(RMD) (FE	3I)	
From: Sent: To: Subject:	Friday, September 16, 2011 6:30 PM Sabol, Sherry E. RE: Wall Street Journal request legal status of "stingray" technology	b5 -1 b6 -1 b7C -1
One addition from OPA as	follows. Let me know if you hear back from OTD. Thanks!	
From: Sabol, Sherry E. Sent: Friday, September 1: To: Cc: Hess, Amy S.; Bryars, I Subject: Re: Wall Street J	6, 2011 6:11 PM  D Keith; Lammert, Elaine N.; Kortan, Michael P.; ournal request legal status of "stingray" technology	b6 −1 b7C −1
OTD-is this good to go?		
<b>Sent:</b> Fri Sep 16 16:48:15	D Keith; Lammert, Elaine N.; Kortan, 2011 ournal request legal status of "stingray" technology	
	ff the earlier version – I know they have a deadline of COB today.	b6 -1 b7C -1
From: Sabol, Sherry E. Sent: Friday, September 1 To		
	D Keith; Lammert, Elaine N. ournal request legal status of "stingray" technology	b5 -1 b7E -1

	b5 -1 b7E -1
	-10 <sup>-7</sup> Liú - Li
From:	
Sent: Friday, September 16, 2011 1:49 PM	
To Sabol, Sherry E.	
Cc: Hess, Amy S.; Bryars, D Keith; Lammert, Elaine N.; Kortan, Michael P.  Subject: FW: Wall Street Journal request legal status of "stingray" technology	b6 −1
	b7C -1
See update below. We will need a response by COB today if we are going to contribute to the	he article.
From Sent: Friday, September 16, 2011 1:44 PM	
To	,
Subject: RE: Wall Street Journal request legal status of "stingray" technology	
Another update: It looks as though my editors might want to run it out for Monday's paper, we comment to Sunday at midday. (And today would really be best.)	hich would put my deadline for
Thanks!	
111001100	b6 -1, -2
	b7C −1, −2
·	
From:	
To (DO)(FBI)	
Sent: Fri Sep 09:11:22:54 2011 Subject: Wall Street Journal request legal status of *stingray* technology	
Subject: Wall Subject Southal request legal status of Sungray Technology	
HI.	b6 -1, -2
Thanks so much for helping me out.	bo -1, -2 b7c -1, -2
and opinion to purg the edu	
I'm and am writing about the use of "stingray generally to locate or otherwise get data on cellular devices. As an example of the use of this in U.S. District Court in the District of Arizona in which the FBI used one of these devices. (It was a stingray, a triggerfish, or something else. The prosecution explains that "stingray" is the	s technology, I'm writing about a case 's unclear whether what was used
Currently, the judge in the case is set to hear the defendant's motion for disclosure of more interesting the prosecution says that these matters are law enforcement sensitive.	nformation on the device and

	the contract of the contract o
	e for the FBI; however, I would very much like to get the FBI's views on this ACLU in this matter and would appreciate your help.
Here's what I'm looking for:	
pertains to location information. Do they req	elines are regarding what orders are required for the use of a stingray, particularly as it uire a search warrant or a different type of order? Are agents instructed to try to get a What is the legal analysis that supports this policy? Do the instructions vary by
	is regarding data from stingrays being expunged. In the case I'm covering, the Agent, ested that data obtained by the court order be expunged at the end of the mission to granted, and that data was expunged.
	tht be able to provide on how helpful these "stingray" type devices are, how frequently reased or decreased in the past couple of years.
I'm not on a daily deadline for this story, but would hope to talk with someone as soon as	I am on a deadline. The story needs to be sent to my editors in the next few days, so I s possible.
Thank you.	
Best Regards,	
	b6 -2 b7c -2
	· · · · · · · · · · · · · · · · · · ·

(RMD) (F	31)		
From: Sent: To: Subject:	Wednesday, September 14, 2011 5:38 PM Sabol, Sherry E. Re: Wall Street Journal request legal stat	us of "stingray" technology	b5 -1 b6 -1 b7C -1
Sherry			
We have a meeting tomorr	ow morning here at OTD to draft a response		
Associate General Counse Unit Chief, Science and Te Office of the General Coun Federal Bureau of Investig	chnology Law Unit sel		
Sent: Wed Sep 14 14:32:3	Hess, Amy S.; Bryars, D Keith; Lammert, Elai 1 2011 Journal request legal status of "stingray" to		b6 -1 b7c -1
All,	est from the Wall Street Journal. A reporter	is inquiring about our tracking tech	nology based on the
ongoing case in the Distric	t of Arizona.		
Thanks, Sherry			b5 -1
Sent: Fri Sep 09 11:22:54	(FBI) 2011 ial request legal status of "stingray" techno	ology	26 -1, -2
Hi.			27C -1, -2
in U.S. District Court in the		of these devices. (It's unclear whet	m writing about a case her what was used
Currently, the judge in the	case is set to hear the defendant's motion for ecution says that these matters are law enforce	disclosure of more information on t	,

**-1**1

I understand this technology is very sensitive for the FBI; however, I would very much like	
technology. I do not want to only quote the ACLU in this matter and would appreciate your	to get the FBI's views on this help.
Here's what I'm looking for:	
LEGAL INFORMATION	
(1) I would like to know what the FBI's guidelines are regarding what orders are required to	r the use of a stingray, particularly as it
pertains to location information. Do they require a search warrant or a different type of order	er? Are agents instructed to try to get a
warrant if possible but a lesser order if not? What is the legal analysis that supports this poregion? Things like that.	licy? Do the instructions vary by
(2) I would like to know what the CDI policy is regarding data from stingroup being evaluate	d In the case I'm severing the Agent
(2) I would like to know what the FBI policy is regarding data from stingrays being expunge in the application for the use of device, requested that data obtained by the court order be locate the cellular device. This request was granted, and that data was expunged.	expunged at the end of the mission to
USAGE INFORMATION	
I would like any information that the FBI might be able to provide on how helpful these "stir they are used and whether their use has increased or decreased in the past couple of year	
I'm not on a daily deadline for this story, but I am on a deadline. The story needs to be sen	t to my editors in the next few days, so I
would hope to talk with someone as soon as possible.	ctomy editors in the next ten days, so i
Thank you.	
Dod Donals	
Best Regards,	
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	b7C −2
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(RI	MD) (FBI)	
From: Sent: To: Cc: Subject:	Monday, September 12, 2011 11:09 AM Lammert, Elaine N.; Sabol, Sherry E. Caproni, Valerie E. RE: Wall Street Journal request legal status of "stingray" technology	b5 -1 b6 -1 b7C -1
Good morning SC	Sabol and DGC Lammert. Per GC Caproni's email below, I wonder if you might have	thoughts on the following
Thanks,	7	
FBI Office of Public A	J ffairs	
From: Caproni, Va	lerie E.	
Sent: Monday, Sel To Cc: Lammert, Elair	ntember 12, 2011 9:31 AM  N.; Sabol, Sherry E.  Street Journal request legal status of "stingray" technology	
		b6 −1 b7C −1
I think Sherry or El	•	
·VC		
To: Caproni, Valeri	otember 12, 2011 9:12 AM e E. I Street Journal request legal status of "stingray" technology	
	Caproni. I wonder if you may be able to look at one more media inquiry? For old the right direction? Specific questions are listed below.	imes' sake perhaps? Or e
Many thanks,		b6 −1 b7C −1
To:	(DO)(FBI) ember 09, 2011 11:55 AM Street Journal request legal status of "stingray" technology	
Do you want to nar	ndle this? Looks like a legal issue.	
From:		*

Sent: Fri Sep 09 11:22:54 2011	
Subject: Wall Street Journal request legal status of "stingray" technology	
Hi. b6 -	2
Thanks so much for helping me out.	
and am writing about the use of "stingray" type devices, which are use generally to locate or otherwise get data on cellular devices. As an example of the use of this technology, I'm writing about in U.S. District Court in the District of Arizona in which the FBI used one of these devices. (It's unclear whether what was was a stingray, a triggerfish, or something else. The prosecution explains that "stingray" is the generic term used.)	ut a case
Currently, the judge in the case is set to hear the defendant's motion for disclosure of more information on the device and techniques used; the prosecution says that these matters are law enforcement sensitive.	I.
I understand this technology is very sensitive for the FBI; however, I would very much like to get the FBI's views on this technology. I do not want to only quote the ACLU in this matter and would appreciate your help.	
Here's what I'm looking for:	
LEGAL INFORMATION  (1) I would like to know what the FBI's guidelines are regarding what orders are required for the use of a stingray, particult pertains to location information. Do they require a search warrant or a different type of order? Are agents instructed to try warrant if possible but a lesser order if not? What is the legal analysis that supports this policy? Do the instructions vary b region? Things like that.	to get a
(2) I would like to know what the FBI policy is regarding data from stingrays being expunged. In the case I'm covering, the	Agent,
in the application for the use of device, requested that data obtained by the court order be expunged at the end of the mis locate the cellular device. This request was granted, and that data was expunged.	
USAGE INFORMATION  I would like any information that the FBI might be able to provide on how helpful these "stingray" type devices are, how free they are used and whether their use has increased or decreased in the past couple of years.	equently
I'm not on a daily deadline for this story, but I am on a deadline. The story needs to be sent to my editors in the next few of would hope to talk with someone as soon as possible.	days, so I
Thank you.	
Best Regards,	
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b6 -2 b7C -2	
,	

