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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 08-24-2005
CLASSIFIED BY 65179 DMH/KJ
REASON: 1.4 (c)
DECLASSIFY ON: 08-24-2030

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

05-cv-0845

Precedence: ROUTINE

Date: 03/19/2004

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b7C

To: General Counsel

Attn: [Redacted]

Investigative Law Unit
FBIHQ Room 7326

From: [Redacted]

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Squad #2
Contact: [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted]

Case ID #: 66F-HQ-C1364260 (Pending)
66F-HQ-C1384970 (Pending)

Title: USA PATRIOT ACT
SUNSET PROVISIONS

Synopsis: To respond to the Office of General Counsel (OGC) regarding captioned matter.

Details: For information of OGC, by EC dated 02/27/2004, OGC requested field divisions provide examples, statistics, anecdotal information and brief narratives summarizing the benefits derived by the office through the use of these provisions.

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The following provisions have been used by the [Redacted]

Nationwide Search Warrants for E-mail and Associated records:

This provision has been used several times in Child Exploitation Matters (305 cases).

In one instance, a subject in [Redacted] downloaded illegal child pornography images from a server located in Fremont, California. A search warrant utilizing this provision was obtained in the [Redacted] for records in the server located in Fremont, California.

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In another 305 matter, Nationwide Search warrants were used to obtain evidence from AOL, Yahoo and 23 photo albums located on a server in the [Redacted]

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This provision was utilized in [Redacted] additional 305 investigations.

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CORRECT COPY FILED IN
66F-HQ-1384970-8611

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To: General Counsel From: [REDACTED]
Re: 66F-HQ-C1364267, 03/19/2004

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New Standard for FISA Pen/Trap:

[REDACTED]
The new standard of "relevant to an ongoing investigation" was critical in obtaining a pen/trap and the information obtained through the pen/trap will lead to a full investigation.

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Information Sharing: Section 203 (b) & (d)

This provision has been the most helpful and has been used the most throughout the division. Specifically the case where the most impact was observed is the investigation of the Palestinian Islamic Jihad (PIJ) and [REDACTED]. Specifically, before "the wall" came down, the presence of "the wall" had a negative impact on the ability of the criminal investigators to develop a viable criminal case for prosecution. There was approximately nine (9) years of FISA take that couldn't be shared with the criminal investigators. The majority of the PIJ indictment was prepared in Mid-2002, prior to "the wall" coming down, utilizing information that had been formally passed over "the wall" with appropriate authority and after substantial effort by both criminal and intelligence investigators. This information consisted of approximately 250 FISA-derived conversations and approximately 100 FISA-derived faxes.

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After "the wall" came down, in approximately January 2003, over 20,000 hours of FISA-derived intercepts became immediately available for use by the criminal investigators, which included thousands of calls previously deemed to be pertinent. Although welcome, it created a significant information overload. Consequently the criminal investigation is still ongoing, but clearly, bringing down "the wall" allowed criminal investigators the opportunity to enhance their investigation, which was already set for indictment, in spite of "the wall." The criminal investigators and prosecutors now have a clearer understanding of the criminal activities of the PIJ, because all pertinent information in possession of the FBI is now available for their use.

In addition to information sharing "in-house," this provision has broadened the sharing between federal and state and local agencies. This broadened sharing between agencies has encouraged a regular interaction between investigators. In a specific case in Orlando, information sharing has led to joint investigations or subjects in the group. Through coordination and sharing, Tampa has been able to place leaders of the targeted group in [REDACTED] which prevented them from returning to the U.S. after departing.

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To: General Counsel From: [REDACTED]
Re: 66F-HQ-C136420, 03/19/2004

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To: General Counsel From: [REDACTED]
Re: 66F-HQ-C136420, 03/19/2004

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LEAD(s):

Set Lead 1: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

Read and Clear

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