Agenda

Legal Issues
Conference 2010

What they are

What they can do

• What they are.
• What they can do.
• How they work.
• How to use them.
• Legal authorities.

What they are

What they can do
How they work

How they work

How to use them

How to use them

Legal authorities
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Sounds ok, but nothing was attached. Can you please send?
We feel your pain. In the land of common sense, our rationale has no place and I will take this issue up with our management and try to get it resolved. If it makes you feel any better, this has happened to others recently – although in not as egregious situation as this.
If we can't do this with this particular factual scenario, then I can't see a clearer one coming along. Common sense doesn't always win.
From: [Redacted]
Sent: Tuesday, September 14, 2010 8:38 AM
To: [Redacted]
Subject: RE: Question re

SECRET
RECORD

I'm glad people paid attention to my presentation. I always think that people will tune out during the legal portion. Anyway, you asked what legal authority is required to... For that, you will... 

Assistant General Counsel
935 Pennsylvania Ave., N.W.
Room [Redacted]
Washington, D.C. 20535

From: [Redacted]
Sent: Monday, September 13, 2010 5:29 PM
To: [Redacted]
Subject: Question re

I am the former CDC [Redacted] and I am currently assigned [Redacted]. One of our agents just returned from some training where you gave some guidance and our agent’s notes weren’t completely clear on what your guidance had been so I am reaching out to you since I have been advised that you are the subject matter expert. Our new CDC is not really up on this matter from the... Basically...the question in a nutshell is what legal authority is currently required to... I have seen some things on the [Redacted] that suggest we always get [Redacted] but it seems to me that... The other thing this type of order usually covers...
From: 
Sent: Friday, March 13, 2009 6:46 PM 
To: 
Cc: 
Subject: 

UNCLASSIFIED
NON-RECORD

<< File.htm >> << File.doc >> << File.doc >>

I know we've talked about this before but not in a formal setting. I wanted to pass this onto you because I hear you understand the fights we go through as case agents and are willing to help us out when we need it. I don't even know if you can help directly but at least you can look at this and get a feeling of how important this is to all case agents who work with, which is almost all, cases these days, was our representative from your unit and now I hear he has left. I'm hoping that you could work with me on this issue because it is bigger than I can handle on my own.

These three attachments (in order) are the your posted comments and then the If you look at them in order I think you'll get the idea of what a routine case. They'll just say use the (like they already do). This segways into our equally enormous task of and the fact that the office.

I'll be in San Diego all next week but my UC is cc'd and I'll have my Blackberry. I think you should maybe come to our next class May 13-15, and see what we're doing. It's good stuff and we could use someone to talk about legality. They're supposed to let me know when and then we'll have 14 days to make comments. I'd like to meet with you or at least have spoken with you by the 23rd when I get back, so I can start making our second response to the posting.

Thanks,
Based on my rudimentary understanding of and the guidance we’ve been given from DOJ and in turn disseminated to the field, etc., I agree with your response.

Please read the following and let me know if you agree with my response to the CDC in

Thanks,

You have asked whether

The simple answer to your questions is

If you are also seeking to

Please let me know if you need further information or if I have failed to adequately answer your question.

Thanks,

Asst. General Counsel
No problem...let me know what I can do to help. The U.S. Attorney's Office can also reach out to OEO (Office of Enforcement Operations) at main DOJ if they want other go-by's. I have found OEO to be very helpful and your USA's office can reach out to them if they want DOJ, instead of FBI, guidance.

Thanks for getting back to me so quickly. I appreciate your help, and I will probably need your guidance as I discuss this with the U.S. Attorney's Office.

Good talking to you a few minutes ago. I have gone through some old materials and have attached language if you or the AUSA needs additional information. I am happy to work with you on this.

I also direct your attention to the

I hope you find this information helpful, and please do not hesitate to contact me should you have any additional questions.

Thanks.

Asst. General Counsel
Science and Technology Law Unit
FBIHQ, Room

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will be in tomorrow and she may have more information on the issue.

Does this reconcile with what you have researched/worked on?

This information, below, is a significant change if it is correct as this ruling dictates that...

Now, if true, we will have to have...

Could you check on this or point me in the right direction and I will check for us??

Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation
I work with [name] and just wanted to let you know that the US attorney's office is stating that OEO [redacted].

Thanks

S,

---

Thanks. Looking forward to seeing your presentation. October is filling up but November is open for me.

Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Actually we finalized them last week and burnt a new CD, but in light of the new decision we have modified the presentation once again. We are teaching a class tonight and I will get with my partner and get you the newest version. Also, I did speak with our local Magistrate Judge regarding training in October. She recommended that we set the date(s) and they will try and get everyone there. So look at your calendar and come up with some dates that work for you in Oct/Nov.

Did you ever finish this project? I would really like to see your slides.