(RMD) (F	-BI)	1	
, From:			
Sent:	Wednesday, September 21, 2011 3:4	3 PM	
To: Cc:	Sabol, Sherry E.		
Subject:	RE: WSJ fact check		
Got it. Thank you. Foward	ling to my editors now.		b6 -1,-2 b7c -1, -2
BANKERAN'			
		t	
		1	
From:			
Sent: Wednesday. Senter	mber 21, 2011 3:39 PM		
To: Cc: Sabol, Sherry E.			b6-1,-2
Subject: RE: WSJ fact ch	eck		b7C -1, -2
		_	
	patience. Please see our comments in		onal questions. Also, as we
discussed, you may consi	der using a named source rather than "I	ы опісаі.	
General Comment: Plea	se note FBI will not comment on the	capabilities or functionality of	equipment or on ongoing
litigation.			
<del></del>			
From			
Sent: Tuesday, September To: Sabol, Sherry E.;	er 20, 2011*11:57 PM		
Subject: WSJ fact check			
Importance: High			
Hi Chris and Sherry.	1		
in Onio and Oneny.			
Below are sentences and	paragraphs from the story, which is set	o run in Thursday's paper. Please	let me know if you are aware
of any factual errors in any	y of them. I'll need a response for my e etimes the best thing to do is let me kno	ditors by midday although we will wearly on which statements have a	have a bit of time after that
out, but it's up to you.	edities the best timing to do is let the kilo	•	b6 -1, -2
(0 1)			b7c -1, -2
	have adequate information on, like very necluded mainly to provide you with conte		
	I feel you don't have enough information		
	·		• ,
Thanks so much for your l	nelp, again. I realize this is very sensitive neral topic and I want to make sure I pre	and an important tool for you; I als	so feel like people have a lot
or questions about this ge	notal topic and I want to make sufe i pre	sent everything as accurately as po	ASING.
I would appreciate it if you	could tell me that you received this ema	il.	
Post			
Best,			
1			

- \* Stingrays are designed to locate a mobile phone even when it's not being used to make a call.
- \* A stingray works by mimicking a cellphone tower, getting a phone to connect to it and measuring signals from the phone. It allows the stingray operator to ping a phone and find it if it is powered on, according to documents reviewed by the Journal. The device has various uses, including helping police locate suspects and aiding search-and-rescue teams in finding people lost in remote areas or buried in rubble after an accident.
- \* Stingrays are one of several new technologies used by law enforcement to track people's locations, often without a warrant. The technologies are driving a broad Constitutional debate about whether the Fourth Amendment, which prohibits unreasonable searches and seizures, but which was written before the digital age, is keeping pace with the times.
- FBI is concerned the first sentence (bullet above) is misleading. While the equipment may be used without a warrant, it is used a only pursuant to lawful authority court order issued pursuant to the Pen Register Statute and section 2703(d) of the Stored Communications Act.
- \* A stingray's role in nabbing the alleged "Hacker"—Daniel David Rigmaiden—is shaping up as a possible test of the legal standards for using these devices in investigations. The FBI says no warrant is required and that standards vary depending on the state and district.
- The FBI believes the second sentence is misleading. The FBI uses this equipment pursuant to lawful authority whether it be a search warrant or a court order issued pursuant to the Pen Register Statute and Stored Communications Act.
- \*The devices are so secret that the Federal Bureau of Investigation has a policy of deleting the data they gather out of a desire to keep the technology under wraps, an FBI official told The Wall Street Journal in response to inquiries about the device.
- The FBI disagrees with the characterization of the technology being "so secret" as noted previously, the FBI considers the equipment Law Enforcement Sensitive and our policy is intended to protect law enforcement capabilities so that subjects of law enforcement investigations do not learn how to evade or defeat lawfully authorized investigative activity.
- \* In Thursday's hearing, the government will argue that it should be able to withhold information on precisely what tool was used to locate Mr. Rigmaiden, according to documents filed by the prosecution.
- \* The FBI says information on stingrays and related technology is "considered Law Enforcement Sensitive, since its public release could harm law enforcement efforts by compromising future use of the equipment."
- \* The prosecutor, Mr. Battista, told the judge that the government's concern is that "if the actual information regarding ... this equipment is disclosed, it can be subject to being defeated or avoided or detected."
- \* In the case of the alleged hacker, Mr. Rigmaiden, the government faces the task of prosecuting him without disclosing details about the device it used to locate him.
- \* The government says "stingray" is a generic term, and in Mr. Rigmaiden's case it remains unclear which device or devices were actually used.
- \* "Location information continues to be a vital component in law enforcement investigations at the federal, state and local levels," an FBI official told the Journal.
- \* FBI and Department of Justice officials have said that investigators don't need to get search warrants to use stingray devices. Associate Deputy Attorney General James A. Baker and FBI General Counsel Valerie E. Caproni both said at a panel discussion at the Brookings Institution in May that devices like these fall into a category of tools called "pen registers" that require a lesser order than a warrant. Pen registers gather signals from phones, such as phone numbers dialed, but don't receive the content of the communications.

* To get a pen-register order, investigators must show only that the information likely to be obtained is "relevant to an ongoing criminal investigation." The Supreme Court has ruled that use of a pen register doesn't require a search
warrant, because it doesn't involve interception of conversations.
Where the hybrid order is required, the standard cited is accurate for the Pen Register. Section 2703(d), however, requires that the information sought is "relevant and material" to an ongoing investigation. Also, from legal perspective, a pen register may be used because the subject does not have a "reasonable expectation of privacy" in the information sought. Pen register information is provided by the subject to a third party in order for the equipment to work, ie, the phone company.
mormation is provided by the subject to a third party in order for the equipment to work, se, the phone company.
* But with cellphones, data sent in real time includes location information, making the situation more complicated, because some judges have found that location information is more intrusive than data on the numbers dialed by a
phone. Some courts have required a slightly higher standard for location information, but not a warrant, while others have held that a search warrant is necessary.
*The EDI advices again to work with the local federal agreements on conform to the local acquirements of their
* The FBI advises agents to work with the local federal prosecutors to conform to the legal requirements of their particular district, an FBI official said. He added that it is FBI policy to obtain a search warrant if the FBI believes
technology "may provide information on an individual while that person is in a location where he or she would have a reasonable expectation of privacy."
* Experts say lawmakers and the courts haven't yet settled whether locating a person or device in a home constitutes a "search" that requires a warrant.
*The FBI told the Journal that "with regard to the expungement of location information obtained through use of this
type of equipment by the FBI, our policy since the 1990s has been to purge or 'expunge' all information obtained during a location operation."
* The FBI allows this policy because information gathered in these operations "is intended to be used only as lead
information to assist investigators in identifying the general location of their subject and is not intended to be used as substantive evidence in a case," the official said.
* In the Diametrian date the investigators will the stimment memory down the location of the boardhand and Onio of
* In the Rigmaiden case, the investigators used the stingray to narrow down the location of the broadband card. One of the Phoenix federal agents then said in a July 2008 email that the team needed "to develop independent probable cause and that the "FBI does not want to disclose the [redacted] (understandably so)."
and that the 1 DI does not want to disclose the [reducted] (and istandary, 50).

b6 -2 b7c -2

(R	MD) (FBI)	<u> </u>		
From:				
Sent: To:	Wednesday, Se	eptember 21, 2011 5:12 PM		
Cc:	Sabol, Sherry E	<u> </u>		
Subject:	final <sup>*</sup>			b6 -1, -2 b7c -1, -2
OK, here's wha	t we worked out. I thin	ik it addresses your concer	rns, albeit not in leg	al language.
No.		rd subjects in our articles, is going to be in the paper	-	ing this to make sure we are
Thank you for	peing so incredibly help	pful. I think your commen	ts have really made	the article more balanced.
'Doot Donowla				
Best Regards,				1
		1		
* The Fed	anal Dumaar å <b>r</b> e	Investigation	ridana tha da	riana ta iba an
		Investigation cons		
		y of deleting the d	~	•
1 🗢	. •		-	ties, an FBI official
told The V	Vall Street Jour	rnal in response to	inquiries.	
* A stin	<del>erav's role in</del>	nabbing the all	leged ""Hack	er"—Daniel David
	<b>₽</b> , i♥	<u> </u>	•	egal standards for
		~ ~		btains appropriate
-		_	IDI Says It C	manis appropriate
- · · ·	oval to use the		T	: . 1
			-	y law enforcement
to track p	eople's locatio	ns, often without	t a search w	arrant. (Those two
paragraph	s come one rig	tht after the other	r, so we are	not going to repeat
the same p	hrase.)			
		·		
* To get	a pen-register (	order, investigato	rs don't have	e to show probable
cause. The	Supreme Cou	urt has ruled tha	it use of a p	en register doesn't
require a	search warra	ant because it d	loesn't invol	ve interception of
, <del> -</del>				irements because it
				2703(d) stuff and so
forth.)	to Sor bo come	Janes ava vua avuud	VALU TTAVAR BARV A	.b6 −2
				.b7C −2 '
) <b>4726844</b>		1		

From	b6 -1, -2, b7c -1, -2
Sent: Wednesday, September 21, 2011 3:39 PM	· · · · · · · · · · · · · · · · · · ·
To:	
Cc: Sabol, Sherry E. Subject: RE: WSJ fact check	b6 -1, -2
	b7C -1, -2
	ed below, and advise of any additional questions. Also, as we
discussed, you may consider using a named source rather than "F	ы отпскат.
General Comment: Please note FBI will not comment on the	capabilities or functionality of equipment or on ongoing
litigation.	
***	
From:	
Sent: Tuesday, September 20, 2011 11:57 PM To: Sabol, Sherry E.;	
Subject: WSJ fact check	
Importance: High	
H and Sherry.	
Below are sentences and paragraphs from the story, which is set to of any factual errors in any of them. I'll need a response for my e	
to go back and forth. Sometimes the best thing to do is let me know	
out, but it's up to you.	
(Some items you may not have adequate information on, like very	general statements, or statements about the specifics of the
Arizona case. These are included mainly to provide you with conte	xt. We don't like subjects of stories to be surprised by anything
when the story runs. If you feel you don't have enough information	to evaluate a statement, just say so. Not a problem.)
Thanks so much for your help, again. I realize this is very sensitive	
of questions about this general topic and I want to make sure I pre	sent everything as accurately as possible.
I would appreciate it if you could tell me that you received this ema	il.
,	b6 −2 b7c −2
Best,	
* Cai	**************************************
*Stingrays are designed to locate a mobile phone even when	it's not being used to make a call.
* A stingray works by mimicking a cellphone tower, getting	a phone to connect to it and measuring signals from the
phone. It allows the stingray operator to ping a phone and fin	
by the Journal. The device has various uses, including helpin	
teams in finding people lost in remote areas or buried in rubb	le after an accident.
*Stingrays are one of several new technologies used by law	enforcement to track people's locations, often without a
warrant. The technologies are driving a broad Constitutional	
prohibits unreasonable searches and seizures, but which was	
times.	

