

2008

Memorandum



To : Assistant Attorney General Date February 24, 2009
Criminal Division
From : Attention: Maureen Killion
Assistant Director *me*
Operational Technology Division
Subject : PEN REGISTER AND TRAP/TRACE UTILIZATION
LEGISLATION AND REPORT REQUIREMENTS

Reference Assistant Attorney General, Criminal Division letter dated November 24, 1987 titled "Pen Register and Trap and Trace Devices-New Legislation and Report Requirements."

In accordance with referenced communication and the provisions of the Electronic Communications Privacy Act of 1986 (Act), the Federal Bureau of Investigation is reporting the attached information on the utilization of pen register and trap/trace techniques for the period January 1, 2008 to December 31, 2008. Also included is data specifically covering the utilization of Email/network pen register and trap/trace techniques for the same period.

With regard to traditional telephony pen register utilization for the 2008 calendar year, a total of 4068 court orders were obtained covering 4698 telephone lines. In addition, the traditional telephony trap/trace technique was authorized in a total of 2365 court orders covering 2737 telephone lines.

With regard to Email/network pen register utilization for the 2008 calendar year, a total of 59 court orders were authorized covering 63 Email/network devices. In addition, a total of 45 court orders were authorized for the trap/trace technique covering 49 Email/network devices.

AGENCY: Federal Bureau of Investigation
Pen Register/Trap and Trace Applications for Calendar Year 2008
January 1 - December 31, 2008

TELEPHONY PEN REGISTER APPLICATIONS - DATA SUMMARY

Total Number of Original Orders:	2092
Total Number of Extension Orders:	1976
Total Number of Investigations Involved:	1655
Total Number of Persons (Lines) whose Telephone Facilities were affected:	4698

TELEPHONY PEN REGISTER APPLICATIONS
COURT ORDER DATA PER VIOLATION

21 USC § 801 et seq.

Organized Crime Drug Enforcement Task Force

Telephone lines covered - original order:	772
Telephone lines covered - extension order:	645

18 USC § 1073

Unlawful Flight to Avoid Prosecution

Telephone lines covered - original order:	23
Telephone lines covered - extension order:	1

18 USC § 1005

Financial Institution Fraud

Telephone lines covered - original order:	16
Telephone lines covered - extension order:	8

18 USC § 41

Extortion

Telephone lines covered - original order:	10
Telephone lines covered - extension order:	1

18 USC § 2113

Bank Robbery

Telephone lines covered - original order:	20
Telephone lines covered - extension order:	11

18 USC § 922

Actual and Attempted Bombing and All Other Cases Including Threats

Telephone lines covered - original order:	18
Telephone lines covered - extension order:	10

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18 USC § 1201-1203

Kidnapping

Telephone lines covered - original order: 18
Telephone lines covered - extension order: 8

18 USC § 2314-2315

Interstate Transportation of Stolen Property

Telephone lines covered - original order: 0
Telephone lines covered - extension order: 5

18 USC § 1955

Illegal Gambling Business

Telephone lines covered - original order: 1
Telephone lines covered - extension order: 2

18 USC § 1952

Interstate Transportation in Aid
of Racketeering

Telephone lines covered - original order: 6
Telephone lines covered - extension order: 1

18 USC § 32(a)(1)(a), 371

International Terrorism

Telephone lines covered - original order: 195
Telephone lines covered - extension order: 271

18 USC § 1951

Hobbs Act - Commercial Institutions

Telephone lines covered - original order: 4
Telephone lines covered - extension order: 0

18 USC § 1962, 1963

Racketeering Enterprise Investigation

Telephone lines covered - original order: 11
Telephone lines covered - extension order: 5

18 USC § 186; 29 USC § 186

Labor Racket - LCN Nexus

Telephone lines covered - original order: 2
Telephone lines covered - extension order: 9

18 USC § 1951; 21 USC § 846

Hobbs Act - Armored Carrier

Telephone lines covered - original order: 3
Telephone lines covered - extension order: 4