I just wanted to send you a quick email ref our conversation last night. I will send you via bumat a copy of our I will try to include the teaching points that we use when talking about the slides (some of the slides are self explanatory, but others need explanation). As soon as we figure out how to marry those two up, I will send it out. I am looking into conducting training for the US Dist Ct and the US Attys office sometime in October. I will let you know if we get some possible dates. I would like to have you or someone from OCG give a short presentation regarding legal issues involving
Did anyone every review and answer the questions in the e-mail below? We need to get this to understand there are a number of

Assistant General Counsel
Science and Technology Law Unit
Phone:
Cell phone:
Secure phone:
Fax:

Will have review and advise.

SSA
Unit Chief
Tracking Technology Unit
Operational Technology Division

and
Did you folks review a draft? See below, and also please have someone answer the questions in the e-mail below.

Thanks,

Assistant General Counsel
Science and Technology Law Unit

From: [Address]
Sent: Thursday, June 26, 2008 9:56 AM
To: [Address]
Cc: [Address]
Subject: PW?

SECRET
RECORD x

Just wanted to follow-up on this issue and if OTD had a chance to look at the draft sent over by and in addition have sent a few more questions regarding this issue. Thanks!

Assistant General Counsel

From: [Address]
Sent: Wednesday, June 25, 2008 1:58 PM
To: [Address]
Cc: [Address]
Subject: RE:

SECRET
RECORD x

Hi,

I reviewed the draft brief and form and had some additional questions about the technique. So here they are:

1.
2.
3.
4.
5. I would think not, but please confirm.)
So, please pass these questions on to whomever on your side is most familiar with ______. We can't move forward on getting approval of ______ without more information about exactly ______.

Thanks!

Will do, thanks. We'll be in touch.

Assistant General Counsel

Attached is a write-up of ______ that I prepared -- using information from a variety of sources. Would you please distribute it to the appropriate people within the FBI to (a) make sure the facts are accurate; and (b) get answers to my questions? I've also got ______ to the court that will need to be reviewed at our end. But getting the ______ breakdown will be more than half the battle.

Thanks very much.

<< File: pdf >>
Have we made any progress on this issue from your side of the house? We may have a case or two that we can consider. I propose we get together and hammer out the remaining legal issues. Let me know what you guys think.

Assistant General Counsel
Here is the latest correspondence on ________________________________ You can see near the bottom of the email chain, what questions remain for the FBI to address.

What's up . . . Still haven't heard from OTD, I've got a call in and will find out where they're at with this. So I hear your Falcons are going to start the rookie? My Vikes should be solid, but all depends on "fragile toes" aka Tarvaris Jackson. Talk to you later.

Assistant General Counsel

I have taken over for ________________________________ Did you or OTD get a chance to get back to her on her questions below? Give me a call tomorrow if possible and lets discuss where we are on the questions below.

Thanks,

June 25, 2008
I reviewed the draft brief and form and had some additional questions about:

So here they are:

1)

2)

3)

4)

5) (I would think not, but please confirm.)

6)

7) I think we may be able to deal with this

So, please pass these questions on to whomever on your side is most familiar with... We can't move forward on getting approval of... without more information about exactly...

Thanks!

Will do, thanks. We'll be in touch.
Attached is a document that I prepared -- using information from a variety of sources. Would you please distribute it to the appropriate people within the FBI to (a) make sure the facts are accurate; and (b) get answers to my questions? I've also got one that will need to be reviewed at our end. But getting the information down will be more than half the battle.

Thanks very much.

<< File: [pdf] >>

From: [email]
Sent: [date]
To: [email]
Subject: [subject]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Have we made any progress on this issue from your side of the house? We may have a case or two that we can consider. I propose we get together and hammer out the remaining legal issues. Let me know what you guys think.

Assistant General Counsel

SENSITIVE BUT UNCLASSIFIED

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SECRET

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SECRET
I don't have experience with this and can't really give advice beyond reading what has left behind. The presentation I was looking at is available here.

These and other documents are available from this page.

Assistant General Counsel, OGC STLU

-----Original Message-----
From: Thursday, August 23, 2007 9:16 AM
To: 
Cc: 
Subject: RE

UNCLASSIFIED
NON-RECORD

Sorry, not me.

Assistant General Counsel
Science and Technology Law Unit
Phone
Cell phone
Secure phone
Fax

-----Original Message-----
From: Wednesday, August 22, 2007 7:07 PM
To: 
Cc: 
Subject: FW:
Importance: High

UNCLASSIFIED
NON-RECORD

Do any of you have any thoughts on the below or prior experience with these issues, in absence?

Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel

-----Original Message-----
From: Wednesday, August 22, 2007 5:25 PM
To: 3
Thank you!

-----Original Message-----
From: [Name]
Sent: Wednesday, August 22, 2007 1:54 PM
To: [Name]
Subject: RE

UNCLASSIFIED
NON-RECORD

Running into more meetings...will take a look later this afternoon and hope to get back to you soon, hopefully by tomorrow morning.

Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel

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-----Original Message-----
From: [Name]
Sent: Wednesday, August 22, 2007 1:55 PM
To: [Name]
Subject: FW

UNCLASSIFIED
NON-RECORD

I sent the below message to [Name] for some legal assistance, but got her "out of office" reply. Would you have time to address these questions?

Thanks,
I have no idea.

I have seen this, but I heard that it was never approved, uploaded, etc. Do either of you know if it was approved?
Thanks for taking the time to look into this. I re-read the e-mail from our US Attorney and just so I am not putting words in her mouth she stated: ...Although DOJ wants to take the position...

Just wanted to pass this along as a trend that at least our US Attorneys office seems to be heading toward.
From: [Redacted]
Sent: Wednesday, October 15, 2008 1:27 PM
To: [Redacted]
Subject: RE: UNCLASSIFIED NON-RECORD

I will have to send this up to OGC for additional information. I haven't heard this from any other source. Thanks.

Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation

From: [Redacted]
Sent: Wednesday, October 15, 2008 9:13 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: UNCLASSIFIED NON-RECORD

I just wanted to let you know that the US attorneys office is stating that

Thanks

Desk
Fax: [Redacted]
Cell: [Redacted]
Thanks. Looking forward to seeing you presentation. October is filling up but November is open for me.

Assistant General Counsel
Science and Technology Law Unit
Office of the General Counsel
Federal Bureau of Investigation

Actually we finalized them last week and burnt a new CD, but in light of the new decision we have modified the presentation once again. We are teaching a class tonight and I will get with my partner and get you are newest version. Also, I did speak with our local Magistrate Judge regarding training in October. She recommended that we set the date(s) and they will try and get everyone there. So look at your calendar and come up with some dates that work for you in Oct/Nov.

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just wanted to send you a quick email ref our conversation last night. I will send you via burnmail a copy of our slides. I will try to include the teaching points that we use when talking about the slides (some of the slides are self-explanatory, but others need explanation). As soon as we figure out how to marry those two up, I will send it out. I am looking into conducting training for the US Dist Ct and the US Atty's office sometime in October. I will let you know if we get some possible dates. I would like to have you or someone from OCG give a short presentation regarding legal issues involving

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I sent the attached email out in early November. This reflects general DOJ/OGC guidance as it went out to all CDC’s - I recognize.

Also, just FYI, it is my understanding that OTD is working on

OGC Guidance concerning Request:

Section Chief
Science and Technology Law Office
Office of the General Counsel
HQ

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Please review the below message from one SSAs. If there is a comprehensive OGC policy in regard to please advise.

Thanks,

CDC
I did have a question regarding the last sentence of the second paragraph. It is not clear to me what is intended here.

Also, I am concerned about the OGC Guidance concerning Reque:

I am assuming there is no problem with this so I am going to go ahead and send it out.
Please see the write-up about this matter below, which I reviewed in their absence. I agree with the assessment that there does not seem to be anything else for OGC to do regarding this matter right now.

Please let me know if you have any questions or would like us to take any further action.

---

From: [Name]
Sent: Thursday, August 07, 2008 8:55 AM
To: [Name]
Subject: RE: [Name]

UNCLASSIFIED
NON-RECORD

I did not get the opportunity to read/take action on this yesterday. He asked that I forward it to you for your review and that you then pass it on to [Name] in case she had any questions.

Thanks,

[Name]
Thanks,

No, he did not raise this issue with me. Is there anything you would like me to do?

Did you share anything about this with you? Please advise.

Where do we stand on the guidance related to

Section Chief
Science and Technology Law Office
Office of the General Counsel
HQ

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From:

Sent: Friday, August 01, 2008 7:45 PM
FYI. Did you know about this kerfluffle?

I don't see you on this and thought you ought to at least know about the chatter. My understanding is that there is proposed policy in the AGG Implementation Guide that discusses the issue but I haven't seen it.

Head, Office of Integrity and Compliance
FBI Deputy Designated Agency Ethics Official
OIC Webpage

This is the story as I understand it. I haven't spoken to yet, but I understand that the acting ASAC has spoken to this morning.

A few weeks/months ago, the

As I thought, it doesn't sound like any effort was made by the
Hope that helps,

Office of Integrity and Compliance

Learn about the OIC at

This communication may be Privileged or otherwise Deliberative, and should not be disseminated outside of the FBI without the concurrence of OGC.

---

I believe you are referring to a paper by [Name] who was in OGC at the time. Do you have (or recall) such a paper?

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All - we need to get back to the Staffer on this - this has been a recurring issue for years with us and I remember a white paper that was done that addressed our concerns. I am fairly certain it was an OTD document. Could you have someone see if that rings a bell?
Hey there legal beagle expert on all techie matters. Is the below still correct to the best of your knowledge as it relates
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If we can’t do this with this particular factual scenario, then I can’t see a clearer one coming along. Common sense doesn’t always win.
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