FBI is concerned the first sentence (bullet above) is misleading. While the equipment may be used without a warrant, it is used only pursuant to lawful authority – court order issued pursuant to the Pen Register Statute and section 2703(d) of the Stored Communications Act.

\* A stingray's role in nabbing the alleged "Hacker"—Daniel David Rigmaiden—is shaping up as a possible test of the legal standards for using these devices in investigations. The FBI says no warrant is required and that standards vary depending on the state and district.

The FBI believes the second sentence is misleading. The FBI uses this equipment pursuant to lawful authority — whether it be a search warrant or a court order issued pursuant to the Pen Register Statute and Stored Communications Act.

\* The devices are so secret that the Federal Bureau of Investigation has a policy of deleting the data they gather out of a desire to keep the technology under wraps, an FBI official told The Wall Street Journal in response to inquiries about the device.

The FBI disagrees with the characterization of the technology being "so secret" – as noted previously, the FBI considers the equipment Law Enforcement Sensitive and our policy is intended to protect law enforcement capabilities so that subjects of law enforcement investigations do not learn how to evade or defeat lawfully authorized investigative activity.

- \* In Thursday's hearing, the government will argue that it should be able to withhold information on precisely what tool was used to locate Mr. Rigmaiden, according to documents filed by the prosecution.
- \* The FBI says information on stingrays and related technology is "considered Law Enforcement Sensitive, since its public release could harm law enforcement efforts by compromising future use of the equipment."
- \* The prosecutor, Mr. Battista, told the judge that the government's concern is that "if the actual information regarding ... this equipment is disclosed, it can be subject to being defeated or avoided or detected."
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- \* FBI and Department of Justice officials have said that investigators don't need to get search warrants to use stingray devices. Associate Deputy Attorney General James A. Baker and FBI General Counsel Valerie E. Caproni both said at a panel discussion at the Brookings Institution in May that devices like these fall into a category of tools called "pen registers" that require a lesser order than a warrant. Pen registers gather signals from phones, such as phone numbers dialed, but don't receive the content of the communications.
- \* To get a pen-register order, investigators must show only that the information likely to be obtained is "relevant to an ongoing criminal investigation." The Supreme Court has ruled that use of a pen register doesn't require a search warrant, because it doesn't involve interception of conversations.

Where the hybrid order is required, the standard cited is accurate for the Pen Register. Section 2703(d), however, requires that the information sought is "relevant and material" to an ongoing investigation. Also, from legal perspective, a pen register may be used because the subject does not have a "reasonable expectation of privacy" in the information sought. Pen register information is provided by the subject to a third party in order for the equipment to work, ie, the phone company.

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phone. Some courts have required a slightly have held that a search warrant is necessar	y higher standard for location information, but not a warrant, while others
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* The FBI advises agents to work with the	local federal prosecutors to conform to the legal requirements of their
particular district, an FBI official said. He	added that it is FBI policy to obtain a search warrant if the FBI believes in individual while that person is in a location where he or she would have a
	ven't yet settled whether locating a person or device in a home constitutes a
	d to the expungement of location information obtained through use of this ince the 1990s has been to purge or 'expunge' all information obtained
	mation gathered in these operations "is intended to be used only as lead fying the general location of their subject and is not intended to be used as I said.
	used the stingray to narrow down the location of the broadband card. One of aly 2008 email that the team needed "to develop independent probable cause" the [redacted] (understandably so)."
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RMD) (F	BI)
From:	
Sent:	Wednesday, September 21, 2011 3:22 PM
To: Subject:	Sabol, Sherry E. Fw: WSJ fact check
Subject.	b5 -1
	b6 −1, −2 b7C −1, −2
	070-1, -2
Sent from my BlackBerry \	Wireless Handheld
From:	
То	<del></del>
Sent: Wed Sep 21 15:17: Subject: RE: WSJ fact ch	
Yes. Thank you.	
Also! We have changed a you are trying to protect, n	t least one of the sentences that I know of to try to make it clearer that it's law enforcement techniques
you are dying to protoco, it	to the specific devices.
Stingrays are designed to loc Investigation has a policy of d response to inquiries.	cate a mobile phone even when it's not being used to make a call. The devices are so secret that the Federal Bureau of electing the data they gather, out of a desire to keep its tactics under wraps, an FBI official told The Wall Street Journal in
	b6 -1, -2
	b7C -1, -2
From:	
Sent: Wednesday, Septer	<u>nber 2</u> 1, 2011 3:08 PM
To Subject: Re: WSJ fact ch	ieck
I should have yo	our response within 30 minutes. Is that okay?
Sent from my BlackBerry	Wireless Handheld
From	
To: Sabol, Sherry E.;	b6 -1, -2
Sent: Tue Sep 20 23:56:	5/2011 b7C -1, -2
Subject: WSJ fact check	
H and Sherry.	•
Below are sentences and	paragraphs from the story, which is set to run in Thursday's paper. Please let me know if you are aware
of any factual errors in an	y of them. I'll need a response for my editors by midday although we will have a bit of time after that
<ul> <li>to go back and forth. Some out, but it's up to you.</li> </ul>	netimes the best thing to do is let me know early on which statements have problems so we can work it

(Some items you may not have adequate information on, like very general statements, or statements about the specifics of the Arizona case. These are included mainly to provide you with context. We don't like subjects of stories to be surprised by anything when the story runs. If you feel you don't have enough information to evaluate a statement, just say so. Not a problem.)

Thanks so much for your help, again. I realize this is very sensitive and an important tool for you; I also feel like people have a lot of questions about this general topic and I want to make sure I present everything as accurately as possible.

I would appreciate it if you could tell me that you received this email.

