

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

---

ELECTRONIC FRONTIER FOUNDATION )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
U.S. DEPARTMENT OF JUSTICE, )  
 )  
Defendant. )  

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Civil Action No. 10-CV-04892

**Exhibit M**

NPO

[Redacted]

From: [Redacted]  
Sent: Friday, July 24, 2009 3:48 PM  
To: [Redacted]  
Subject: FW: fbi going dark

b6  
b7c

-----Original Message-----

From: [Redacted]  
Sent: Monday, May 11, 2009 4:03 PM  
To: [Redacted]  
Subject: RE: fbi going dark

[Redacted] - per your request:

On the record (if you need attribution: Marcus Thomas, Assistant Director, Operational Technology Division):

'Going Dark' is the program name given to the FBI's efforts to utilize innovative technology; foster cooperation with industry; and assist our state, local, and tribal law enforcement partners in a collaborative effort to close the growing gap between lawful interception requirements and our capabilities. The term applies to the research and development of new tools, technical support and training initiatives.

Background:

One purpose of the Communications Assistance for Law Enforcement Act (CALEA) when passed in 1994 was to make clear the duty incumbent on telecommunication carriers to cooperate with law enforcement in the interception of communications when lawfully authorized. Among the original reasons the FBI advocated strongly for CALEA was our fear that the emergence of digital telephone exchange switch technology was and would make the lawful intercept of telephone based communications extremely difficult if not impossible for US law enforcement.

In the years since CALEA was passed, US law enforcement has successfully leveraged CALEA to maintain a capability to intercept with appropriate authority the telephonic communications of criminals.

However, in recent years and despite the success of CALEA, it has become clear that US law enforcement lacks the resources, flexibility, and agility to respond adequately to rapidly-evolving and constantly changing Internet based communications technology.

'Going Dark' is the program name given to the FBI's efforts to utilize innovative technology; foster cooperation with industry; and assist our state, local, and tribal law enforcement partners in a collaborative effort to close the growing gap between lawful interception requirements and our capabilities.

b6  
b7c

---

From: [redacted] [mailto:[redacted]@politico.com]  
Sent: Monday, May 11, 2009 10:41 AM  
To: [redacted]  
Subject: fbi going dark

thanks for that

if you have a few lines you could send me i'd appreciate

thanks

[redacted]

[redacted]

POLITICO

703 980 5029

[redacted].com

EFF/Cardozo-2

b6  
b7c

[Redacted]

**From:** [Redacted]  
**Sent:** Friday, July 24, 2009 3:48 PM  
**To:** [Redacted]  
**Subject:** Out of Office: fbi going dark

[Redacted] per request

I will be out of the office beginning July 20-27.

- [Redacted]

Thank you.

7/24/09

EFF/Cardozo-3

[Redacted]

From: [Redacted]  
Sent: Monday, May 11, 2009 4:03 PM  
To: [Redacted]  
Subject: RE: fbi going dark

b6  
b7c

[Redacted] per your request:

On the record (if you need attribution: Marcus Thomas, Assistant Director, Operational Technology Division):

'Going Dark' is the program name given to the FBI's efforts to utilize innovative technology; foster cooperation with industry; and assist our state, local, and tribal law enforcement partners in a collaborative effort to close the growing gap between lawful interception requirements and our capabilities. The term applies to the research and development of new tools, technical support and training initiatives.

Background:

One purpose of the Communications Assistance for Law Enforcement Act (CALEA) when passed in 1994 was to make clear the duty incumbent on telecommunication carriers to cooperate with law enforcement in the interception of communications when lawfully authorized. Among the original reasons the FBI advocated strongly for CALEA was our fear that the emergence of digital telephone exchange switch technology was and would make the lawful intercept of telephone based communications extremely difficult if not impossible for US law enforcement.

In the years since CALEA was passed, US law enforcement has successfully leveraged CALEA to maintain a capability to intercept with appropriate authority the telephonic communications of criminals.

However, in recent years and despite the success of CALEA, it has become clear that US law enforcement lacks the resources, flexibility, and agility to respond adequately to rapidly-evolving and constantly changing Internet based communications technology.

'Going Dark' is the program name given to the FBI's efforts to utilize innovative technology; foster cooperation with industry; and assist our state, local, and tribal law enforcement partners in a collaborative effort to close the growing gap between lawful interception requirements and our capabilities.

From: [Redacted] [mailto:[Redacted]@politico.com]  
Sent: Monday, May 11, 2009 10:41 AM

EFF/Cardozo-4

To: [redacted]  
Subject: fbi going dark

b6  
b7c

thanks for that

if you have a few lines you could send me i'd appreciate

thanks

[redacted]

[redacted]

POLITICO

[redacted]

[redacted]@politico.com

EFF/Cardozo-5

[Redacted]

**From:** [Redacted]  
**Sent:** Monday, May 11, 2009 11:22 AM  
**To:** [Redacted]  
**Cc:** Kolko, Richard  
**Subject:** FW: fbi going dark

Mike,

Just received another 'Going Dark' media inquiry. For this response and in anticipation of more, would you be okay with us sending the following to reporters requesting information about the program:

On the record, attributed to Marcus Thomas, Assistant Director, Operational Technology Division:

'Going Dark' is the program name given to the FBI's efforts to utilize innovative technology; foster cooperation with industry; and assist our state, local, and tribal law enforcement partners in a collaborative effort to close the growing gap between lawful interception requirements and our capabilities. The term applies to the research and development of new tools, technical support and training initiatives.

Background (from Marcus Thomas, edited by Louis Grever):

"One purpose of the Communications Assistance for Law Enforcement Act (CALEA) when passed in 1994 was to make clear the duty incumbent on telecommunication carriers to cooperate with law enforcement in the interception of communications when lawfully authorized. Among the original reasons the FBI advocated strongly for CALEA was our fear that the emergence of digital telephone exchange switch technology was and would make the lawful intercept of telephone based communications extremely difficult if not impossible for US law enforcement.

In the years since CALEA was passed, US law enforcement has successfully leveraged CALEA to maintain a capability to intercept with appropriate authority the telephonic communications of criminals.

However, in recent years and despite the success of CALEA, it has become clear that US law enforcement lacks the resources, flexibility, and agility to respond adequately to rapidly-evolving and constantly changing Internet based communications technology.

'Going Dark' is the program name given to the FBI's efforts to utilize innovative technology; foster cooperation with industry; and assist our state, local, and tribal law enforcement partners in a collaborative effort to close the growing gap between lawful interception requirements and our capabilities."

EFF/Cardozo-6

b6  
b7c

---

From: [redacted] [mailto:[redacted]@politico.com]  
Sent: Monday, May 11, 2009 10:41 AM  
To: [redacted]  
Subject: fbi going dark

thanks for that

if you have a few lines you could send me i'd appreciate

thanks

[redacted]

[redacted]

POLITICO

[redacted]

[redacted]@politico.com

EFF/Cardozo-7

[Redacted]

From: [Redacted]  
Sent: Friday, May 08, 2009 8:07 PM  
To: [Redacted]@abc.com  
Subject: Re: "Going Dark" Program

Please use Marcus Thomas' name - thanks

From: [Redacted]@abc.com>  
To: [Redacted]  
Sent: Fri May 08 19:02:05 2009  
Subject: Re: "Going Dark" Program

Thank you very much. Can I use this on the record from you?

From: [Redacted]@ic.fbi.gov>  
To: [Redacted]@abc.com>  
Sent: Fri May 08 18:56:59 2009  
Subject: Re: "Going Dark" Program

The term "Going Dark" does not refer to a specific capability, but is a program name for the part of the FBI, Operational Technology Division's (OTD) lawful interception program which is shared with other law enforcement agencies.

The term applies to the research and development of new tools, technical support and training initiatives.

It is overseen by Marcus C. Thomas, Assistant Director, OTD.

From: [Redacted]@abc.com>  
To: [Redacted]  
Sent: Fri May 08 18:22:53 2009  
Subject: Re: "Going Dark" Program

Thank you.

From: [Redacted]@ic.fbi.gov>  
To: [Redacted]@abc.com>  
Sent: Fri May 08 18:19:58 2009  
Subject: Re: "Going Dark" Program

Hi - hoping to get answers soon - will get back asap

EFF/Cardozo-8

From: [redacted]@abc.com>  
To: [redacted]  
Sent: Fri May 08 17:44:55 2009  
Subject: "Going Dark" Program

b6  
b7c

[redacted]

I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

When was it established and who oversees it.