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<u>18 USC § 371, 2314; 21 USC § 1951</u>	
<u>Interstate Transportation of Stolen Motor Vehicle</u>	
Telephone lines covered - original order:	2
Telephone lines covered - extension order:	0
<u>18 USC § 2332(b)</u>	
<u>Acts of Terrorism in the United States</u>	
<u>Domestic Terrorism</u>	
Telephone lines covered - original order:	43
Telephone lines covered - extension order:	36
<u>18 USC § 1341</u>	
<u>Frauds and Swindles</u>	
Telephone lines covered - original order:	2
Telephone lines covered - extension order:	0
<u>18 USC § 201, 371, 1001; 21 USC § 841, 846</u>	
<u>Corruption of Federal Public Officials</u>	
<u>Executive Branch</u>	
Telephone lines covered - original order:	22
Telephone lines covered - extension order:	7
<u>18 USC § 1952, 1956, 1957</u>	
<u>21 USC § 841(a)(1), 843(d), 846</u>	
<u>Money Laundering</u>	
Telephone lines covered - original order:	21
Telephone lines covered - extension order:	15
<u>18 USC § 1951, 1955, 1961; 21 USC § 841, 843, 846</u>	
<u>Criminal Enterprise Investigations</u>	
Telephone lines covered - original order:	860
Telephone lines covered - extension order:	719
<u>18 USC § 371, 1341, 1343</u>	
<u>Market Manipulation</u>	
Telephone lines covered - original order:	4
Telephone lines covered - extension order:	3
<u>18 USC § 1958</u>	
<u>Murder-For-Hire</u>	
Telephone lines covered - original order:	2
Telephone lines covered - extension order:	0

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18 USC § 1084

Transmission of Wagering Information

Telephone lines covered - original order: 5
Telephone lines covered - extension order: 3

18 USC § 1589, 1591

Human Trafficking

Telephone lines covered - original order: 11
Telephone lines covered - extension order: 3

18 USC § 1341

Fraud and Related Activity - Ident Documents

Telephone lines covered - original order: 7
Telephone lines covered - extension order: 19

18 USC § 1029, 1030, 2511, 2701

Computer Intrusion

Telephone lines covered - original order: 23
Telephone lines covered - extension order: 3

18 USC § 503, 666, 841(a)(1), 846, 1341, 1343

Health Care Fraud

Telephone lines covered - original order: 12
Telephone lines covered - extension order: 10

18 USC § 641

Theft of Government Property

Telephone lines covered - original order: 1
Telephone lines covered - extension order: 0

18 USC § 1589

White Slave Traffic Act

Telephone lines covered - original order: 8
Telephone lines covered - extension order: 6

18 USC § 2, 2251, 2252

Innocent Images National Initiative

Telephone lines covered - original order: 6
Telephone lines covered - extension order: 0

18 USC § 1117, 1951, 1952, 2384

Terrorism Enterprise Investigations

Telephone lines covered - original order: 0
Telephone lines covered - extension order: 2

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<u>18 USC § 2332(a)</u>	
<u>Use, Possession, Transfer, Production,</u>	
<u>Transport of Weapons of Mass Destruction</u>	
Telephone lines covered - original order:	5
Telephone lines covered - extension order:	14
<u>18 USC § 186, 1962</u>	
<u>Corruption of State and Local Public Officials</u>	
Telephone lines covered - original order:	202
Telephone lines covered - extension order:	316
<u>18 USC § 1114, 1512(b)(3), 1958</u>	
<u>Assaulting or Killing a Federal Officer</u>	
Telephone lines covered - original order:	1
Telephone lines covered - extension order:	9
<u>18 USC § 1951</u>	
<u>Interference with Commerce by Threat of Violence</u>	
Telephone lines covered - original order:	2
Telephone lines covered - extension order:	0
<u>18 USC § 666</u>	
<u>Corruption Federal Public Officials - Federal Bribery</u>	
Telephone lines covered - original order:	3
Telephone lines covered - extension order:	5
<u>18 USC § 1203, 2703</u>	
<u>Hostage Taking - Non Terrorism Related</u>	
Telephone lines covered - original order:	3
Telephone lines covered - extension order:	0
<u>18 USC § 1084</u>	
<u>Internet Gambling/Advertising</u>	
Telephone lines covered - original order:	0
Telephone lines covered - extension order:	25
<u>18 USC § 2703</u>	
<u>Bank Burglary, Larceny \$10,000+</u>	
Telephone lines covered - original order:	1
Telephone lines covered - extension order:	2
<u>18 USC § 1831</u>	
<u>Economic Espionage</u>	
Telephone lines covered - original order:	0
Telephone lines covered - extension order:	3