Best.			
•	b6	-2	
	b7C	. –	4

- \* Stingrays are designed to locate a mobile phone even when it's not being used to make a call.
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(RMD)	(FBI)	
From: Sent: To: Subject:	Wednesday, September 21, 2011 8:13 AM Sabol, Sherry E. RE: WSJ fact check	b5 -1 b6 -1, -2 b7c -1, -2
From: Sabol, Sherry E. Sent: Wednesday, Sep To: Hess, Amy S.; Brya Cc Subject: Fw: WSJ fact Importance: High		, , , , , , , , , , , , , , , , , , , ,
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of any factual errors in a to go back and forth. So out, but it's up to you.	any of them. I'll need a response for my editors by middometimes the best thing to do is let me know early on which	ay although we will have a bit of time after that a statements have problems so we can work it
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I would appreciate it if y	ou could tell me that you received this email.	b6 -1, -2 b7C -1, -2
Best,		· · · · · · · · · · · · · · · · · · ·
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	From: Sent: To: Subject:	Hess, Amy S. Wednesday, September 21, 2011 1 Sabol, Sherry E.; Bryars, D Keith Re: WSJ fact check	0:55 AM	b5 -1 b6 -1, -2 b7C -1, -2
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	From: Sabol, Sherry E. To: Hess. Amv S.: Bryan Cc: Sent: Wed Sep 21 07:38 Subject: Fw: WSJ fact c	3:43 2011		b5 -1 b6 -1, -2 b7C -1, -2
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	Thanks so much for you	r help, again. I realize this is very sensi	tive and an important tool for you; I also feel present everything as accurately as possible	like people have a lot
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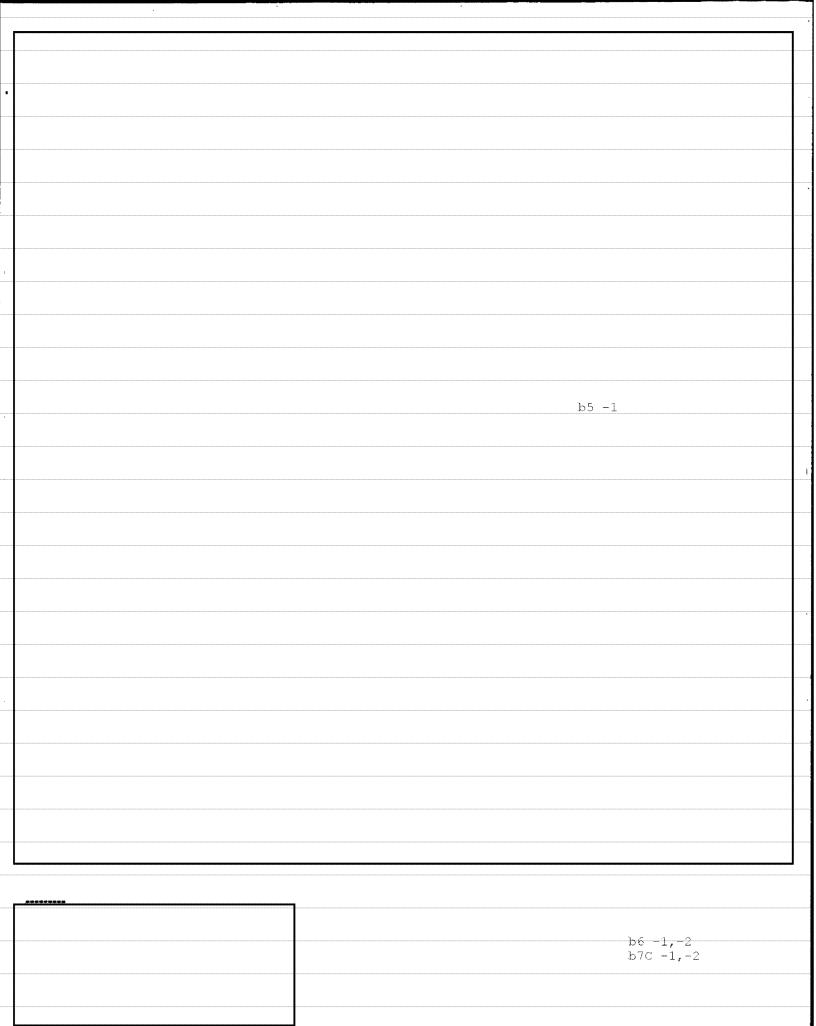
(RMD) (	FBI)	
From: Sent: To: Cc: Subject:	Sabol, Sherry E. Wednesday, September 21, 2011 11:12 AM Sabol, Sherry E.; Bryars, D Keith; DiClemente, Anthony Hess, Amy S. RE: WSJ fact check	p
From: Sabol, Sherry E. Sent: Wednesday, Septe To: Bryars, D Keith; DiCl Cc: Hess, Amy S. Subject: RE: WSJ fact of		b5 -1 b6 -1, -2 b7C -1, -2
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From:	And the second s	
Sent: Tuesday, Septemb To: Sabol, Sherry E.;	ber 20. 2011 11:57 PM	
Subject: WSJ fact check Importance: High	K	b6 -1, -2 b7C -1, -2
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[1	RMD) (FBI)	
From: Sent: To: Cc: Subject:	DiClemente, Anthony P. Wednesday, September 21, 2011 11:17 AM Sabol, Sherry E.; Bryars, D Keith; Hess, Amy S. Re: WSJ fact check	b6 -1,-2 b7C -1,-2 b5 -1
Authory DiOlero		). 7 P 1
Anthony DiClem Chief Operational Tecl Federal Bureau	Section hnology Division	b7E −1
Cc: Hess, Amy S	eith; DiClemente, Anthony P.; 5. 21 11:09:37 2011	b5 -1 b6 -1, -2 b7c -1, -2
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(RMD) (FBI)	
From: Sent: Wednesday, September 21, 2011 11:22 AM To: Sabol, Sherry E.; Bryars, D Keith Cc: Hess, Amy S. Subject: Re: WSJ fact check	b5 -1
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Anthony DiClemente Chief Section Operational Technology Division Federal Bureau of Investigation Office Mobile	b7E −1
From: Sabol, Sherry E. To: Sabol, Sherry E.; Bryars, D Keith; DiClemente, Anthony P. Cc: Hess, Amy S. Sent: Wed Sep 21 11:12:07 2011	
Subject: RE: WSJ fact check	b5 -1 b6 -1, -2 b7C -1, -2
From: Sabol, Sherry E. Sent: Wednesday, September 21, 2011 11:10 AM To: Bryars, D Keith; DiClemente, Anthony P. Cc: Hess, Amy S. Subject: RE: WSJ fact check	
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From: Sent: Tuesday, September 20, 2011 11:57 PM To: Sabol, Sherry E.; Subject: WSJ fact check Importance: High	b5 -1
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	(Some items you may not have adequate information on, like very general statements, or statements about the specifics Arizona case. These are included mainly to provide you with context. We don't like subjects of stories to be surprised by when the story runs. If you feel you don't have enough information to evaluate a statement, just say so. Not a problem.)	of the anything
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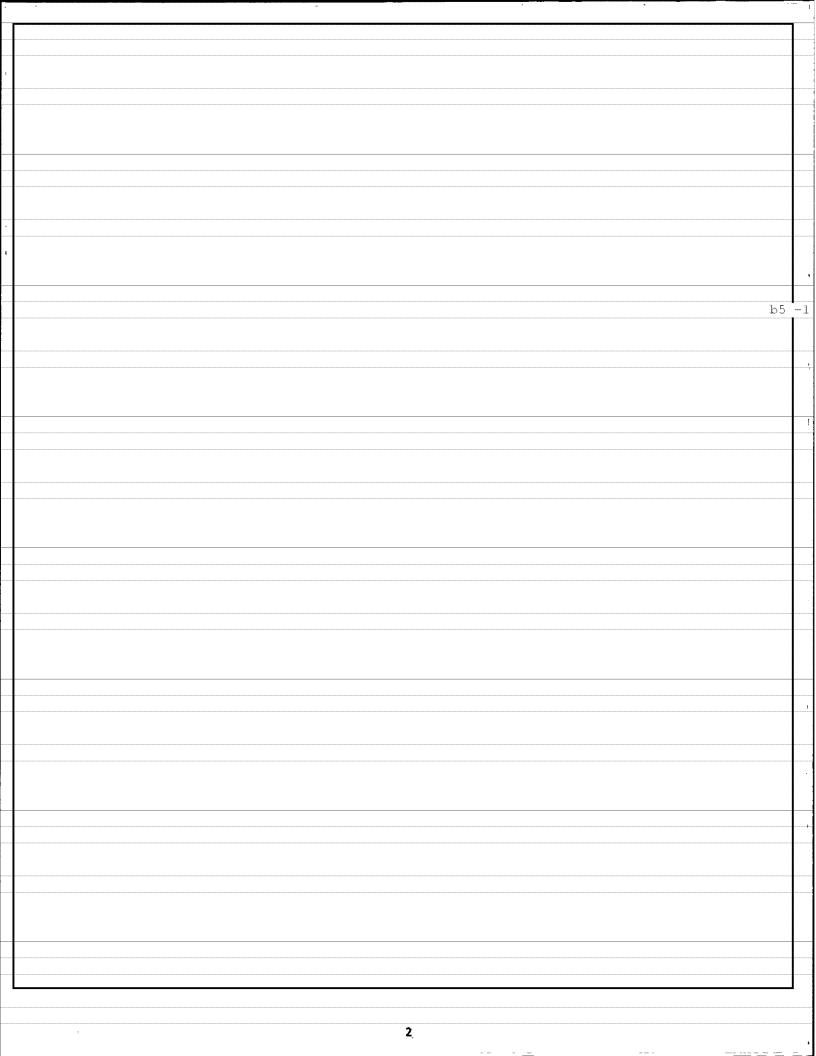
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From: Sent: To: Subject:	Wednesday, September 21; 2011 1 Hess, Amy S.; Sabol, Sherry E.; Bry Re: WSJ fact check	1:23 AM vars, D Keith	b5 -1 b6 -1 b7C -1
Sent from my Black	Berry Wireless Handheld		
From: Hess, Amy S To: Sabol, Sherry E Sent: Wed Sep 21 Subject: Re: WSJ 1	.; Bryars, D Keith; 10:55:09 2011		
From: Sabol, Sherr To: Hess, Amy S.; & Cc Sent: Wed Sep 21 Subject: Fw: WSJ	7:38:43 2011		b5 -1 b6 -1 b7C -1
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From To: Saboi, Sherry E Sent: Tue Sep 20 2 Subject: WSJ fact Hand Sherry	3:56:57 2011 check		
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From: Sent: To: Subject:	Wednesday, September 21, 2011 11:51 AM Sabol, Sherry E. Re: WSJ fact check	
Thx! Blackberry Message		b5 -1 b6 -1 b7c -1
From: Sabol, Sherry E. To: DiClemente, Anthony Sent: Wed Sep 21 11:49: Subject: FW: WSJ fact ch	5b zo11	
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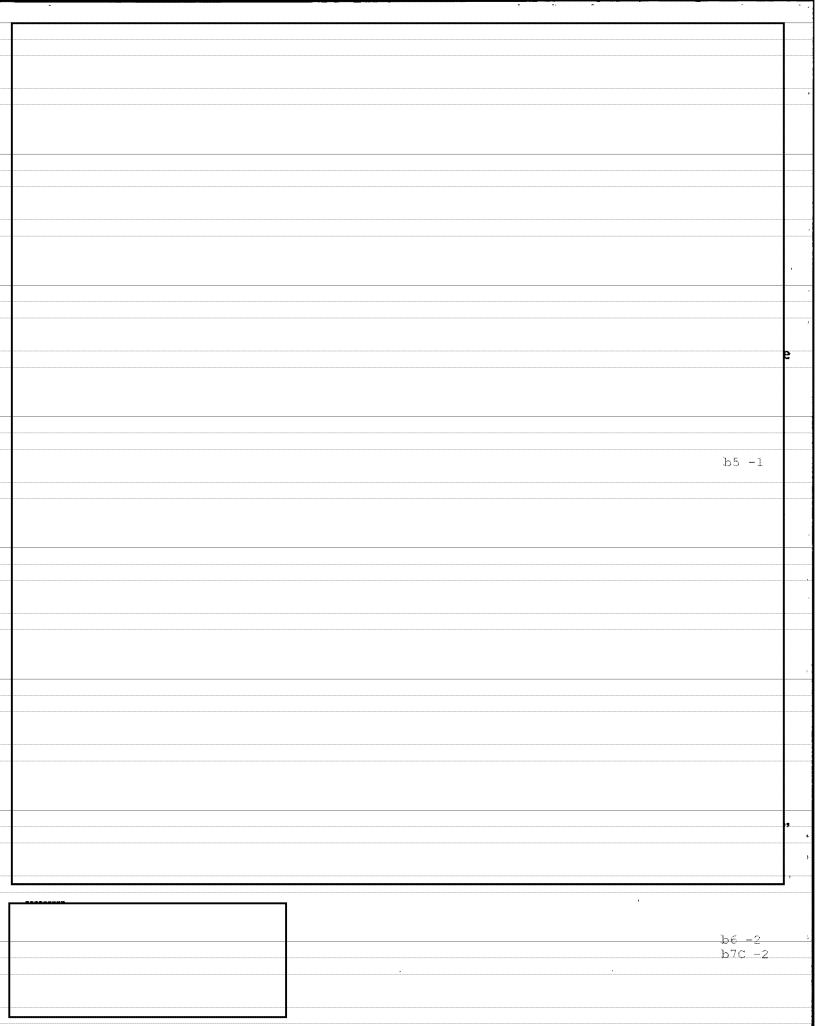
(R	MD) (FBI)	b7C
From: Sent: To:	DiClemente, Anthony P. Wednesday, September 21, 2011 11:57 AM Sabol, Sherry E.	,
Subject:	Re: WSJ fact check	
Thanks Sherry.		
Anthony DiCleme Chief Operational recit	Section	
Federal Bureau of	Investigation ice bile	
From: Sabol, She To: DiClemente, A Sent: Wed Sep 2 Subject: FW: WS	Anthony P.; Struyk, James L.; Mazel, Joseph W.; King, John E. 11:49:50 2011	
From: Sabol, She		
Sent: Wednesday To Cc: Hess, Amy S. Subject: RE: WS	Sentember 21, 2011 11:49 AM  Bryars, D Keith  I fact check	b5 -1 b6 -1, -2 b7C -1, -
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From Sent: Tuesday, S To: Sabol, Sherry Subject: WSJ fac Importance: Hig	t check	
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		b5 -1 b6 -1 b7C -1