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[redacted]  
ABC News  
[redacted]

EFF/Cardozo-9

b6  
b7c

[Redacted]

**From:** [Redacted]  
**Sent:** Friday, May 08, 2009 8:06 PM  
**To:** [Redacted]  
**Subject:** Re: "Going Dark" Program

Thanks

---

**From:** [Redacted]  
**To:** [Redacted]  
**Sent:** Fri May 08 20:04:33 2009  
**Subject:** Re: "Going Dark" Program

Marcus

SSA [Redacted] FBI  
[Redacted]

---

**From:** [Redacted]  
**To:** [Redacted]  
**Sent:** Fri May 08 19:17:41 2009  
**Subject:** Fw: "Going Dark" Program

Who should this be attributed to? Or non-attribution?

---

**From:** [Redacted]@abc.com>  
**To:** [Redacted]  
**Sent:** Fri May 08 19:02:05 2009  
**Subject:** Re: "Going Dark" Program

Thank you very much. Can I use this on the record from you?

---

**From:** [Redacted]@ic.fbi.gov>  
**To:** [Redacted]@abc.com>  
**Sent:** Fri May 08 18:56:59 2009  
**Subject:** Re: "Going Dark" Program

The term "Going Dark" does not refer to a specific capability, but is a program name for the part of the FBI, Operational Technology Division's (OTD) lawful interception program which is shared with other law enforcement agencies.

The term applies to the research and development of new tools, technical support and training initiatives.

It is overseen by Marcus C. Thomas, Assistant Director, OTD.

---

EFF/Cardozo-10

b6  
b7c

From: [redacted]@abc.com>  
To: [redacted]  
Sent: Fri May 08 18:22:53 2009  
Subject: Re: "Going Dark" Program

Thank you.

From: [redacted]@ic.fbi.gov>  
To: [redacted]@abc.com>  
Sent: Fri May 08 18:19:58 2009  
Subject: Re: "Going Dark" Program

Hi - hoping to get answers soon - will get back asap

From: [redacted]@abc.com>  
To: [redacted]  
Sent: Fri May 08 17:44:55 2009  
Subject: "Going Dark" Program

[redacted]

I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

When was it established and who oversees it.

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[redacted]  
ABC News  
[redacted]

EFF/Cardozo-11

[Redacted]

**From:** [Redacted]  
**Sent:** Friday, May 08, 2009 7:18 PM  
**To:** [Redacted]  
**Subject:** Fw: "Going Dark" Program

Who should this be attributed to? Or non-attribution?

**From:** [Redacted]@abc.com>  
**To:** [Redacted]  
**Sent:** Fri May 08 19:02:05 2009  
**Subject:** Re: "Going Dark" Program

Thank you very much. Can I use this on the record from you?

**From:** [Redacted]@ic.fbi.gov>  
**To:** [Redacted]@abc.com>  
**Sent:** Fri May 08 18:56:59 2009  
**Subject:** Re: "Going Dark" Program

b6  
b7c

The term "Going Dark" does not refer to a specific capability, but is a program name for the part of the FBI, Operational Technology Division's (OTD) lawful interception program which is shared with other law enforcement agencies.

The term applies to the research and development of new tools, technical support and training initiatives.

It is overseen by Marcus C. Thomas, Assistant Director, OTD.

**From:** [Redacted]@abc.com>  
**To:** [Redacted]  
**Sent:** Fri May 08 18:22:53 2009  
**Subject:** Re: "Going Dark" Program

Thank you.

**From:** [Redacted]@ic.fbi.gov>  
**To:** [Redacted]@abc.com>  
**Sent:** Fri May 08 18:19:58 2009  
**Subject:** Re: "Going Dark" Program

Hi - hoping to get answers soon - will get back asap

EFF/Cardozo-12

From: [redacted]@abc.com>  
To: [redacted]  
Sent: Fri May 08 17:44:55 2009  
Subject: "Going Dark" Program

b6  
b7c

[redacted]

I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

When was it established and who oversees it.

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[redacted]  
ABC News  
[redacted]

EFF/Cardozo-13

[Redacted]

**From:** [Redacted]  
**Sent:** Friday, May 08, 2009 6:57 PM  
**To:** [Redacted]@abc.com  
**Subject:** Re: "Going Dark" Program

The term "Going Dark" does not refer to a specific capability, but is a program name for the part of the FBI, Operational Technology Division's (OTD) lawful interception program which is shared with other law enforcement agencies.

The term applies to the research and development of new tools, technical support and training initiatives.

It is overseen by Marcus C. Thomas, Assistant Director, OTD.

---

**From:** [Redacted]@abc.com>  
**To:** [Redacted]  
**Sent:** Fri May 08 18:22:53 2009  
**Subject:** Re: "Going Dark" Program

Thank you.

---

**From:** [Redacted]@ic.fbi.gov>  
**To:** [Redacted]@abc.com>  
**Sent:** Fri May 08 18:19:58 2009  
**Subject:** Re: "Going Dark" Program

Hi - hoping to get answers soon - will get back asap

---

**From:** [Redacted]@abc.com>  
**To:** [Redacted]  
**Sent:** Fri May 08 17:44:55 2009  
**Subject:** "Going Dark" Program

[Redacted]

I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

When was it established and who oversees it.

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[Redacted]

EFF/Cardozo-14

ABC News



b6  
b7c

EFF/Cardozo-15

b6  
b7c

[Redacted]

**From:** [Redacted]  
**Sent:** Friday, May 08, 2009 6:56 PM  
**To:** Kortan, Michael P.  
**Subject:** Re: "Going Dark" Program

Thank you

---

**From:** Kortan, Michael P.  
**To:** [Redacted]  
**Sent:** Fri May 08 18:54:13 2009  
**Subject:** Re: "Going Dark" Program

Yes--Tx

---

**From:** [Redacted]  
**To:** Kortan, Michael P.  
**Cc:** [Redacted]  
**Sent:** Fri May 08 18:51:27 2009  
**Subject:** Fw: "Going Dark" Program

Mike - double checking you're ok for this to go out as a copy/paste as is to [Redacted]..

---

**From:** Thomas, Marcus C.  
**To:** [Redacted]  
**Cc:** Kortan, Michael P.; [Redacted]  
**Sent:** Fri May 08 18:46:07 2009  
**Subject:** Re: "Going Dark" Program

The term "Going Dark" does not refer to a specific capability, but is a program name for the part of the FBI, Operational Technology Division's (OTD) lawful interception program which is shared with other law enforcement agencies.

The term applies to the research and development of new tools, technical support and training initiatives.

It is overseen by Marcus C. Thomas, Assistant Director, OTD.

---

**From:** [Redacted]  
**To:** Thomas, Marcus C.  
**Cc:** Kortan, Michael P.; [Redacted]  
**Sent:** Fri May 08 18:13:19 2009  
**Subject:** Fw: "Going Dark" Program

Mr. Thomas,

Would you be able to help us with answers for these questions from ABC (if they are ok to be released to media)? The reporter pushed the story so it is not expected to be published on abc.com until tomorrow.

Thanks!

[redacted]  
FBI National Press Office  
[redacted]

---

From: [redacted]@abc.com>  
To: [redacted]  
Sent: Fri May 08 17:44:55 2009  
Subject: "Going Dark" Program

[redacted]

I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

When was it established and who oversees it.

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[redacted]  
ABC News  
[redacted]

EFF/Cardozo-17

[Redacted]

**From:** [Redacted]  
**Sent:** Friday, May 08, 2009 6:53 PM  
**To:** Thomas, Marcus C.  
**Subject:** Re: "Going Dark" Program

Thank you!

---

**From:** Thomas, Marcus C.  
**To:** [Redacted]  
**Cc:** Kortan, Michael P.; [Redacted]  
**Sent:** Fri May 08 18:46:07 2009  
**Subject:** Re: "Going Dark" Program

The term "Going Dark" does not refer to a specific capability, but is a program name for the part of the FBI, Operational Technology Division's (OTD) lawful interception program which is shared with other law enforcement agencies.

The term applies to the research and development of new tools, technical support and training initiatives.

It is overseen by Marcus C. Thomas, Assistant Director, OTD.

---

**From:** [Redacted]  
**To:** Thomas, Marcus C.  
**Cc:** Kortan, Michael P.; [Redacted]  
**Sent:** Fri May 08 18:13:19 2009  
**Subject:** Fw: "Going Dark" Program

Mr. Thomas,

Would you be able to help us with answers for these questions from ABC (if they are ok to be released to media)? The reporter pushed the story so it is not expected to be published on abc.com until tomorrow.

Thanks!

[Redacted]  
FBI National Press Office  
[Redacted]

---

**From:** [Redacted]@abc.com>  
**To:** [Redacted]  
**Sent:** Fri May 08 17:44:55 2009  
**Subject:** "Going Dark" Program

[Redacted]

I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

When was it established and who oversees it.