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18 USC § 912

Impersonation - All Others

Telephone lines covered - original order: 1
Telephone lines covered - extension order: 0

18 USC § 15, 1343

Antitrust

Telephone lines covered - original order: 0
Telephone lines covered - extension order: 5

18 USC § 664

Theft or Embezzlement from Employee Benefit Plan

Telephone lines covered - original order: 0
Telephone lines covered - extension order: 3

18 USC § 1341, 1343, 2703(c)

Corporate Fraud

Telephone lines covered - original order: 12
Telephone lines covered - extension order: 15

18 USC § 3146

High Yield Securities Fraud - Failure to Appear

Telephone lines covered - original order: 1
Telephone lines covered - extension order: 0

15 USC § 78(j)(b), 371

Insider Trading

Telephone lines covered - original order: 48
Telephone lines covered - extension order: 27

18 USC § 371, 1028, 1341, 1343, 1344

Other Securities/Commodities Fraud

Telephone lines covered - original order: 10
Telephone lines covered - extension order: 2

18 USC § 842(a)(1), 846, 1346, 1512, 1951

Import, Manufacture, Distribute Explosives; Mail Fraud;

Obstruction of Justice; Racketeering

Telephone lines covered - original order: 11
Telephone lines covered - extension order: 14

18 USC § 1956, 2703

Mortgage Fraud

Telephone lines covered - original order: 10
Telephone lines covered - extension order: 13

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TELEPHONY TRAP AND TRACE APPLICATIONS - DATA SUMMARY

Total Number of Original Orders:	1134
Total Number of Extension Orders:	1231
Total Number of Investigations Involved:	1027
Total Number of Persons (Lines) whose Telephone Facilities were affected:	2737

TELEPHONY TRAP AND TRACE APPLICATIONS
COURT ORDER DATA PER VIOLATION

21 USC § 801 et seq.

Organized Crime Drug Enforcement Task Force

Telephone lines covered - original order:	475
Telephone lines covered - extension order:	441

18 USC § 1073

Unlawful Flight to Avoid Prosecution

Telephone lines covered - original order:	14
Telephone lines covered - extension order:	0

18 USC § 41

Extortion

Telephone lines covered - original order:	7
Telephone lines covered - extension order:	1

18 USC § 2113

Bank Robbery

Telephone lines covered - original order:	15
Telephone lines covered - extension order:	13

18 USC § 1117, 1951, 1952, 2384

Terrorism Enterprise Investigations

Telephone lines covered - original order:	0
Telephone lines covered - extension order:	2

18 USC § 1201-1203

Kidnapping

Telephone lines covered - original order:	11
Telephone lines covered - extension order:	0