Assistant General Counsel	
Science & Technology Law Unit	
Federal Bureau of Investigation Office	
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THIS COMMUNICATION MAY CONTAIN PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT AND ATTORNEY WORLD	K PRODUCT MATERIAL.
DO NOT DISCLOSE WITHOUT PRIOR PERMISSION FROM FBI OGC.	
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From: Sabol, Sherry E. Sent: Wednesday, September 21, 2011 10:16 AM	
To: DiClemente, Anthony P.	
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Subject: Fw: WSJ fact check	
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From: Hess, Amy S. To: Sabol. Sherry E.: Bryars, D Keith	
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Sent: Wed Sep 21 10:11:25 2011	
Subject: Re: WSJ fact check	
From: Sabol, Sherry E.	b5 -1
To: Hess, Amy S.: Bryars, D Keith	b6 -1
Cc	b7C −1
Seht: wed Sep 21 07:38:43 2011	
Subject: Fw: WSJ fact check	
WSJ asked us to fact check certain statements.	
Ill look at rest again in office.	
They need an answer by mid-day.	
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From	b6 -1, -2
To: Sabol, Sherry E. Sent: Tue Sep 20 23:56:57 2011	b7c -1, -2
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- \* Stingrays are one of several new technologies used by law enforcement to track people's locations, often without a warrant. The technologies are driving a broad Constitutional debate about whether the Fourth Amendment, which prohibits unreasonable searches and seizures, but which was written before the digital age, is keeping pace with the times.
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From: Sent: Wednesday Sentember 21, 2011 12:14 PM To: Sabol, Sherry E.; DiClemente, Anthony P. Cc: Subject: Re: WSJ fact check	b5 -1 b6 -1 b7C -1
Associate General Counsel Unit Chief, Science and Technology Law Unit Office of the General Counsel Federal Bureau of Investigation	
From: To: Sabol, Sherry E.: DiClemente, Anthony P.	
Sent: Wed Sep 21 12:02:57 2011 Subject: RE: WSJ fact check	
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Sent: Tue Sep 20 23:56:57 2011 Subject: WSJ fact check	b6 -1, 2 b7C -1, 2
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- \* In the Rigmaiden case, the investigators used the stingray to narrow down the location of the broadband card. One of the Phoenix federal agents then said in a July 2008 email that the team needed "to develop independent probable cause" and that the "FBI does not want to disclose the [redacted] (understandably so)."

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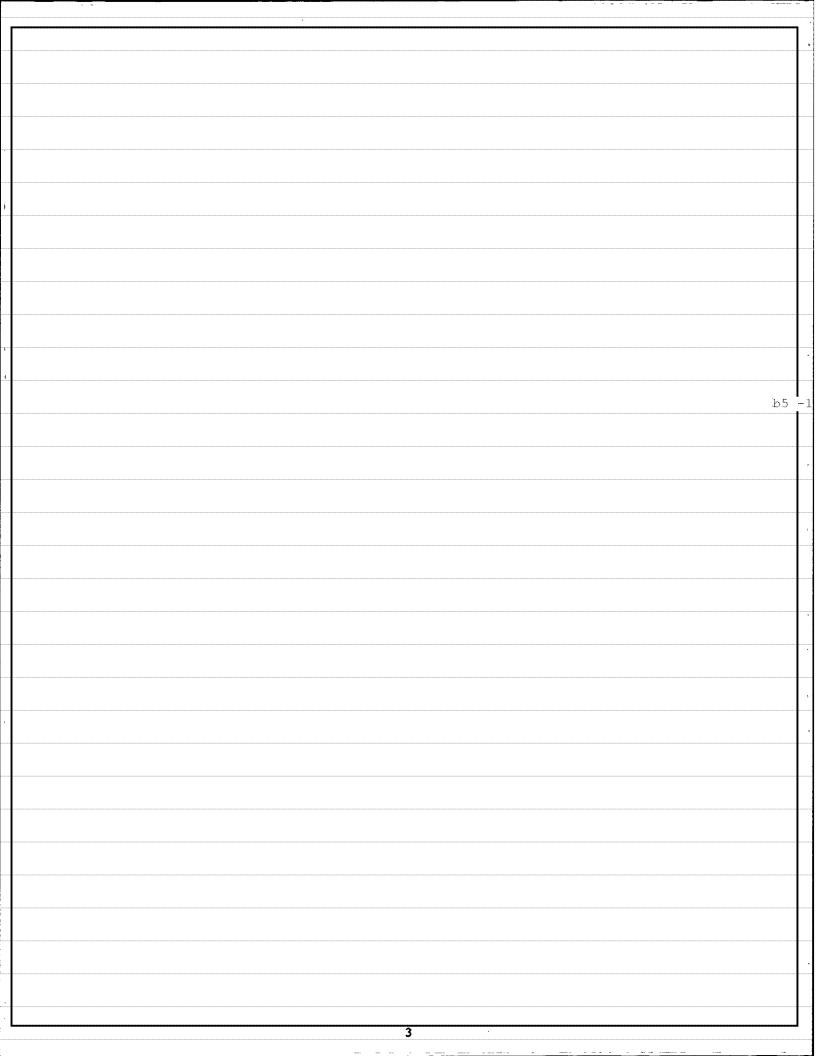
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From:	
Sent: Wednesday, September 21, 2011 12:17 PM	.b5 −1
To: Sabol, Sherry E. Cc: Hess, Amy S.; Bryars, D Keith	b6 -1
Subject: Re: WSJ fact check	b7C -1
Sent from my BlackBerry Wireless Handheld	
From: Sabol. Sherry F.	*
To	
Cc: Hess, Amy S.; Bryars, D Keith;	
Sent: Wed Sep 21 11:56:59 2011	
Subject: Re: WSJ fact check	
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From: Sabol, Sherry E.	b5 -1 '
To:	b6 -1
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Sent: Wed Sep 21 11:48:47 2011	
Subject: RE: WSJ fact check	
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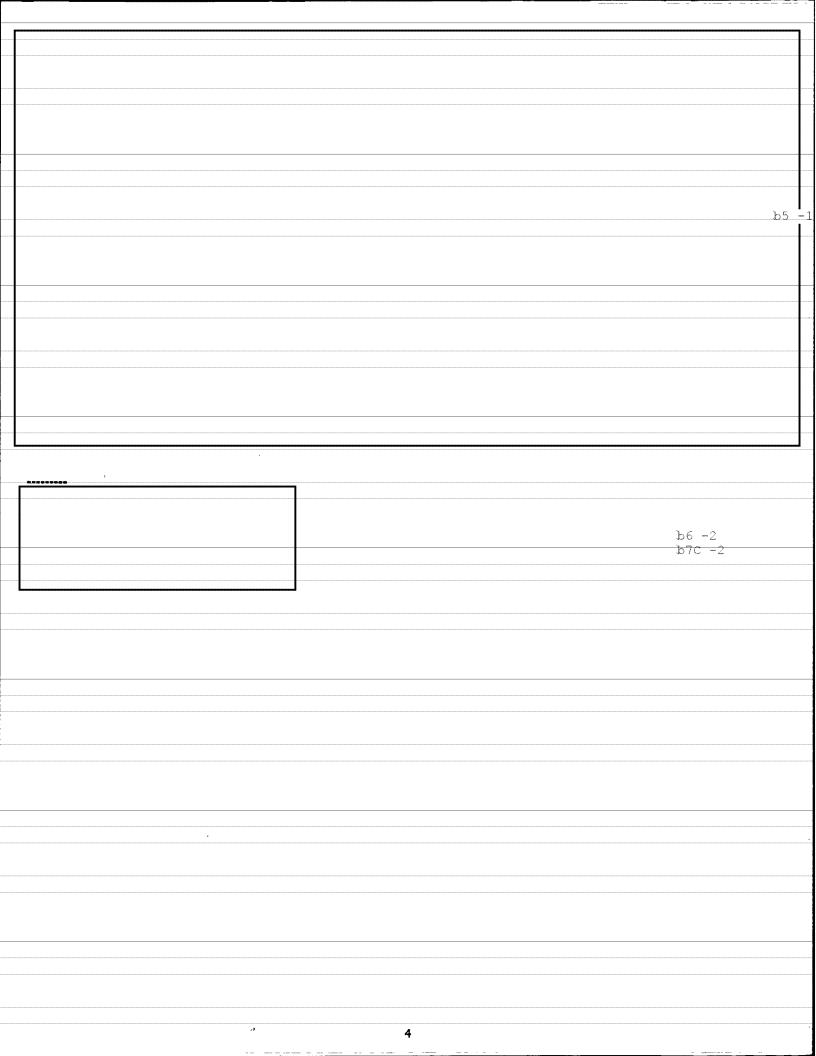
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From: Sabol, Sherry E.				
Sent: Wednesday, September 21, 2011 11:49 AM				
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Cc: Hess, Amy S.; Bryars, D Keith				
Subject: RE: WSJ fact check				
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(RMD) (F	BI)	
From: Sent: To: Subject:	Wednesday, September 21, 2011 3:04 PM Sabol, Sherry E. Re: WSJ fact check	b5 -1 b6 -1 b7C -1
Sent from my BlackBerry V	Vireless Handheld	
From: Sabol. Sherry E.  To  Sent: Wed Sep 21 14:01:4  Subject: Re: WSJ fact che	11 2011 eck	
From To: Sabol, Sherry E. Sent: Wed Sep 21 13:17:3 Subject: FW: WSJ fact ch	36 2011 eck	b5 -1 b6 -1 b7C -1
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Sent: Wednesday, Septem To Sat Cc Subject: Re: WSJ fact che	ol, Sherry E.; DiClemente, Anthony P.;	
Subject. Ne. Was fact the		
Associate General Counse Unit Chief, Science and Te Office of the General Coun Federal Bureau of Investig	echnology Law Unit	
From To: Sabol, Sherry E.: DiCe Cc Sent: Wed Sep 21 12:02:: Subject: RE: WS3 fact che	5/ 2011	b5 -1 b6 -1 b7C -1
Sherry-		
Here's my thoughts:		1