EFF/Cardozo-18

b6  
b7c

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[Redacted]

ABC News

[Redacted]

EFF/Cardozo-19

[Redacted]

**From:** [Redacted]  
**Sent:** Friday, May 08, 2009 6:51 PM  
**To:** Kortan, Michael P.  
**Cc:** [Redacted]  
**Subject:** Fw: "Going Dark" Program

Mike - double checking you're ok for this to go out as a copy/paste as is to [Redacted].

---

**From:** Thomas, Marcus C.  
**To:** [Redacted]  
**Cc:** Kortan, Michael P.; [Redacted]  
**Sent:** Fri May 08 18:46:07 2009  
**Subject:** Re: "Going Dark" Program

The term "Going Dark" does not refer to a specific capability, but is a program name for the part of the FBI, Operational Technology Division's (OTD) lawful interception program which is shared with other law enforcement agencies.

The term applies to the research and development of new tools, technical support and training initiatives.

It is overseen by Marcus C. Thomas, Assistant Director, OTD.

---

**From:** [Redacted]  
**To:** Thomas, Marcus C.  
**Cc:** Kortan, Michael P.; [Redacted]  
**Sent:** Fri May 08 18:13:19 2009  
**Subject:** Fw: "Going Dark" Program

Mr. Thomas,

Would you be able to help us with answers for these questions from ABC (if they are ok to be released to media)? The reporter pushed the story so it is not expected to be published on abc.com until tomorrow.

Thanks!

[Redacted]  
FBI National Press Office  
[Redacted]

---

**From:** [Redacted]@abc.com>  
**To:** [Redacted]  
**Sent:** Fri May 08 17:44:55 2009  
**Subject:** "Going Dark" Program

[Redacted]

I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

b6  
b7c

When was it established and who oversees it.

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[Redacted]

ABC News

[Redacted]

EFF/Cardozo-21

b6  
b7c

[Redacted]

From: [Redacted]  
Sent: Friday, May 08, 2009 6:20 PM  
To: [Redacted]@abc.com  
Subject: Re: "Going Dark" Program

Hi - hoping to get answers soon - will get back asap

---

From: [Redacted]@abc.com>  
To: [Redacted]  
Sent: Fri May 08 17:44:55 2009  
Subject: "Going-Dark" Program

[Redacted]

I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

When was it established and who oversees it.

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[Redacted]  
ABC News  
[Redacted]

EFF/Cardozo-22

[Redacted]

From: [Redacted]  
Sent: Friday, May 08, 2009 6:13 PM  
To: Thomas, Marcus C.  
Cc: Kortan, Michael P.; [Redacted]  
Subject: Fw: "Going Dark" Program

b6  
b7C

Mr. Thomas,

Would you be able to help us with answers for these questions from ABC (if they are ok to be released to media)? The reporter pushed the story so it is not expected to be published on abc.com until tomorrow.

Thanks!

[Redacted]  
FBI National Press Office  
[Redacted]

b2  
b6  
b7C

From: [Redacted]@abc.com>  
To: [Redacted]  
Sent: Fri May 08 17:44:55 2009  
Subject: "Going Dark" Program

b6  
b7C

[Redacted]

I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

When was it established and who oversees it.

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[Redacted]  
ABC News  
[Redacted]

b6  
b7C

EFF/Cardozo-23

b6  
b7c

[redacted]  
From: [redacted]  
Sent: Friday, May 08, 2009 3:57 PM  
To: [redacted]  
Subject: RE: ? On two CJIS programs

Interesting. Yes, he's the one we were working with late yesterday on the Dark program and he said he would email us if he pushed his story to today and had more questions. He's probably asking you because of the PowerPoint. I had not verified that the PP was CJIS' because he had not called back today. And we did not say it was a CJIS program – he's probably getting that again, because of the PP.

Re the new biometrics center, he asked about that last night and yes, we referred that to you....

From: [redacted]  
Sent: Friday, May 08, 2009 3:11 PM  
To: [redacted]  
Subject: Fw: ? On two CJIS programs

[redacted] - did you speak with [redacted]?

From: [redacted]@abc.com>  
To: [redacted]  
Sent: Fri May 08 14:46:55 2009  
Subject: ? On two CJIS programs

Dear [redacted]

I had a couple of questions about an item in the FBI's budget which I believe are overseen by CJIS. This is about the "Going Dark Program". Is this an R&D program or is this something that is currently deployed and used in field investigations? When was it established, and is it meant to intercept VOIP or other internet connections? Any additional background would also be useful.

Also I had a question about NGI and biometrics. Will the new Bio-metrics center be stood up at CJIS and will it be doing the research and providing the backbone and structure for NGI?

The item from the budget on the "going dark program" is below.

I can be contacted at the numbers below.

Sincerely,  
[redacted]  
ABC News  
[redacted]

<http://www.justice.gov/jmd/2010summary/pdf/fbi-bud-summary.pdf> <<http://www.justice.gov/jmd/2010summary/pdf/fbi-bud-summary.pdf>>

FY 2010 Program Changes (cont.):

**SURVEILLANCE**

Advanced Electronic Surveillance: \$9 million for Advanced Electronic Surveillance, otherwise known as the FBI's Going Dark Program. The program supports the FBI's electronic surveillance (ELSUR), intelligence collection and evidence gathering capabilities, as well as those of the greater Intelligence Community. FY 2010 current services for this program are 133 positions (15 agents) and \$233.9 million

EFF/Cardozo-25

b6  
b7C

[Redacted]

**From:** [Redacted]  
**Sent:** Friday, May 08, 2009 9:39 AM  
**To:** [Redacted]  
**Subject:** RE: "Going Dark" ?

Great -- yes, was just checking on the authenticity of the PP...I talked w/Marcus Thomas in OTD about the actual program.

Thanks a bunch!

[Redacted]

---

**From:** [Redacted]  
**Sent:** Friday, May 08, 2009 9:34 AM  
**To:** [Redacted]  
**Subject:** Re: "Going Dark" ?

[Redacted] - the PP is authentic. However, the "Going Dark" initiative is not CJIS, but rather. OTD.

[Redacted]

---

**From:** [Redacted]  
**To:** [Redacted]  
**Sent:** Thu May 07 17:29:04 2009  
**Subject:** FW: "Going Dark" ?

[Redacted] - our ABC Justice reporter is looking for some educational info on the program referenced below, for a story about the 2010 budget (DOJ had an announcement today). He evidently found the powerpoint on the web so I'm confirming authenticity...I see [Redacted] name but wanted to double check with you. ??

Thanks!

[Redacted]

---

**From:** [Redacted] [mailto:[Redacted]@abc.com]  
**Sent:** Thursday, May 07, 2009 5:21 PM  
**To:** [Redacted]  
**Subject:** "Going Dark" ?

EFF/Cardozo-26

I found some additional materials on the "Going Dark" program and wanted to verify that this CJIS powerpoint presentation is accurate and was produced by them. Tab 11 has information on the program.

b6  
b7c

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

EFF/Cardozo-27

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, May 07, 2009 5:50 PM  
**To:** Thomas, Marcus C.; Grever, Louis E.  
**Subject:** RE: ? On Budget Program

Thank you both very much.

-----Original Message-----  
**From:** Thomas, Marcus C.  
**Sent:** Thursday, May 07, 2009 5:49 PM  
**To:** Grever, Louis E.; [Redacted]  
**Subject:** Re: ? On Budget Program

I like it!

----- Original Message -----  
**From:** Grever, Louis E.  
**To:** Thomas, Marcus C.; [Redacted]  
**Sent:** Thu May 07 17:30:49 2009  
**Subject:** Re: ? On Budget Program

I would only make the following suggested edits as noted:

"One purpose of the Communications Assistance for Law Enforcement Act (CALEA) when passed in 1994 was to make clear the duty incumbent on telecommunication carriers to cooperate with law enforcement in the interception of communications when lawfully authorized. Among the original reasons the FBI advocated strongly for CALEA was our fear that the emergence of digital telephone exchange switch technology was and would make the lawful intercept of telephone based communications extremely difficult if not impossible for US law enforcement.

In the years since CALEA was passed, US law enforcement has successfully leveraged CALEA to maintain a capability to intercept with appropriate authority the telephonic communications of criminals.

However, in recent years and despite the success of CALEA, it has become clear that US law enforcement lacks the resources, flexibility, and agility to respond adequately to rapidly-evolving and constantly changing Internet based communications technology.

'Going Dark' is the program name given to the FBI's efforts to utilize innovative technology; foster cooperation with industry; and assist our state, local, and tribal law enforcement partners in a collaborative effort to close the growing gap between lawful interception requirements and our capabilities."

