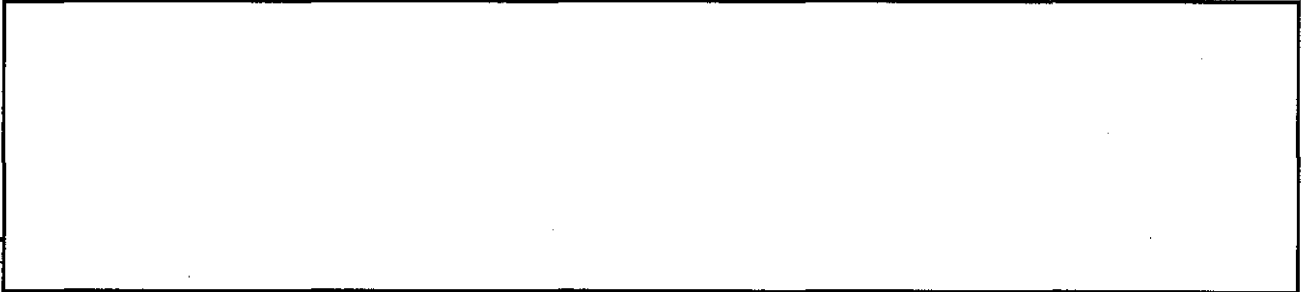
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“Tracking Devices”:

Rule 41 and 18 U.S.C. § 3117

- Rule 41 amended 12/1/06 to add procedures for use of “tracking devices” (R. 41(b)(4))
- Cross-reference to § 3117 definition
 - “an electronic or mechanical device which permits the tracking of the movement of a person or object”



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□ Warshak 6th Cir

1. 4th Amendment & Stored Content
 2. Role of 3rd Party-Provider
 3. PCTDD-content
-

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Stored Contents

Warshak 6th Cir. (June 18, 2007)

- Mail/wire fraud investigation of owner of Berkeley Premium Neutaceuticals, Inc.; compelled stored emails—older than 180 days--w/ 2703(d) order & delayed notice under (2703(b)(1)(B)).

4th Amendment requires

1. P/C for warrant;
 2. Reasonableness for Subpoenas; why:
 1. b/c there's prior notice w/ Subpoenas and so may be challenged before disclosure made; or
 2. When disclose info to 3rd party, no REP vis-à-vis that 3rd party b/c one disclosing assumes the risk that 3rd party may disclose the "shared information"
- Issue: whether user maintains REP in emails vis-à-vis 3rd party ?

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Warshak: stored email (cont.)

Holding: Enjoined gov't from compelling disclosure from provider of stored emails **unless**:

1. P/C based warrant—particularly describing emails subject to search (2703(a));
2. Prior notice to subscriber and ct order under 2703(d); or
3. ISP has: “complete access” & actually relies on & uses this access in the “normal course of business”

1. **Gov't can show** Specific & Articulate facts that —e.g., if in Terms of Service, e.g., ISP notified customer & also utilized its right to “inspect, monitor and audit the content of emails” then NO REP
2. Mere ability to access is not enough to waive REP.
3. Scanning/screening all email for viruses, spam, impressible conduct (e.g., pornography) does not diminish REP, b/c automated process—No human review & analogous to post office scanning for drugs or explosives—i.e. like a drug-dog sniff

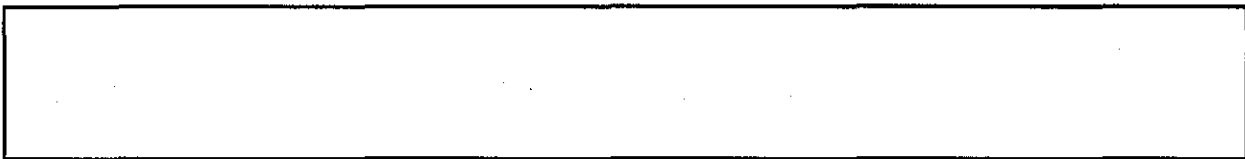
Query would this theory permit the Gov't to use keyword screening for pornography or other illegal activity on the ground that it doesn't infringe a REP?