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	Assistant General Counsel				
	Science & Technology Law Unit  Federal Bureau of Investigation				
	Office				
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	THIS COMMUNICATION MAY CONTAIN PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT AND ATTORNEY WORK PRODUCT MATERIAL DO NOT DISCLOSE WITHOUT PRIOR PERMISSION FROM FBI OGC.				
	From: Sabol, Sherry E. Sent: Wednesday, September 21, 2011 10:16 AM	1			
	Sent: Wednesday, September 21, 2011 10:16 AM				

To: DiClemente, Anthony P.;	ı
Subject: Fw: WSJ fact check	
Please take a look at this and get me your thoughts/comments asap.	, b5 -1
From: Hess, Amy S. To: Sabol, Sherry E.; Bryars, D Keith Cc:	b6 -1 b7C -
Sent: Wed Sep 21 10:11:25 2011 Subject: Re: WSJ fact check	· · · · · · · · · · · · · · · · · · ·
From: Sabol, Sherry E.  To: Hess, Amy S.: Bryars, D Keith Co	
Sent: Wed Sep 21 07:38:43 2011 Subject: Fw: WSJ fact check	
WSJ asked us to fact check certain statements.	
Ill look at rest again in office.	b5 -1 b6 -1, -2 b7C -1, -2
They need an answer by mid-day.	
From	
To: Sabol, Sherry E.	
Sent: Tue Sep 20 23:56:57 2011 Subject: WSJ fact check	
Hi and Sherry.	
Below are sentences and paragraphs from the story, which is set to run in Thursday's p of any factual errors in any of them. I'll need a response for my editors by midday alt to go back and forth. Sometimes the best thing to do is let me know early on which state	hough we will have a bit of time after that
out, but it's up to you.	
(Some items you may not have adequate information on, like very general statements, of Arizona case. These are included mainly to provide you with context. We don't like subject when the story runs. If you feel you don't have enough information to evaluate a statement.	ects of stories to be surprised by anything
Thanks so much for your help, again. I realize this is very sensitive and an important too of questions about this general topic and I want to make sure I present everything as ac	ol for you; I also feel like people have a lot
I would appreciate it if you could tell me that you received this email.	b6 −2 · b7C −2
Best,	DIC -2

- \* Stingrays are designed to locate a mobile phone even when it's not being used to make a call.
- \* A stingray works by mimicking a cellphone tower, getting a phone to connect to it and measuring signals from the phone. It allows the stingray operator to ping a phone and find it if it is powered on, according to documents reviewed by the Journal. The device has various uses, including helping police locate suspects and aiding search-and-rescue teams in finding people lost in remote areas or buried in rubble after an accident.
- \* Stingrays are one of several new technologies used by law enforcement to track people's locations, often without a warrant. The technologies are driving a broad Constitutional debate about whether the Fourth Amendment, which prohibits unreasonable searches and seizures, but which was written before the digital age, is keeping pace with the times.
- \* A stingray's role in nabbing the alleged "Hacker"—Daniel David Rigmaiden—is shaping up as a possible test of the legal standards for using these devices in investigations. The FBI says no warrant is required and that standards vary depending on the state and district.
- \* The devices are so secret that the Federal Bureau of Investigation has a policy of deleting the data they gather out of a desire to keep the technology under wraps, an FBI official told The Wall Street Journal in response to inquiries about the device.
- \* In Thursday's hearing, the government will argue that it should be able to withhold information on precisely what tool was used to locate Mr. Rigmaiden, according to documents filed by the prosecution.
- \* The FBI says information on stingrays and related technology is "considered Law Enforcement Sensitive, since its public release could harm law enforcement efforts by compromising future use of the equipment."
- \* The prosecutor, Mr. Battista, told the judge that the government's concern is that "if the actual information regarding ... this equipment is disclosed, it can be subject to being defeated or avoided or detected."
- \* In the case of the alleged hacker, Mr. Rigmaiden, the government faces the task of prosecuting him without disclosing details about the device it used to locate him.
- \* The government says "stingray" is a generic term, and in Mr. Rigmaiden's case it remains unclear which device or devices were actually used.
- \* "Location information continues to be a vital component in law enforcement investigations at the federal, state and local levels," an FBI official told the Journal.
- \* FBI and Department of Justice officials have said that investigators don't need to get search warrants to use stingray devices. Associate Deputy Attorney General James A. Baker and FBI General Counsel Valerie E. Caproni both said at a panel discussion at the Brookings Institution in May that devices like these fall into a category of tools called "pen registers" that require a lesser order than a warrant. Pen registers gather signals from phones, such as phone numbers dialed, but don't receive the content of the communications.
- \* To get a pen-register order, investigators must show only that the information likely to be obtained is "relevant to an ongoing criminal investigation." The Supreme Court has ruled that use of a pen register doesn't require a search warrant, because it doesn't involve interception of conversations.
- \* But with cellphones, data sent in real time includes location information, making the situation more complicated, because some judges have found that location information is more intrusive than data on the numbers dialed by a phone. Some courts have required a slightly higher standard for location information, but not a warrant, while others have held that a search warrant is necessary.
- \* The FBI advises agents to work with the local federal prosecutors to conform to the legal requirements of their particular district, an FBI official said. He added that it is FBI policy to obtain a search warrant if the FBI believes

technology "may provide information on an individual while that person is in a location where he or she would have a reasonable expectation of privacy."

- \* Experts say lawmakers and the courts haven't yet settled whether locating a person or device in a home constitutes a "search" that requires a warrant.
- \*The FBI told the Journal that "with regard to the expungement of location information obtained through use of this type of equipment by the FBI, our policy since the 1990s has been to purge or 'expunge' all information obtained during a location operation."
- \* The FBI allows this policy because information gathered in these operations "is intended to be used only as lead information to assist investigators in identifying the general location of their subject and is not intended to be used as substantive evidence in a case," the official said.
- \* In the Rigmaiden case, the investigators used the stingray to narrow down the location of the broadband card. One of the Phoenix federal agents then said in a July 2008 email that the team needed "to develop independent probable cause" and that the "FBI does not want to disclose the [redacted] (understandably so)."

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From:	DiClemente, Anthony P. Saturday, September 17, 2011 4:26 PM	
To: Subject:	Sabol, Sherry E. Fw: Wall Street Journal request legal status of "stingray" techn	ology
FYI - I'll call you.		b6 −1
Anthony DiClemen	Section	b7C -1 b7E -1
Operational Techni Federal Bureau of	ology Division	
From: Bryars, D K	eith	
Sent: Sat Sep 17	nthony P.; Hess, Amy S. 16:16:37 2011 Street Journal request legal status of "stingray" technology	
Thanks Tony.	Street Journal request, legal status of a stingray technology	
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D. Keith Bryars		
A/Deputy Assistant Operational Techno Innovation*Techno	ology Division	
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From: DiClemente	Anthony D	
To: Hess, Amy S.; Sent: Sat Sep 17.1	Bryars, D Keith	,
Subject: Re: Wall Amv/Keith.	Street Journal request legal status of "stingray" technology	b5 -1 b6 -1
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Anthony DiClemen Chief,	Section Sectio	
Operational Techno Federal Bureau of		
From: Diclemente		-
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Anthony DiClemente Chief Operational Technology Division Federal Bureau of Investigation	Section		b5 -1 b6 -1 b7C -1 b7E -1
From: Sabol, Sherry E. To: DiClemente, Anthony P. Sent: Sat Sep 17 14:23:18 2011 Subject: Re: Wall Street Journa	l I request legal status of "sting	ray" technology	
From: DiClemente, Anthony P. To: DiClemente, Anthony P.; Sal Sent: Sat Sep 17:14:19:03 2011 Subject: RE: Wall Street Journa	_	; Bryars, D Keith	b5 -1 b6 -1 b7C -1
Anthony DiClemente			b7E -1
Anthony DiClemente Chief	Section		.D/E -I

Chief Operational Technology Division

Federal Bureau of Investigation	
From: DiClemente, Anthony P.	
Sent: Saturday, September 17, 2011 1:16 PM	b5 -1
Sent: Saturday, September 17, 2011 1:16 PM  To: Sabol, Sherry E.; Hess, Amy S. Bryars, D Keith  Subject: RE: Wall Street Journal request legal status of "stingray" technology	b6 -1
- Subject No. Was Subject Souther request - regar states or Sungray real molegy	b7C -1 b7E -1
Anthony DiClemente	
Chief Section	
Operational Technology Division  Federal Bureau of Investigation	
From: Hess, Amy S. Sent: Saturday, September 17, 2011 9:53 AM	
To: DiClemente, Anthony P.	b5 -1 b6 -1
Subject: Fw: Wall Street Journal request legal status of "stingray" technology	b7C −1
	b7E -1