What do you think,  
Louis

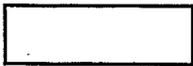
Louis E. Grever,  
Exec Asst Dir.,  
Sci & Tech Branch,  
Fed Bureau of Inv,  
Washington, DC  
202-324-0805

----- Original Message -----  
**From:** Thomas, Marcus C.  
**To:** [Redacted]; Grever, Louis E.  
**Sent:** Thu May 07 16:57:38 2009  
**Subject:** RE: ? On Budget Program

[Redacted] see below language. Mr. Grever is on the copy count and may want to weigh in.



(p131)



b6  
b7c

b6  
b7c

[Redacted]

From: [Redacted]  
Sent: Thursday, May 07, 2009 5:41 PM  
To: Kortan, Michael P.  
Subject: RE: "Going Dark" ?

Ok, so send the longer version EAD Grever just sent...with the CALEA background?

---

From: Kortan, Michael P.  
Sent: Thursday, May 07, 2009 5:41 PM  
To: [Redacted]  
Subject: Re: "Going Dark" ?

[Redacted] can boil it down

---

From: [Redacted]  
To: Kortan, Michael P.  
Sent: Thu May 07 17:39:53 2009  
Subject: RE: "Going Dark" ?

I think he's looking for something short but EAD Grever and AD Thomas are sending longer versions...

---

From: Kortan, Michael P.  
Sent: Thursday, May 07, 2009 5:39 PM  
To: [Redacted]  
Subject: RE: "Going Dark" ?

OK, but you can still give him something if you want.

---

From: [Redacted]  
Sent: Thursday, May 07, 2009 5:37 PM  
To: Kortan, Michael P.  
Subject: FW: "Going Dark" ?

Our explanation may be moot - [Redacted] just sent this link - check Page 5 / Tab 11 (I tried copy/paste, doesn't work here)

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

b6  
b7c

---

From: [redacted] [mailto:[redacted]@abc.com]  
Sent: Thursday, May 07, 2009 5:21 PM  
To: [redacted]  
Subject: "Going Dark" ?

[redacted] I found some additional materials on the "Going Dark" program and wanted to verify that this CJIS powerpoint presentation is accurate and was produced by them. Tab 11 has information on the program.

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

EFF/Cardozo-32

b6  
b7c

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, May 07, 2009 5:40 PM  
**To:** Kortan, Michael P.  
**Subject:** RE: "Going Dark" ?

I think he's looking for something short but EAD Grever and AD Thomas are sending longer versions...

---

**From:** Kortan, Michael P.  
**Sent:** Thursday, May 07, 2009 5:39 PM  
**To:** [Redacted]  
**Subject:** RE: "Going Dark" ?

OK, but you can still give him something if you want.

---

**From:** [Redacted]  
**Sent:** Thursday, May 07, 2009 5:37 PM  
**To:** Kortan, Michael P.  
**Subject:** FW: "Going Dark" ?

Our explanation may be moot - [Redacted] just sent this link - check Page 5/ Tab 11 (I tried copy/paste, doesn't work here)

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

---

**From:** [Redacted] [mailto:[Redacted]@abc.com]  
**Sent:** Thursday, May 07, 2009 5:21 PM  
**To:** [Redacted]  
**Subject:** "Going Dark" ?

[Redacted] I found some additional materials on the "Going Dark" program and wanted to verify that this CJIS powerpoint presentation is accurate and was produced by them. Tab 11 has information on the program.

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

EFF/Cardozo-33

b6  
b7c

[redacted]  

---

**From:** [redacted]  
**Sent:** Thursday, May 07, 2009 5:37 PM  
**To:** Kortan, Michael P.  
**Subject:** FW: "Going Dark" ?

Our explanation may be moot – [redacted] just sent this link – check Page 5 / Tab 11 (I tried copy/paste, doesn't work here)

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

---

**From:** [redacted] [mailto:[redacted]@abc.com]  
**Sent:** Thursday, May 07, 2009 5:21 PM  
**To:** [redacted]  
**Subject:** "Going Dark" ?

[redacted] I found some additional materials on the "Going Dark" program and wanted to verify that this CJIS powerpoint presentation is accurate and was produced by them. Tab 11 has information on the program.

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

EFF/Cardozo-34





[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, May 07, 2009 5:31 PM  
**To:** [Redacted]  
**Subject:** RE: "Going Dark" ?

Just sent to CJIS to check....

---

**From:** [Redacted] [mailto:[Redacted]@abc.com]  
**Sent:** Thursday, May 07, 2009 5:21 PM  
**To:** [Redacted]  
**Subject:** "Going Dark" ?

[Redacted] I found some additional materials on the "Going Dark" program and wanted to verify that this CJIS powerpoint presentation is accurate and was produced by them. Tab 11 has information on the program.

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

EFF/Cardozo-37

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, May 07, 2009 5:29 PM  
**To:** [Redacted]  
**Subject:** FW: "Going Dark" ?

[Redacted] - our ABC Justice reporter is looking for some educational info on the program referenced below, for a story about the 2010 budget (DOJ had an announcement today). He evidently found the powerpoint on the web so I'm confirming authenticity...I see [Redacted] name but wanted to double check with you. ??

Thanks!

[Redacted]

---

**From:** [Redacted] [mailto:[Redacted]@abc.com]  
**Sent:** Thursday, May 07, 2009 5:21 PM  
**To:** [Redacted]  
**Subject:** "Going Dark" ?

[Redacted] I found some additional materials on the "Going Dark" program and wanted to verify that this CJIS powerpoint presentation is accurate and was produced by them. Tab 11 has information on the program.

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

EFF/Cardozo-38



Thank you,

[redacted]  
FBI National Press Office  
[redacted]

b2  
b6  
b7C

From: [redacted] [mailto:[redacted]@abc.com]  
Sent: Thursday, May 07, 2009 3:43 PM  
To: [redacted]  
Subject: ? On Budget Program

b6  
b7C

[redacted]

I have questions about the FBI budget that was released today and what the "Advanced Electronic Surveillance" program is. The DOJ budget notes this is also called the "Going Dark Program". Would like some background on what this is, the budget book notes "The program supports the FBI electronic surveillance, intelligence collection and evidence gathering capabilities....133 position, 15 agents and \$233.9 million."

(p131)

[redacted]

b6  
b7C

EFF/Cardozo-40



From: [redacted]  
Sent: Thursday, May 07, 2009 4:34 PM  
To: Thomas, Marcus C.  
Cc: [redacted]  
Subject: FW: ? On Budget Program

b6  
b7C

Mr. Thomas,

Per our conversation, if you could please let us know how you would like for us to respond. I expect this story might be aired tonight, as it relates to DOJ's output to media re the budget today.

Thank you,

[redacted]  
FBI National Press Office  
[redacted]

b2  
b6  
b7C

From: [redacted] [mailto:[redacted]@abc.com]  
Sent: Thursday, May 07, 2009 3:43 PM  
To: [redacted]  
Subject: ? On Budget Program

b6  
b7C

[redacted]

I have questions about the FBI budget that was released today and what the "Advanced Electronic Surveillance" program is. The DOJ budget notes this is also called the "Going Dark Program". Would like some background on what this is, the budget book notes "The program supports the FBI electronic surveillance, intelligence collection and evidence gathering capabilities....133 position, 15 agents and \$233.9 million."

(p131)

[redacted]

b6  
b7C

EFF/Cardozo-42

[Redacted]

From: [Redacted]  
Sent: Thursday, May 07, 2009 4:34 PM  
To: Thomas, Marcus C.  
Cc: [Redacted]  
Subject: FW: ? On Budget Program

b6  
b7C

Mr. Thomas,

Per our conversation, if you could please let us know how you would like for us to respond. I expect this story might be aired tonight, as it relates to DOJ's output to media re the budget today.

Thank you,

[Redacted]

FBI National Press Office

[Redacted]

b2  
b6  
b7C

From: [Redacted] [mailto:[Redacted]@abc.com]  
Sent: Thursday, May 07, 2009 3:43 PM  
To: [Redacted]  
Subject: ? On Budget Program

b6  
b7C

[Redacted]

I have questions about the FBI budget that was released today and what the "Advanced Electronic Surveillance" program is. The DOJ budget notes this is also called the "Going Dark Program". Would like some background on what this is, the budget book notes "The program supports the FBI electronic surveillance, intelligence collection and evidence gathering capabilities.... 133 position, 15 agents and \$233.9 million."