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PCTDD -Content

ISSUE: Does 4th Amendment bar collection of PCTDD-Content pursuant to PR/TT & absent P/C—asked the EDNY MJ

1. **Role of 3rd party:** Gov't argued no REP in PCTDD-content b/c providers have ability to access such "dialed number" data in ordinary course of business when required, e.g., to investigate fraud, misuse, etc.; so user assumes the risk that provider can and will access.



2. Gov't also argued the limited nature of communicative value of "numerical communications" reduces REP, so when coupled with knowing disclosure to provider and provider's access/use to process data = no REP so PR/TT standard "reasonable" for 4th amendment purposes.

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Geolocation Data

Role of 3rd Party-provider & 4th Amendment

- Warshak STD: “complete access” & actually relies on & uses this access in the “normal course of business”
- CellSite data: yes
- Cellular “GPS” & triangulation: [REDACTED]
- [REDACTED] & [REDACTED]

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By

FEDERAL BUREAU OF INVESTIGATION

[Redacted]

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2010

DATE: 11-26-2012
CLASSIFIED BY 65179 DMH/STW
REASON: 1.4 (C, G)
DECLASSIFY ON: 11-26-2037

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FEDERAL BUREAU OF INVESTIGATION

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ABSTRACT

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(U) INTRODUCTION

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(U) BACKGROUND

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(U) PROTOTYPE SYSTEM DESCRIPTION

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(U) CONCEPT OF OPERATIONS

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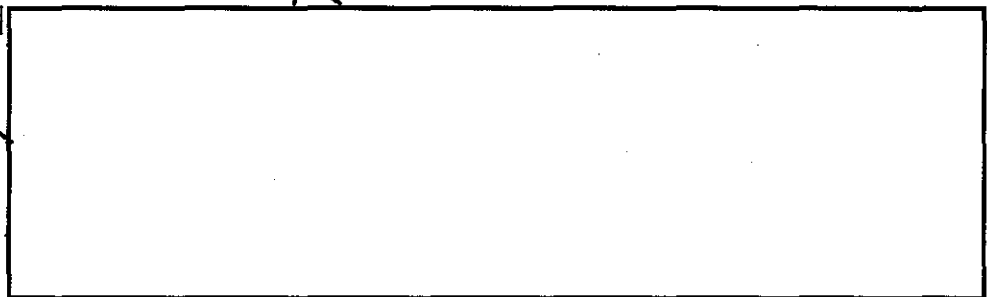
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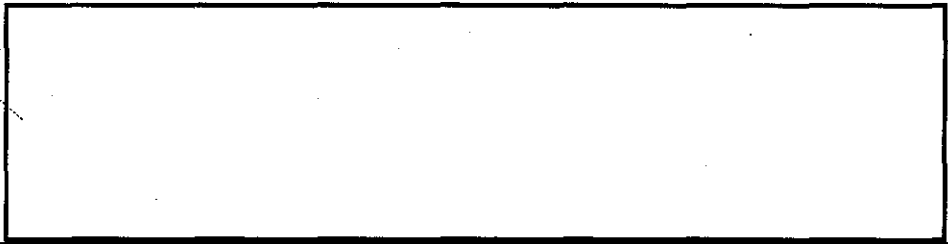
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(U) Cost-Benefit Analysis

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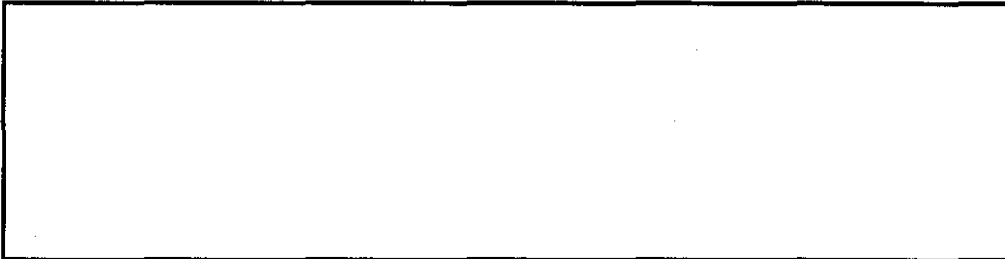
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(U) Conclusion



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