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<u>18 USC § 2343</u>	
<u>Interstate Transportation of Stolen Property</u>	
Telephone lines covered - original order:	0
Telephone lines covered - extension order:	5
<u>18 USC § 115</u>	
<u>Assaulting or Killing a Federal Officer</u>	
Telephone lines covered - original order:	1
Telephone lines covered - extension order:	9
<u>18 USC § 1955</u>	
<u>Illegal Gambling Business</u>	
Telephone lines covered - original order:	0
Telephone lines covered - extension order:	1
<u>18 USC § 2332(b)</u>	
<u>Acts of Terrorism in the US - Domestic Terrorism</u>	
Telephone lines covered - original order:	25
Telephone lines covered - extension order:	27
<u>18 USC § 1005</u>	
<u>Financial Institution Fraud</u>	
Telephone lines covered - original order:	4
Telephone lines covered - extension order:	3
<u>18 USC § 186, 1341</u>	
<u>Labor Racket - LCN Nexus</u>	
Telephone lines covered - original order:	0
Telephone lines covered - extension order:	6
<u>18 USC § 1951, 1952</u>	
<u>Hobbs Act - Commercial Institutions</u>	
Telephone lines covered - original order:	4
Telephone lines covered - extension order:	0
<u>18 USC § 1952, 1956, 1957</u>	
<u>Money Laundering</u>	
Telephone lines covered - original order:	13
Telephone lines covered - extension order:	11
<u>18 USC § 201</u>	
<u>Corruption of Federal Public Officials</u>	
<u>Executive Branch</u>	
Telephone lines covered - original order:	4
Telephone lines covered - extension order:	2

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18 USC § 1962, 1963

Racketeering Enterprise Investigation

Telephone lines covered - original order: 9
Telephone lines covered - extension order: 3

18 USC § 842, 875, 1958

Actual and Attempted Bombings - All Other Cases
Including Threats

Telephone lines covered - original order: 4
Telephone lines covered - extension order: 1

18 USC § 1203, 2703

Hosting Taking - NON Terrorism Related

Telephone lines covered - original order: 2
Telephone lines covered - extension order: 0

18 USC § 1028

Fraud and Related Activity

Telephone lines covered - original order: 2
Telephone lines covered - extension order: 19

18 USC § 666, 841(a)(1), 846, 1341

Health Care Fraud

Telephone lines covered - original order: 9
Telephone lines covered - extension order: 9

18 USC § 1029, 1030, 2511, 2701

Computer Intrusion

Telephone lines covered - original order: 12
Telephone lines covered - extension order: 3

18 USC § 32(a)(1)(5), 371

International Terrorism

Telephone lines covered - original order: 100
Telephone lines covered - extension order: 206

42 USC § 3631

Market Manipulation

Telephone lines covered - original order: 3
Telephone lines covered - extension order: 0

18 USC § 2422

White Slave Traffic Act

Telephone lines covered - original order: 6
Telephone lines covered - extension order: 7

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<u>18 USC § 841, 1202, 1203, 1512</u>	
<u>Illegal Explosives; Hostage Taking; Witness Tampering</u>	
Telephone lines covered - original order:	2
Telephone lines covered - extension order:	0
<u>18 USC § 186, 1962</u>	
<u>Corruption of State and Local Public Officials</u>	
Telephone lines covered - original order:	111
Telephone lines covered - extension order:	187
<u>26 USC § 5861</u>	
<u>Illegal Possession of Firearms</u>	
Telephone lines covered - original order:	2
Telephone lines covered - extension order:	0
<u>18 USC § 2, 2251, 2252</u>	
<u>Sexual Exploitation of Minors</u>	
Telephone lines covered - original order:	5
Telephone lines covered - extension order:	0
<u>18 USC § 1831</u>	
<u>Economic Espionage</u>	
Telephone lines covered - original order:	0
Telephone lines covered - extension order:	3
<u>18 USC § 666</u>	
<u>Corruption Federal Public Officials - Federal Bribery</u>	
Telephone lines covered - original order:	0
Telephone lines covered - extension order:	4
<u>18 USC § 371, 1084</u>	
<u>Internet Gambling/Advertising</u>	
Telephone lines covered - original order:	0
Telephone lines covered - extension order:	25
<u>18 USC § 912</u>	
<u>Impersonation - All Others</u>	
Telephone lines covered - original order:	1
Telephone lines covered - extension order:	0
<u>18 USC § 641</u>	
<u>Theft of Government Property</u>	
Telephone lines covered - original order:	1
Telephone lines covered - extension order:	0