(p131)

[Redacted]

b6  
b7C

EFF/Cardozo-43

b6  
b7c

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, May 07, 2009 4:23 PM  
**To:** [Redacted]  
**Subject:** FW: ? On Budget Program

---

**From:** [Redacted] [mailto:[Redacted]@abc.com]  
**Sent:** Thursday, May 07, 2009 3:43 PM  
**To:** [Redacted]  
**Subject:** ? On Budget Program

[Redacted]

I have questions about the FBI budget that was released today and what the "Advanced Electronic Surveillance" program is. The DOJ budget notes this is also called the "Going Dark Program". Would like some background on what this is, the budget book notes "The program supports the FBI electronic surveillance, intelligence collection and evidence gathering capabilities....133 position, 15 agents and \$233.9 million."

(p131)

[Redacted]

EFF/Cardozo-44

b6  
b7c

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, May 07, 2009 4:07 PM  
**To:** Kortan, Michael P.  
**Cc:** [Redacted]  
**Subject:** Fw: ? On Budget Program

---

**From:** [Redacted]@abc.com>  
**To:** [Redacted]  
**Sent:** Thu May 07 15:43:14 2009  
**Subject:** ? On Budget Program

[Redacted]

I have questions about the FBI budget that was released today and what the "Advanced Electronic Surveillance" program is. The DOJ budget notes this is also called the "Going Dark Program". Would like some background on what this is, the budget book notes "The program supports the FBI electronic surveillance, intelligence collection and evidence gathering capabilities....133 position, 15 agents and \$233.9 million."

(p131)

[Redacted]

EFF/Cardozo-45

[Redacted]

From: [Redacted]  
Sent: Thursday, May 07, 2009 5:46 PM  
To: [Redacted]  
Subject: RE: "Going Dark" ?

b6  
b7C

I think so but let me verify for certain.....

[Redacted]

b2  
b6  
b7C

FBI - CJIS Division

[Redacted]

From: [Redacted]  
Sent: Thursday, May 07, 2009 5:29 PM  
To: [Redacted]  
Subject: FW: "Going Dark" ?

b6  
b7C

[Redacted] - our ABC Justice reporter is looking for some educational info on the program referenced below, for a story about the 2010 budget (DOJ had an announcement today). He evidently found the powerpoint on the web so I'm confirming authenticity...I see [Redacted] name but wanted to double check with you. ??

Thanks!

[Redacted]

b6  
b7C

From: [Redacted] [mailto:[Redacted]@abc.com]  
Sent: Thursday, May 07, 2009 5:21 PM  
To: [Redacted]  
Subject: "Going Dark" ?

[Redacted] I found some additional materials on the "Going Dark" program and wanted to verify that this CJIS powerpoint presentation is accurate and was produced by them. Tab 11 has information on the program.

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

EFF/Cardozo-46





[Redacted]

**From:** Kortan, Michael P.  
**Sent:** Friday, May 08, 2009 6:54 PM  
**To:** [Redacted]  
**Subject:** Re: "Going Dark" Program

b6  
b7C

Yes--Tx

**From:** [Redacted]  
**To:** Kortan, Michael P.  
**Cc:** [Redacted]  
**Sent:** Fri May 08 18:51:27 2009  
**Subject:** Fw: "Going Dark" Program

Mike - double checking you're ok for this to go out as a copy/paste as is to [Redacted]..

b6  
b7C

**From:** Thomas, Marcus C.  
**To:** [Redacted]  
**Cc:** Kortan, Michael P.; [Redacted]  
**Sent:** Fri May 08 18:46:07 2009  
**Subject:** Re: "Going Dark" Program

The term "Going Dark" does not refer to a specific capability, but is a program name for the part of the FBI, Operational Technology Division's (OTD) lawful interception program which is shared with other law enforcement agencies.

The term applies to the research and development of new tools, technical support and training initiatives.

It is overseen by Marcus C. Thomas, Assistant Director, OTD.

**From:** [Redacted]  
**To:** Thomas, Marcus C.  
**Cc:** Kortan, Michael P.; [Redacted]  
**Sent:** Fri May 08 18:13:19 2009  
**Subject:** Fw: "Going Dark" Program

b6  
b7C

Mr. Thomas,

Would you be able to help us with answers for these questions from ABC (if they are ok to be released to media)? The reporter pushed the story so it is not expected to be published on abc.com until tomorrow.

Thanks!

b2  
b6  
b7C

[Redacted]  
FBI National Press Office  
[Redacted]

**From:** [Redacted]@abc.com>  
**To:** [Redacted]

EFF/Cardozo-49

b6  
b7C

Sent: Fri May 08 17:44:55 2009  
Subject: "Going Dark" Program

b6  
b7c

[REDACTED]

I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

When was it established and who oversees it.

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[REDACTED]

ABC News

[REDACTED]

EFF/Cardozo-50

b6  
b7c

[redacted]  

---

**From:** Kortan, Michael P.  
**Sent:** Thursday, May 07, 2009 5:41 PM  
**To:** [redacted]  
**Subject:** Re: "Going Dark" ?

[redacted] can boil it down

---

**From:** [redacted]  
**To:** Kortan, Michael P.  
**Sent:** Thu May 07 17:39:53 2009  
**Subject:** RE: "Going Dark" ?

I think he's looking for something short but EAD Grever and AD Thomas are sending longer versions...

---

**From:** Kortan, Michael P.  
**Sent:** Thursday, May 07, 2009 5:39 PM  
**To:** [redacted]  
**Subject:** RE: "Going Dark" ?

OK, but you can still give him something if you want.

---

**From:** [redacted]  
**Sent:** Thursday, May 07, 2009 5:37 PM  
**To:** Kortan, Michael P.  
**Subject:** FW: "Going Dark" ?

Our explanation may be moot - [redacted] just sent this link - check Page 5 / Tab 11 (I tried copy/paste, doesn't work here)

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

---

**From:** [redacted] [mailto:[redacted]@abc.com]  
**Sent:** Thursday, May 07, 2009 5:21 PM  
**To:** [redacted]  
**Subject:** "Going Dark" ?

EFF/Cardozo-51

I found some additional materials on the "Going Dark" program and wanted to verify that this CJIS powerpoint presentation is accurate and was produced by them. Tab 11 has information on the program.

b6  
b7C

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

EFF/Cardozo-52

b6  
b7c

[Redacted]

**From:** Kortan, Michael P.  
**Sent:** Thursday, May 07, 2009 5:39 PM  
**To:** [Redacted]  
**Subject:** RE: "Going Dark" ?

OK, but you can still give him something if you want.

---

**From:** [Redacted]  
**Sent:** Thursday, May 07, 2009 5:37 PM  
**To:** Kortan, Michael P.  
**Subject:** FW: "Going Dark" ?

Our explanation may be moot – [Redacted] just sent this link – check Page 5 / Tab 11 (I tried copy/paste, doesn't work here)

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

---

**From:** [Redacted] [mailto:[Redacted]@abc.com]  
**Sent:** Thursday, May 07, 2009 5:21 PM  
**To:** [Redacted]  
**Subject:** "Going Dark" ?

[Redacted] I found some additional materials on the "Going Dark" program and wanted to verify that this CJIS powerpoint presentation is accurate and was produced by them. Tab 11 has information on the program.

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

EFF/Cardozo-53



Marcus C. Thomas  
Assistant Director, Operational Technology Federal Bureau of Investigation [redacted]

b2

From: [redacted]  
Sent: Thursday, May 07, 2009 4:34 PM  
To: Thomas, Marcus C.  
Cc: [redacted]  
Subject: FW: ? On Budget Program

b6  
b7C

Mr. Thomas,

Per our conversation, if you could please let us know how you would like for us to respond. I expect this story might be aired tonight, as it relates to DOJ's output to media re the budget today.

Thank you,

[redacted]  
FBI National Press Office  
[redacted]

b2  
b6  
b7C

From: [redacted] [mailto:[redacted]@abc.com]  
Sent: Thursday, May 07, 2009 3:43 PM  
To: [redacted]  
Subject: ? On Budget Program

b6  
b7C

[redacted]

I have questions about the FBI budget that was released today and what the "Advanced Electronic Surveillance" program is. The DOJ budget notes this is also called the "Going Dark Program". Would like some background on what this is, the budget book notes "The program supports the FBI electronic surveillance, intelligence collection and evidence gathering capabilities....133 position, 15 agents and \$233.9 million."

(p131)

[redacted]

b6  
b7C

EFF/Cardozo-55

b6  
b7c

[Redacted]

**From:** [Redacted]@abc.com]  
**Sent:** Friday, May 08, 2009 6:23 PM  
**To:** [Redacted]  
**Subject:** Re: "Going Dark" Program

Thank you.