From: Bryars, D Keith	
To: Hess, Amy S. Sent: Sat Sep 17 06:16:30 2011	
Subject: Fw: Wall Street Journal request legal status of "stingray" technology	
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manks, Kelui	
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D. Keith Bryars	ъ7E –
A/Deputy Assistant Director	
Operational Technology Division	
Innovation*Technology*Collaboration	
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Francisco Colon Chamair	
From: Sabol, Sherry E.  To: Bryars, D Keith	
Sent: Fri Sep 16 23:49:17 2011	
Subject: Fw: Wall Street Journal request legal status of "stingray" technology	
From:	b5 -1
To: Diclemente, Anthony P.	b6 -1 b7C -1
Cc: Kortan, Michael P.; Sabol, Sherry E.	War P Not ode.
Sent: Fri Sep 16 21:03:31 2011 Subject: Fw: Wall Street Journal request legal status of "stingray" technology	
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From: Sabol, Sherry E.	
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From	
To: Sabol, Sherry E.	
Sent: Fri Sep 16 18:30:28 2011	
Subject: RE: Wall Street Journal request legal status of "stingray" technology	
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From: Sabol, Sherry E.  Cc: Hess, Amy S.; Bryars, D Keith; Lammert, Elaine N.; Kortan, Michael P.  Sent: Fri Sep 16 16:48:15 2011  Subject: RE: Wall Street Journal request legal status of "stingray" technology  From: Sabol, Sherry E.  Sept: Friday. Sentember 16. 2011:4:12 PM  To  Cc: Hess, Amy S.; Bryars, D Keith; Lammert, Elaine N.  Subject: RE: Wall Street Journal request legal status of "stingray" technology  Importance: High	
Sent: Friday. Sentember 16: 2011 6:11 PM To Co: Hess, Amy S.; Bryars, D Keith; Lammert, Elaine N.; Kortan, Michael P. Subject: Re: Wall Street Journal request legal status of "stingray" technology  From: Sabol, Sherry E. To: Sabol, Sherry E. Sent: Fri Sep 16 16:48:15 2011 Subject: RE: Wall Street Journal request legal status of "stingray" technology  From: Sabol, Sherry E. Sept: Friday. Sentember 16: 2011:4:12 PM To Co: Hess, Amy S.; Bryars, D Keith; Lammert, Elaine N. Subject: RE: Wall Street Journal request legal status of "stingray" technology  Importance: High	
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Cc. Hess, Amy S.; Bryars, D Keith; Lammert, Elaine N.; Kortan, Michael P. Subject: Re: Wall Street Journal request — legal status of "stingray" technology  From: Sabol, Sherry E. To: Sabol, Sherry E. Sent: Fri Sep 16 16:48:15 2011 Subject: RE: Wall Street Journal request — legal status of "stingray" technology  From: Sabol, Sherry E. Sept: Eridav. Sentember 16: 2011:4:12 PM Tol Cc: Hess, Amy S.; Bryars, D Keith; Lammert, Elaine N. Subject: RE: Wall Street Journal request — legal status of "stingray" technology  Importance: High	
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From Southern 16 2011 1-40 DM	
Sent: Friday, September 16, 2011 1:49 PM  To Sabol, Sherry E.	
Cc. ness, Anny S., Dryans, D Keith; Lammert, Elaine N.; Kortan, Michael P.	
Subject: FW: Wall Street Journal request legal status of "stingray" technology	
Con undate heleus Massill and a manager his COD taday if you are gains to contribute to the article	
See update below. We will need a response by COB today if we are going to contribute to the article.	
From:	
Sent: Friday, September 16, 2011 1:44 PM	
То	b6 -1, -2
Subject: RE: Wall Street Journal request legal status of "stingray" technology	b7C -1, -2
Another update: It looks as though my editors might want to run it out for Monday's paper, which would put my deadline comment to Sunday at midday. (And today would really be best.)	ne for
Thanks!	······
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From	
To (DO)(FBI)	
Sent: Fri Sep 09 11:22:54 2011	b6 -1, -2
Subject: Wall Street Journal request legal status of "stingray" technology	b7C - 1, -2
Hi.	
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Thanks so much for helping me out.	
	قد م مرد
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was a stingray, a triggerfish, or something else. The prosecution explains that "stingray" is the generic term used.)	-
Commentes the forder in the case is not to be extined additionable mation for disclosure of more information on the device	
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(1) I would like to know what the FBI's guidelines are regarding what orders are required for the use of a stingray, part	
pertains to location information. Do they require a search warrant or a different type of order? Are agents instructed to	
warrant if possible but a lesser order if not? What is the legal analysis that supports this policy? Do the instructions varegion? Things like that.	ry by

	(2) I would like to know what the FBI policy is regarding data from stingrays being expunged. In the case I'm of in the application for the use of device, requested that data obtained by the court order be expunged at the enlocate the cellular device. This request was granted, and that data was expunged.	overing, the Agent, d of the mission to
	USAGE INFORMATION I would like any information that the FBI might be able to provide on how helpful these "stingray" type devices they are used and whether their use has increased or decreased in the past couple of years.	are, how frequently
	I'm not on a daily deadline for this story, but I am on a deadline. The story needs to be sent to my editors in the would hope to talk with someone as soon as possible.	e next few days, so I
	Thank you.	
	Best Regards,	
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(RMD) (FBI)		
To: DiClemente, Anth	er 16, 2011 9:04 PM nony P. P.; Sabol, Sherry E. ournal request legal status of "stingray" technology	b5 -1 b6 -1 b7C -1
Sent from my BlackBerry Wireless Handheld		
From: Sabol. Sherry E.  To  Sent: Fri Sep 16 18:49:49 2011 Subject: Re: Wall Street Journal request k	egal status of "stingray" technology	b6 −1 b7C −1 b5 −1
From: Allen, Christopher M. To: Sabol, Sherry E. Sent: Fri Sep 16 18:30:28 2011 Subject: RE: Wall Street Journal request k	egal status of "stingray" technology	1
From: Sabol, Sherry E.  Sent: Friday Sontombor 16 2011 6:11 PM  Td  Cc: Hess, Amy S.; Bryars, D Keith; Lammert, Subject: Re: Wall Street Journal request le		b5 -1 b6 -1 b7C -1
From: Sabol, Sherry E  To: Sabol, Sherry E.;  Cc: Hess, Amy S.; Bryars, D Keith; Lammert,  Sent: Fri Sep 16 16:48:15 2011  Subject: RE: Wall Street Journal request ke		
From: Sabol, Sherry E. Sent: Friday. Sentember 16, 2011 4:12 PM To Co: Hess. Amy S.: Bryans. D. Keith: Lammert.	Flaine N	

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Subject: RE: Wall Street Journal request legal status of "stingray" technology Importance: High		
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	b5 −1	
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Sabol, Sherry E.; Cc: Hess, Amy S.; Bryars, D Keith; Lammert, Elaine N.; Kortan, Michael P.		
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Best Regards,		
		b6 -2 b7c -2
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(RMD) (F	**************************************	
From: Sent: To: Cc: Subject:	Wednesday, September 14, 2011 3:54  Sabol, Sherry E.;  Hess, Amy S.; Bryars, D Keith; Lammer, Elaine N.  FW: Wall Street Journal request legal status of "stingray" technology  b5 -1  b6 -1,  b7C -1,	
From Sent: Wednesday, Septer To:		
Thanks for keeping me up	to date.	
I do have some informatio	n so far on the legal theories and policies involved here, from the documents that already exist in the me online research. I'll lay them out for you here just so you have them, in case it is helpful.	10
	ie E. Caproni and Associate Deputy Attorney General James A. Baker, at a Brookings panel in Ma bes of devices are pen registers and that somebody would need a pen register order to use them.	у.
(2) The prosecution in the like a wiretap would.	example case I'm looking at says the device is a pen register device, because it's not getting conte	ent
(3) The prosecution also s	ays "U.S. magistrate judges and district judges across the country have debated whether cell phon order, a tracking warrant, or both." They say "these decisions are made on a case-by-case basis w d."	
the order that involved del Additionally, investigators using the device because	xplanation in terms of policy for the deletion of the data from the device, except that the application eting data has been described by the prosecution as "standard procedure" and "not a unique scenariously in documents filed in the case that they developed "independent probable cause" after the "FBI does not want to disclose the [tracking device]" indicating the extreme sensitivity of the	ario." 'r
	editing the request. I know the topic is extremely sensitive, but it does seem like my questions have number of places. I would prefer to get a more comprehensive answer, but I can use the other info	
law right now, and it shows	tands currently (subject to change by editors, as always) is that this is a very hotly debated area of show tough it is to use cutting-edge technology without disclosing it in a way that will help offender that just don't keep up with this kind of innovation.	the s,
Do you have any sense of	how long the process might take on your end? I'd just like to know what to tell my editors.	
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(RMD) (FBI)	
From: Sent: Sent: Saturday, September 17, 2011 1:41 PM Bryars, D Keith; DiClemente, Anthony P.; Sabol, Sherry E.; He Subject: Re: Wall Street Journal request legal status of "stingray" ted	ess, Amy S. chnology
	<b>y.</b> b5 −1 b6 −1 b7C −1
From: Bryars, D Keith To: Diclemente, Anthony P.; Sabol, Sherry E.; Hess, Amy S.; Sent: Sat Sep 17 13:30:32 2011 Subject: Re: Wall Street Journal request legal status of "stingray" technology	
D. Keith Bryars A/Deputy Assistant Director Operational Technology Division Innovation*Technology*Collaboration	
From: Diclemente, Anthony P. To: Sabol, Sherry E.; Hess, Amy S. Sent: Sat Sep 17 13:16:36 2011 Subject: RE: Wall Street Journal request legal status of "stingray" technology	b5 -1. b6 -1 b7C -1 b7E -1