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18 USC § 15, 1343

Antitrust

Telephone lines covered - original order: 0
Telephone lines covered - extension order: 5

18 USC § 114, 373, 1958, 2261

Interstate Transportation in Aid of Racketeering

Telephone lines covered - original order: 2
Telephone lines covered - extension order: 1

18 USC § 371, 1951, 2113

Hobbs Act - Armored Carrier

Telephone lines covered - original order: 2
Telephone lines covered - extension order: 0

18 USC § 371

Threaten/Attempt to Use, Possess, Produce or
Transport Weapons of Mass Destruction

Telephone lines covered - original order: 0
Telephone lines covered - extension order: 1

18 USC § 371, 892, 894, 1344, 1951, 1955, 1956,
1959, 1961, 2510, 2518

Criminal Enterprise

Telephone lines covered - original order: 440
Telephone lines covered - extension order: 391

18 USC § 1341, 1343, 2703(c)

Corporate Fraud

Telephone lines covered - original order: 6
Telephone lines covered - extension order: 16

18 USC § 3146

High Yield Securities Fraud

Telephone lines covered - original order: 1
Telephone lines covered - extension order: 1

18 USC § 371, 846, 1028, 1341, 1343, 1344

Other Security/Commodities Fraud

Telephone lines covered - original order: 7
Telephone lines covered - extension order: 1

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21 USC § 841, 846, 1512, 1951

Import, Manufacture, Distribute Explosives;

Mail Fraud; Racketeering

Telephone lines covered - original order:	9
Telephone lines covered - extension order:	12

18 USC § 1956

Mortgage Fraud

Telephone lines covered - original order:	6
Telephone lines covered - extension order:	6

EMAIL/NETWORK PEN REGISTER APPLICATIONS - DATA SUMMARY

Total Number of Original Orders:	37
Total Number of Extension Orders:	22
Total Number of Investigations Involved:	42
Total Number of Persons (Email/Network Devices) whose Email/Network Facilities were affected:	63

EMAIL/NETWORK PEN REGISTER APPLICATIONS
COURT ORDER DATA PER VIOLATION

18 USC § 875

Financial Institution Fraud

Email/Network devices covered - original order:	6
Email/Network devices covered - extension order:	0

18 USC § 37, 1030

Other Wire and Mail Fraud

Email/Network devices covered - original order:	1
Email/Network devices covered - extension order:	0

18 USC § 1343

Internet Fraud

Email/Network devices covered - original order:	1
Email/Network devices covered - extension order:	0

18 USC § 503, 666

Health Care Fraud

Email/Network devices covered - original order:	1
Email/Network devices covered - extension order:	0

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<u>18 USC § 841</u>	
<u>Import, Manufacture, Distribute Explosives</u>	
Email/Network devices covered - original order:	0
Email/Network devices covered - extension order:	4
<u>21 USC § 841</u>	
<u>Possess, Manufacture, Distribute Illegal Substance</u>	
Email/Network devices covered - original order:	3
Email/Network devices covered - extension order:	1
<u>18 USC § 1084, 1955</u>	
<u>Illegal Gambling</u>	
Email/Network devices covered - original order:	2
Email/Network devices covered - extension order:	3
<u>21 USC § 84(a)(1), 846</u>	
<u>Criminal Enterprise</u>	
Email/Network devices covered - original order:	1
Email/Network devices covered - extension order:	0
<u>18 USC § 1831, 1832</u>	
<u>Economic Espionage</u>	
Email/Network devices covered - original order:	1
Email/Network devices covered - extension order:	2
<u>18 USC § 130, 371, 1028, 1029, 1030, 1037, 1343</u>	
<u>Computer Intrusion</u>	
Email/Network devices covered - original order:	11
Email/Network devices covered - extension order:	4
<u>18 USC § 371</u>	
<u>Conspiracy</u>	
Email/Network devices covered - original order:	1
Email/Network devices covered - extension order:	0
<u>18 USC § 1344</u>	
<u>Financial Institution Fraud</u>	
Email/Network devices covered - original order:	2
Email/Network devices covered - extension order:	0
<u>18 USC § 2319</u>	
<u>IPR Infringement, Copyright Infringement</u>	
Email/Network devices covered - original order:	1
Email/Network devices covered - extension order:	0