---

**From:** [Redacted]@ic.fbi.gov>  
**To:** [Redacted]@abc.com>  
**Sent:** Fri May 08 18:19:58 2009  
**Subject:** Re: "Going Dark" Program

Hi - hoping to get answers soon - will get back asap

---

**From:** [Redacted]@abc.com>  
**To:** [Redacted]  
**Sent:** Fri May 08 17:44:55 2009  
**Subject:** "Going Dark" Program

[Redacted]

I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

When was it established and who oversees it.

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[Redacted]  
ABC News  
[Redacted]

EFF/Cardozo-56

b6  
b7c

[redacted]  

---

**From:** [redacted]@abc.com]  
**Sent:** Friday, May 08, 2009 5:45 PM  
**To:** [redacted]  
**Subject:** "Going Dark" Program

[redacted]

I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

When was it established and who oversees it.

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[redacted]  
ABC News  
[redacted]

EFF/Cardozo-57

[REDACTED]

**From:** [REDACTED]@abc.com]  
**Sent:** Thursday, May 07, 2009 5:21 PM  
**To:** [REDACTED]  
**Subject:** "Going Dark" ?

[REDACTED] I found some additional materials on the "Going Dark" program and wanted to verify that this CJIS powerpoint presentation is accurate and was produced by them. Tab 11 has information on the program.

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

EFF/Cardozo-58

b6  
b7c

[Redacted]

**From:** [Redacted]@abc.com]  
**Sent:** Thursday, May 07, 2009 3:43 PM  
**To:** [Redacted]  
**Subject:** ? On Budget Program

**Follow Up Flag:** Follow up  
**Flag Status:** Red

[Redacted]

I have questions about the FBI budget that was released today and what the "Advanced Electronic Surveillance" program is. The DOJ budget notes this is also called the "Going Dark Program". Would like some background on what this is, the budget book notes "The program supports the FBI electronic surveillance, intelligence collection and evidence gathering capabilities....133 position, 15 agents and \$233.9 million."

(p131)

[Redacted]

EFF/Cardozo-59

[Redacted]

From: Thomas, Marcus C.  
Sent: Friday, May 08, 2009 6:46 PM  
To: [Redacted]  
Cc: Kortan, Michael P.; [Redacted]  
Subject: Re: "Going Dark" Program

b6  
b7C

The term "Going Dark" does not refer to a specific capability, but is a program name for the part of the FBI, Operational Technology Division's (OTD) lawful interception program which is shared with other law enforcement agencies.

The term applies to the research and development of new tools, technical support and training initiatives.

It is overseen by Marcus C. Thomas, Assistant Director, OTD.

From: [Redacted]  
To: Thomas, Marcus C.  
Cc: Kortan, Michael P.; [Redacted]  
Sent: Fri May 08 18:13:19 2009  
Subject: Fw: "Going Dark" Program

b6  
b7C

Mr. Thomas,

Would you be able to help us with answers for these questions from ABC (if they are ok to be released to media)? The reporter pushed the story so it is not expected to be published on abc.com until tomorrow.

Thanks!

[Redacted]  
FBI National Press Office  
[Redacted]

b2  
b6  
b7C

From: [Redacted]@abc.com>  
To: [Redacted]  
Sent: Fri May 08 17:44:55 2009  
Subject: "Going Dark" Program

b6  
b7C

[Redacted]

I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

When was it established and who oversees it.

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[Redacted]  
ABC News  
[Redacted]

b6  
b7C

EFF/Cardozo-60







Sent: Thursday, May 07, 2009 3:43 PM

To: [redacted]

Subject: ? On Budget Program

b6  
b7c

[redacted]

I have questions about the FBI budget that was released today and what the "Advanced Electronic Surveillance" program is. The DOJ budget notes this is also called the "Going Dark Program". Would like some background on what this is, the budget book notes "The program supports the FBI electronic surveillance, intelligence collection and evidence gathering capabilities....133 position, 15 agents and \$233.9 million."

(p131)

[redacted]

EFF/Cardozo-64

b6  
b7c

[Redacted]

**From:** [Redacted]  
**Sent:** Friday, July 24, 2009 3:48 PM  
**To:** [Redacted]  
**Subject:** FW: fbi going dark

-----Original Message-----

**From:** [Redacted]  
**Sent:** Monday, May 11, 2009 4:03 PM  
**To:** [Redacted]  
**Subject:** RE: fbi going dark

[Redacted] - per your request:

On the record (if you need attribution: Marcus Thomas, Assistant Director, Operational Technology Division):

'Going Dark' is the program name given to the FBI's efforts to utilize innovative technology; foster cooperation with industry; and assist our state, local, and tribal law enforcement partners in a collaborative effort to close the growing gap between lawful interception requirements and our capabilities. The term applies to the research and development of new tools, technical support and training initiatives.

Background:

One purpose of the Communications Assistance for Law Enforcement Act (CALEA) when passed in 1994 was to make clear the duty incumbent on telecommunication carriers to cooperate with law enforcement in the interception of communications when lawfully authorized. Among the original reasons the FBI advocated strongly for CALEA was our fear that the emergence of digital telephone exchange switch technology was and would make the lawful intercept of telephone based communications extremely difficult if not impossible for US law enforcement.

In the years since CALEA was passed, US law enforcement has successfully leveraged CALEA to maintain a capability to intercept with appropriate authority the telephonic communications of criminals.

However, in recent years and despite the success of CALEA, it has become clear that US law enforcement lacks the resources, flexibility, and agility to respond adequately to rapidly-evolving and constantly changing Internet based communications technology.

'Going Dark' is the program name given to the FBI's efforts to utilize innovative technology; foster cooperation with industry; and assist our state, local, and tribal law enforcement partners in a collaborative effort to close the growing gap between lawful interception requirements and our capabilities.

EFF/Cardozo-65

b6  
b7c

---

From: [redacted] [mailto:[redacted]@politico.com]  
Sent: Monday, May 11, 2009 10:41 AM  
To: [redacted]  
Subject: fbi going dark

thanks for that

if you have a few lines you could send me i'd appreciate

thanks

[redacted]

[redacted]

POLITICO

[redacted]

[redacted]@politico.com

EFF/Cardozo-66

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

OCA  
Response  
Section 1

Serial Description ~ COVER SHEET

Total Deleted Page(s) ~ 41	<u>Bates Page</u>
Page 15 ~ b2, b5, b7E	78
Page 16 ~ b2, b5, b7E	79
Page 17 ~ b2, b5, b7E	80
Page 18 ~ b2, b5, b7E	81
Page 19 ~ b2, b5, b7E	82
Page 20 ~ b2, b5, b7E	83
Page 21 ~ b2, b5, b7E	84
Page 22 ~ b2, b5, b7E	85
Page 23 ~ b2, b5, b7E	86
Page 26 ~ b2, b5, b7E	89
Page 27 ~ b2, b5, b7E	90
Page 28 ~ b2, b5, b7E	91
Page 29 ~ b2, b5, b7E	92
Page 30 ~ b2, b5, b7E	93
Page 31 ~ b2, b5, b7E	94
Page 32 ~ b2, b5, b7E	95
Page 33 ~ b2, b5, b7E	96
Page 34 ~ b2, b5, b7E	97
Page 35 ~ b2, b5, b7E	98
Page 36 ~ b2, b5, b7E	99
Page 37 ~ b2, b5, b7E	100
Page 38 ~ b2, b5, b7E	101
Page 39 ~ b2, b5, b7E	102
Page 41 ~ b2, b5, b7E	104
Page 42 ~ b2, b5, b7E	105
Page 46 ~ b2, b5, b7E	109
Page 47 ~ b2, b5, b7E	110
Page 48 ~ b2, b5, b7E	111
Page 49 ~ b2, b5, b7E	112
Page 50 ~ b2, b5, b7E	113
Page 51 ~ b2, b5, b7E	114
Page 52 ~ b2, b5, b7E	115
Page 53 ~ b2, b5, b7E	116
Page 54 ~ b2, b5, b7E	117
Page 55 ~ b2, b5, b7E	118
Page 56 ~ b2, b5, b7E	119
Page 57 ~ b2, b5, b7E	120
Page 58 ~ b2, b5, b7E	121
Page 59 ~ b2, b5, b7E	122
Page 61 ~ b2, b5, b7E	124
Page 62 ~ b2, b5, b7E	125

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DECLASSIFIED BY UC 60322 LP/STP/SZ  
ON 12-17-2010

FBI

LJK

Date:	4/14/2008	Location:	Capital Hill	Committee	SAC
Time:	3:30 pm	Room:	Defense SCIF 116	Sub-Comm	CJS
SUBJECT/TOPIC		Unclassified Going Dark Brief			
Attendees:		Office		Title	
1	Richard Haley	FBIHQ – Finance Division		Assistant Director	
2	Kerry Hayens - MB	FBIHQ – Science and Tech Branch		Executive Assistant Director	
3		FBIHQ – Finance Division		Approp Liaison Officer	
4		FBIHQ- OCA		Congressional Affairs Spec	
5		Senator Mikulski's Office		Professional Staffer – CJS Briefed	
6		Senator Mikulski's Office		Committee Clerk – CJS Briefed	

Handouts – An unclassified power point handout entitled “Going Dark” was provided for the brief.

b6  
b7C

**OVERVIEW**

1. The main message presented by EAD Haynes is that the ability of the FBI to collect intelligence and conduct investigations through the use of technology is shrinking ever day.