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Anthony DiClemente	b7E −1
Chief Section	
Operational Technology Division	
Federal Bureau of Investigation	
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From: Hess, Amy S.	
Sent: Saturday. Sentember 17, 2011 9:53 AM	
To DiClemente, Anthony P.	
Subject: Fw: Wall Street Journal request legal status of "stingray" technology	
From: Bryars, D Keith	
To: Hess, Amy S.	· -
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Sent: Sat Sep 17 06:16:30 2011 Subject: Full Wall Street Journal request local status of "stingrous" technology	b5 -1 b6 -1
Subject: Fw: Wall Street Journal request legal status of "stingray" technology	b5 -1 b6 -1 b7c -1
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Subject: Fw: Wall Street Journal request legal status of "stingray" technology  D. Keith Bryars	b6 −1 b7C −1
D. Keith Bryars  A/Deputy Assistant Director	b6 −1 b7C −1
D. Keith Bryars  A/Deputy Assistant Director  Operational Technology Division	b6 −1 b7C −1
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D. Keith Bryars  A/Deputy Assistant Director  Operational Technology Division	b6 −1 b7C −1
D. Keith Bryars  A/Deputy Assistant Director  Operational Technology Division	b6 −1 b7C −1
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D. Keith Bryars  A/Deputy Assistant Director Operational Technology Division Innovation*Technology*Collaboration  From: Sabol, Sherry E.	b6 -1 b7C -1 b7E -1
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Sent from my BlackBerry Wireless Handheld	<u>b5 -1</u> b6 -1
	b7C -1
From: Sabol, Sherry E.	
Td	
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To:	b7C -1
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	Alouier update, it looks as though my editors might want to full it out for more as paper, which would but my deadline for
	comment to Sunday at midday. (And today would really be best.)
	Thanks!
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From		
To DO)(FBI)		
Sent: Fri Sep 09 11:22:54 2011 Subject: Wall Street Journal request legal sta	atus of "stingray" technology	b6 -1, -2 b7c -1, -2
Hi.	1.	· · · · · · · · · · · · · · · · · · ·
Thanks so much for helping me out.		
l'm	and am writing about the use of "stingra	y type devices which are used
generally to locate or otherwise get data on celluin U.S. District Court in the District of Arizona in was a stingray, a triggerfish, or something else.	ular devices. As an example of the use of the which the FBI used one of these devices. (I	is technology, I'm writing about a case t's unclear whether what was used
Currently, the judge in the case is set to hear the techniques used; the prosecution says that thes		information on the device and
I understand this technology is very sensitive for	r the ERI; however I would very much like to	a got the ERI's views on this
technology. I do not want to only quote the ACL		
Here's what I'm looking for:		
LEGAL INFORMATION (1) I would like to know what the FBI's guideline pertains to location information. Do they require warrant if possible but a lesser order if not? What region? Things like that.	a search warrant or a different type of order	r? Are agents instructed to try to get a
(2) I would like to know what the FBI policy is re	garding data from stingrays being expunged	d. In the case I'm covering, the Agent,
in the application for the use of device, requeste locate the cellular device. This request was gran	ed that data obtained by the court order be e	
USAGE INFORMATION		
I would like any information that the FBI might be		
they are used and whether their use has increas	sed or decreased in the past couple of years	<b>.</b>
I'm not on a daily deadline for this story, but I an		to my editors in the next few days, so I
would hope to talk with someone as soon as pos	ssible.	
Thank you.		
Best Regards,		
		b6 -2
100040110°	7	'b7C -2

(RMD) (FBI)	
From: Sent: Sent: Saturday, September 17, 2011 1:41 PM Bryars, D Keith; DiClemente, Anthony P.; Sabol, Sherry E.; Hess, Amy S. Subject: Re: Wall Street Journal request legal status of "stingray" technology	
	b5 -1 b6 -1 b7C -1
From: Bryars, D Keith To: DiClemente, Anthony P.; Sabol, Sherry E.; Hess, Amy S.  Sent: Sat Sep 17 13:30:32 2011 Subject: Re: Wall Street Journal request legal status of "stingray" technology	·
D. Keith Bryars A/Deputy Assistant Director Operational Technology Division Innovation*Technology*Collaboration	
From: DiClemente, Anthony P. To: Sabol, Sherry E.; Hess, Amy S. Sent: Sat Sep 17 13:16:36 2011 Subject: RE: Wall Street Journal request legal status of "stingray" technology	b6 -1 b7C -1 b5 -1 b7E -1

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Anthony DiClemente	b5 -1
Chief Section	b7E -1
Operational Technology Division	
Federal Rureau of Investigation	
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From: Hess, Amy S.	
Sent: Saturday, Sentember 17, 2011 9:53 AM	
To ; DiClemente, Anthony P.	
Subject: Fw: Wall Street Journal request legal status of "stingray" technology	
· ·	
From: Bryars, D Keith	
To: Hess, Amy S.	
Sent: Sat Sep 17 06:16:30 2011	<b>b</b> 5 −1
Subject: Fw: Wall Street Journal request legal status of "stingray" technology	b6 −1 b7c −1 .
	b7E -1
	ж.н.
D. Keith Bryars	
A/Deputy Assistant Director	
Operational Technology Division	
Innovation*Technology*Collaboration	
minovation recitiology conaboration	
From: Sabol, Sherry E.	
To: Bryars, D Keith	
Sent: Fri Sep 16 23:49:17 2011	
Subject: Fw: Wall Street Journal request legal status of "stingray" technology	
- angular in the trail office poeting request - legal status of stilligity technology	
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	b5 -1 b6 -1
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	D/C =1
Enganal	
To: Diclemente, Anthony P.	
To: DiClemente, Anthony P. Cc: Kortan, Michael P.; Sabol, Sherry E.	·
From: To: DiClemente, Anthony P. Cc: Kortan, Michael P.; Sabol, Sherry E. Sent: Fri Sep 16 21:03:31 2011 Subject: Fw: Wall Street Journal request legal status of "stingray" technology	

ent from my BlackBerry Wireless Handheld	
rom: Sabol. Sherry E.	b5 -1 b6 -1
ent: Fri Sep 16 18:49:49 2011 ubject: Re: Wall Street Journal request legal status of "stingray" technology	b7C −1
abject. No. Wall Succession in request—regar status of stringray technology	
rom	
o: Sapol, Snerry E. ent: Fri Sep 16 18:30:28 2011	
ubject: RE: Wall Street Journal request legal status of "stingray" technology	
rom: Sabol, Sherry E. ent: Friday, September 16, 2011 6:11 PM	b5 −1
ent: Friday, September 16, 2011 6:11 PM	b6 -1
ent: Friday, September 16, 2011 6:11 PM	
ent: Friday, September 16, 2011 6:11 PM  c: Hess, Amy S.; Bryars, D Keith; Lammert, Elaine N.; Kortan, Michael P.;	b6 -1
ent: Friday, September 16, 2011 6:11 PM  c: Hess, Amy S.; Bryars, D Keith; Lammert, Elaine N.; Kortan, Michael P.;	b6 -1
ent: Friday. September 16. 2011 6:11 PM d c: Hess, Amy S.; Bryars, D Keith; Lammert, Elaine N.; Kortan, Michael P.; ubject: Re: Wall Street Journal request — legal status of "stingray" technology rom: Sabol, Sherry E.	b6 -1
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From:	
Sent: Friday, September 16, 2011 1:49 PM To Sabol, Sherry E.;	
Cc: Hess, Amy S.; Bryars, D Keith; Lammert, Elaine N.; Kortan, Michael P.	
Subject: FW: Wall Street Journal request legal status of "stingray" technology	
See update below. We will need a response by COB today if we are going to contribute to the article.	
From: Sent: Friday, September 16, 2011 1:44 PM	
To: 55 -1, -2	
Subject: KE: Yvair Successor urnal request legal status of "stingray" technology	
Another update: It looks as though my editors might want to run it out for Monday's paper, which would put my deadline for	or
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Thanks!	
P========	

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To D.(DO)(FBI) Sent: Fri Sep 09 11:22:54 2011	, b6 -1 b7c -1
Subject: Wall Street Journal request legal status of "stingray" technology	
HI.	
Thanks so much for helping me out.	
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generally to locate or otherwise get data on cellular devices. As an example of in U.S. District Court in the District of Arizona in which the FBI used one of the	the use of this technology, I'm writing about a case se devices. (It's unclear whether what was used
was a stingray, a triggerfish, or something else. The prosecution explains that	"stingray" is the generic term used.)
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the distance data to the land of the state o	Constitution of the Consti
I understand this technology is very sensitive for the FBI; however, I would ver technology. I do not want to only quote the ACLU in this matter and would app	
Here's what I'm looking for:	
LEGAL INFORMATION  (1) I would like to know what the FBI's guidelines are regarding what orders are pertains to location information. Do they require a search warrant or a different warrant if possible but a lesser order if not? What is the legal analysis that sup region? Things like that.	t type of order? Are agents instructed to try to get a
'(2) I would like to know what the FBI policy is regarding data from stingrays be in the application for the use of device, requested that data obtained by the collocate the cellular device. This request was granted, and that data was expund	urt order be expunged at the end of the mission to
USAGE INFORMATION I would like any information that the FBI might be able to provide on how helpf they are used and whether their use has increased or decreased in the past or	
I'm not on a daily deadline for this story, but I am on a deadline. The story nee would hope to talk with someone as soon as possible.	ds to be sent to my editors in the next few days, so I
Thank you.	
Best Regards,	
	b6 -2 ,
	Ъ7С −2
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