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18 USC § 922, 2339(a)(b)

International Terrorism

Email/Network devices covered - original order: 3
Email/Network devices covered - extension order: 5

18 USC § 371, 1028, 1341, 1343, 1344

Other Security/Commodities Fraud

Email/Network devices covered - original order: 2
Email/Network devices covered - extension order: 0

18 USC § 1203

Hostage Taking

Email/Network devices covered - original order: 0
Email/Network devices covered - extension order: 2

18 USC § 1073

Flight to Avoid Prosecution

Email/Network devices covered - original order: 4
Email/Network devices covered - extension order: 1

18 USC § 219

Foreign Agents Registration Act

Email/Network devices covered - original order: 1
Email/Network devices covered - extension order: 0

EMAIL/NETWORK TRAP AND TRACE APPLICATIONS

DATA SUMMARY

Total Number of Original Orders: 28
Total Number of Extension Orders: 17
Total Number of Investigations Involved: 35
Total Number of Persons (Email/Network Devices)
whose Email/Network Facilities were affected: 49

EMAIL/NETWORK TRAP AND TRACE APPLICATIONS

COURT ORDER DATA PER VIOLATION

18 USC § 1005

Financial Institution Fraud

Email/Network devices covered - original order: 5
Email/Network devices covered - extension order: 0

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18 USC § 875

Internet Extortion

Email/Network devices covered - original order: 2
Email/Network devices covered - extension order: 0

18 USC § 1343

Internet Fraud

Email/Network devices covered - original order: 1
Email/Network devices covered - extension order: 0

18 USC § 1347

Health Care Fraud

Email/Network devices covered - original order: 1
Email/Network devices covered - extension order: 0

21 USC § 841

Possess, Manufacture, Distribute Illegal Substance

Email/Network devices covered - original order: 0
Email/Network devices covered - extension order: 4

18 USC § 844(F)(i)(N), 1361, 2331(5)

Malicious Mischief; International Terrorism

Email/Network devices covered - original order: 4
Email/Network devices covered - extension order: 5

18 USC § 1084, 1955

Illegal Gambling

Email/Network devices covered - original order: 0
Email/Network devices covered - extension order: 1

18 USC § 2516, 2518

Organized Crime

Email/Network devices covered - original order: 0
Email/Network devices covered - extension order: 1

18 USC § 1831, 1832

Economic Espionage

Email/Network devices covered - original order: 1
Email/Network devices covered - extension order: 2

18 USC § 371, 1028, 1028(a), 1029, 1029(a), 1030, 1030(b), 1037, 1343

Computer Intrusion

Email/Network devices covered - original order: 6
Email/Network devices covered - extension order: 2

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18 USC § 371

Conspiracy

Email/Network devices covered - original order: 1
Email/Network devices covered - extension order: 0

18 USC § 1344

Financial Institution Fraud

Email/Network devices covered - original order: 2
Email/Network devices covered - extension order: 0

18 USC § 2319

IPR Infringement, Copyright Infringement

Email/Network devices covered - original order: 1
Email/Network devices covered - extension order: 0

15 USC § 78(j)(b), 371

Insider Trading

Email/Network devices covered - original order: 3
Email/Network devices covered - extension order: 0

18 USC § 1203

Hostage Taking

Email/Network devices covered - original order: 0
Email/Network devices covered - extension order: 1

18 USC § 1073

Flight to Avoid Prosecution

Email/Network devices covered - original order: 5
Email/Network devices covered - extension order: 1