[Redacted]

a. Advances of technology include:

[Redacted]

b2  
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2. The FBI considers that it is currently, in what it refers to as, the possibly of collection/intercept based on the technology of today.

[Redacted]

3. The presentation further detailed specific technological advances and speculation on where the technology industry is headed and what must be done for the FBI to continue to play a proactive role to combat criminal and terrorism investigations.

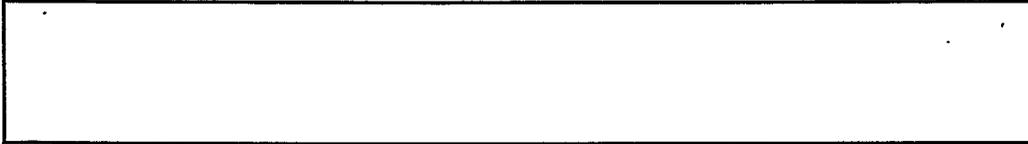
**QUESTIONS/CONCERNS FROM [Redacted] AND [Redacted]**

- asked what the FBI's 5 year plan was and referenced the DNI 5 year plan which he has not had access to.
- asked how big of a priority this was to the FBI and to law enforcement nationwide.
- asked if this would be done by contract workers or FBI staff.
- asked if we were collecting less intelligence information via FISA, etc due to emerging technologies.
- asked if the FBI was optimistic that it would be able to capture this data in the future with the right resources.
- Is the exploitation of ELSUR currently being addressed by the cyber security initiative

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~~Confidential~~

EFF/Cardozo-67



How does the FBI propose to solve this problem?

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Response:

- The FBI has developed a national Electronic Surveillance Strategy to preserve vitally important law enforcement and IC electronic surveillance capabilities. The Strategy is composed of five unique, yet complimentary, components:



- Enhancing law enforcement and IC electronic surveillance coordination;
- Enhancing electronic surveillance cooperation between industry, law enforcement and IC agencies; and
- Increasing law enforcement and IC electronic surveillance technical and financial resources.

Why should the FBI's strategy be pursued on behalf of law enforcement and the IC?

Response:

- The FBI is well suited to gain consensus regarding all aspects of advanced methods of electronic surveillance and to ensure comprehensive understanding of the technical and/or operational challenges faced by law enforcement and IC agencies and help devise and implement solutions. The FBI has an established, robust liaison with all aspects of the communications industry and has routinely been required to work with the industry to develop intercept capabilities for the law enforcement community that are leveraged for intelligence cases as well as capabilities utilized solely by the IC. As a result, the communications industry is comfortable working with the FBI under domestic authority to develop tools that are narrowly tailored to comply with these authorities. In addition, although typically ad hoc and tactical in nature, the FBI has long assisted other Federal, state, and local law enforcement effect criminal and Cyber-based electronic surveillance. And, as a key IC member, the FBI provides vital daily support to IC agencies by effecting national security intelligence, counter-intelligence, and counterterrorism intercepts.

Information provided/approved by: AD Marcus Thomas  
Date: 01/14/2009

EFF/Cardozo-68



**GOING DARK**

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**What is "Going Dark"?**

**Response:**

- "Going Dark" refers to law enforcement's limited capability to comprehensively and lawfully collect data and information, conduct electronic surveillance and analyze the raw data due to the rapid evolution of telecommunications and data collection technology and services.

- 

- 

**Didn't Congress already solve this problem when it passed the Communications Assistance for Law Enforcement Act (CALEA) in 1994?**

**Response:**

- No, CALEA applied to telecommunications carriers and to services that replace a substantial portion of the local exchange service.
- CALEA excludes a wide range of other services which travel over wire and electronic communications transmission networks and are interwoven in network traffic.

**What are some of the specific problems the FBI and the rest of the law enforcement are facing?**

**Response:**

-

**How does the FBI propose to solve this problem?**

**Response:**

- To meet this challenge, key law enforcement and industry representatives have collaborated with the FBI to form a comprehensive, five-pronged National Lawful Intercept Strategy. Key points include:
  - modernizing lawful intercept laws;
  - updating lawful intercept authorities;
  - increasing law enforcement coordination;
  - establishing broader industry liaison, and
  - seeking increased funding for these efforts.

Information provided/approved by: AD Marcus Thomas, OTD  
Date: 5/29/2009

EFF/Cardozo-70

[Redacted] (RMD) (FBI)

From: BEERS, ELIZABETH RAE (OCA) (FBI)  
Sent: Monday, January 28, 2008 2:48 PM  
To: [Redacted] (DO) (FBI); [Redacted] (OCA) (FBI)  
Cc: [Redacted] (HO) (FBI)  
Subject: FW: IMMEDIATE: Q&A for Director's briefing book - "Going Dark"  
  
Attachments: Going Dark QAs.doc

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NON-RECORD

for the briefing book.

Beth Beers  
Office of Congressional Affairs  
[Redacted]

b2

From: THOMAS, MARCUS C. (OTD) (FBI)  
Sent: Monday, January 28, 2008 2:30 PM  
To: HAYNES, KERRY E. (DO) (FBI); BEERS, ELIZABETH RAE (OCA) (FBI)  
Cc: COOK, PATRICK B. (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); SMITH, CHARLES BARRY (OTD) (FBI)  
Subject: RE: IMMEDIATE: Q&A for Director's briefing book - "Going Dark"

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Kerry, Beth,

See attached proposed Q&A for the "Going Dark" question. We can, of course, provide much more detail when/if needed, however, I wanted to keep it short and simple.

Marcus



Going Dark  
QAs.doc (51 KB)

From: HAYNES, KERRY E. (DO) (FBI)  
Sent: Monday, January 28, 2008 8:22 AM  
To: THOMAS, MARCUS C. (OTD) (FBI)  
Subject: IMMEDIATE: Q&A for Director's briefing book - "Going Dark"

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NON-RECORD

Kerry E. Haynes  
Executive Assistant Director  
Science and Technology Branch  
FBIHQ Room 7125  
[Redacted]

EFF/Cardozo-71

b2

From: BEERS, ELIZABETH RAE (OCA) (FBI)  
Sent: Friday, January 25, 2008 6:37 PM  
To: HAYNES, KERRY E. (DO) (FBI)  
Subject: FW: Q&A for Director's briefing book - "Going Dark"

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NON-RECORD

Kerry - checking on the status of this request - we're trying to finalize our briefing material so that we can have it waiting for the Director in Honolulu. Appreciate the help. Thanks,

Beth Beers  
Office of Congressional Affairs

b2

[Redacted]

From: BEERS, ELIZABETH RAE (OCA) (FBI)  
Sent: Tuesday, January 15, 2008 5:51 PM  
To: HAYNES, KERRY E. (DO) (FBI)  
Cc: [Redacted] (DO) (FBI); [Redacted] (OCA) (FBI)  
Subject: Q&A for Director's briefing book - "Going Dark"

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Kerry - the Director will be testifying before SSCI (2/5) and HPSCI (2/7) with the other IC principals at the annual threat assessment hearing. We're preparing his briefing book and have been asked to include a Q&A on "Going Dark." [Redacted] [Redacted] advises that you've got something prepared that addresses the implications on lack of funds to our technical operations. We're looking for something relatively short that the Director could use to respond if he gets a question. There will be both open and closed sessions, so if the answer requires disclosure of classified information, please portion-mark the answer. Apologize for the short deadline - if we could get something by 1/22 that would be great. Please call if you have questions. Thanks,

Beth Beers  
Office of Congressional Affairs

b2

[Redacted]

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UNCLASSIFIED

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EFF/Cardozo-72

[Redacted] (RMD) (FBI)

From: [Redacted] (OTD) (FBI)  
Sent: Friday, May 29, 2009 1:00 PM  
To: [Redacted] (DO) (FBI)  
Cc: DIGLEMANTE, ANTHONY P. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [Redacted]  
Subject: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
FW: Going Dark request - Deadline today at 2:30  
Attachments: OTD-GoingDarkDoc 1\_14\_09 (4).doc

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NON-RECORD

[Redacted]  
Here is the Going Dark response. [Redacted]

[Redacted]

See attached for revised version:

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OTD-GoingDarkDo  
c 1\_14\_09 (4).d...

From: [Redacted] (OTD) (FBI)  
Sent: Friday, May 29, 2009 10:01 AM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)  
Subject: FW: Going Dark request - Deadline today at 2:30  
Importance: High

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[Redacted] as discussed here is the items needed to be reviewed. DEADLINE IS 2:30 TODAY.

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[Redacted]  
Executive Assistant  
Operational Technology Division

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[Redacted] Blackberry  
[Redacted]@ic.fbi.gov

From: [Redacted] (DO) (FBI)  
Sent: Friday, May 29, 2009 9:54 AM  
To: THOMAS, MARCUS C. (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: Going Dark request - Deadline today at 2:30  
Importance: High

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Mr. Marcus,

I work in OCA and am preparing the Director's briefing material for his upcoming appearance before the Senate Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies on June 4, 2009. It has come to OCA's attention that questions will be posed on the topic of Going Dark in both the closed and open hearing sessions.

AD Powers advised he recently met with you on Going Dark and requested that I send this directly to you for review. Therefore, attached paper is a Question and Answer format that I believe covers the potential areas on this topic. Could you please review the paper and edit for changes? Also, the Director prefers concise and brief answers to the questions. The answer to the last question on page 2 is rather lengthy. Could this be condensed to a shorter answer? In addition, please feel free to add any other additional questions you deem necessary.

<< File: OTD-GoingDarkDoc 1\_14\_09 (3).doc >>  
I apologize for requesting a short deadline, but I will need this paper returned by 2:30 today.

Thank you for your assistance on this matter,

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UC [redacted]  
Special Projects Unit  
Office of Congressional Affairs  
[redacted]

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EFF/Cardozo-74

FY 2010 Legislative Call  
Office of the General Counsel

PROPOSAL

In an effort to remedy interception and ELSUR-related gaps, and provide LEAs with the tools they need to accomplish their mission, the FBI has developed a national strategy known as the "Going Dark Initiative." The Going Dark Initiative includes several significant elements, one of which is the attached catalog of ELSUR and ELSUR-related legislative proposals designed to update and improve existing Federal ELSUR laws and assistance mandates and to enact new ELSUR and ELSUR-related laws to support LEAs' investigative efforts. As the events of September 11, 2001 show, law enforcement cannot *connect* the intelligence and evidentiary dots unless it first *collects* those dots. Absent needed legislation, LEAs increasingly will encounter outages, which will ultimately result in LEAs going dark with regard to the collection of essential evidence and intelligence information.

JUSTIFICATION

Lawfully-authorized electronic surveillance (ELSUR) is critical to enforcing the law, protecting our citizens, and maintaining our nation's security. Preserving and enhancing the capabilities used to intercept specific communications content and communication-identifying information is essential to this effort. In recent years, the variety and complexity of communications services and technologies introduced to the marketplace have increased dramatically.

[REDACTED] As a result, United States law enforcement is faced with an ever-increasing gap in ELSUR capabilities. Gaps in ELSUR capabilities, however, are not in and of themselves the only difficulties confronting law enforcement. As technology and communications services advance, LEAs also face greater challenges in carrying out the fundamental aspects of their investigative mission.

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COST IMPACT

Unknown

POINT OF CONTACT

[REDACTED] Science and Technology Law Unit, [REDACTED]

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ADMINISTRATIVE NOTE

Proposal was prepared, approved, and submitted by OGC

EFF/Cardozo-75

**MISCELLANEOUS LEGISLATIVE PROPOSALS  
NOT INCLUDED IN THE SCIENCE AND  
TECHNOLOGY LAW OFFICE'S RESPONSE TO  
THE 111<sup>TH</sup> CONGRESS LEGISLATIVE CALL**

**NOVEMBER 14, 2008**

EFF/Cardozo-76

TABLE OF CONTENTS

Full Packet Filtration .....1

CART, RCFL, and Other Federal Assistance to State and Local [and Foreign]  
Law Enforcement Agencies for Electronic Surveillance .....3

Foreign Assistance for Electronic Surveillance.....5

Data Retention .....6

Authority to Export Sensitive Technology and Equipment at the Discretion of the  
Director of the FBI.....7

Sole Source Exemption in the Federal Acquisition Regulations to Exclude  
Foreign Contractors .....9

OPCA-20 (12-3-96)

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Section 552

Section 552a

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EFF/Cardozo 78-86: FY 2010 Legislative Call "Point Paper." Pages are miscellaneous legislative proposals under internal discussion relating to enhancing ELSUR capabilities. Point Paper is an internal discussion on proposals pertaining to a subject: i.e. Going Dark Initiative.

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### Modernizing Federal Electronic Surveillance Laws

Court-authorized electronic surveillance (ELSUR) is critical to enforcing the law, protecting our citizens, and maintaining our Nation's security. Maintaining a capability to intercept specific communications content and communications identifying information is vital. But maintaining ELSUR capabilities is not an end in itself; it is the ELSUR "collection product" that is critical to all types of national security and criminal investigations. Post-9/11, sharing the collection product is essential, underscoring the basic proposition that agencies cannot *connect* the intelligence and evidentiary dots unless they first *collect* those dots.

In recent years, the variety and complexity of communications technologies have increased dramatically,<sup>1</sup> and

[REDACTED]

— giving rise to an ELSUR "interception capability gap."

Absent needed legislation and a substantial increase in resources, LEAs, including the FBI, increasingly will encounter ELSUR outages on the road to "going dark."

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The FBI in concert with LEA representatives has devised a five-pronged National ELSUR Strategy composed of:

- (1) modernizing the Federal ELSUR assistance mandates<sup>2</sup> and Federal ELSUR laws<sup>3</sup>
- (2) enacting new ELSUR-enhancing statutory authorities
- (3) enhancing LEA ELSUR coordination
- (4) enhancing ELSUR cooperation between industry and LEAs
- (5) increasing technical and financial resources for LEAs

Highlights of the legislative proposals under prongs 1 and 2 are outlined in brief in the table below. The specific legislative provisions proposed and the rationale for them are set forth in Attachments 1 and 2.

(1) Modernizing Fed ELSUR Assistance / ELSUR Laws	(2) New ELSUR-enhancing Statutory Authorities
[REDACTED]	

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[REDACTED]

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<sup>2</sup> The primary Federal ELSUR assistance mandate is the Communications Assistance for Law Enforcement Act of 1994, Pub. L. 103-414 (CALEA). However, long before CALEA, Congress mandated "technical assistance" in all of our Nation's ELSUR laws (see 18 U.S.C. §2518(4)(Title III), 18 U.S.C. §3124 (criminal law pen registers/trap-traces), 50 U.S.C. §1805(c)(2)(FISA), and 50 U.S.C. §1842(d)(B)(FISA pen registers/trap-traces).

<sup>3</sup> Title III of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351 ("Title III"); the Foreign Intelligence Surveillance Act of 1978, Pub. L. 95- 511 ("FISA"); and the Electronic Communications Privacy Act of 1986, Pub. L. 99-508 ("ECPA").

**Attachment 1: Modernizing the Federal ELSUR  
Assistance Mandates and Federal ELSUR Laws**

EFF/Cardozo-88

OPCA-20 (12-3-96)

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- (b)(7)(F)
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- (b)(9)

- (d)(5)
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The following number(s) are to be used for reference regarding these pages:

**EFF/Cardozo 89-102:** FY 2010 Legislative Call "Point Paper", section Modernizing the Federal ELSUR Assistance Mandates and Federal ELSUR Laws. Pages are legislative proposals under internal discussion relating to amending CALEA, Title III, ECPA, Pen Register/Trap provisions and FISA laws.

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## **Attachment 2: Enacting New ELSUR-enhancing Statutory Authorities**

EFF/Cardozo-103

OPCA-20 (12-3-96)

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Section 552a

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- The following number(s) are to be used for reference regarding these pages:

EFF/Cardozo 104-105: FY 2010 Legislative Call "Point Paper", section Enacting New ELSUR-enhancing Statutory Authorities. Pages are legislative proposals under internal discussion relating to amending current laws or proposing new laws that would enhance ELSUR capabilities.

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FBI LEGISLATIVE AND POLICY PROPOSALS

1. Going Dark

Proposal: Update and improve certain existing ELSUR laws to allow for catch up to changing technology.

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2. Data Retention

Proposal: Require Electronic Communication Service Providers to retain for two years records showing the origination and termination of communications.

3. Extension of certain Human Resource authorities

Proposal: Amend 2005 Consolidated Appropriation Act to eliminate expiration date of December 31, 2009, on authority to grant retention and relocation bonuses.

4. Mass Killings

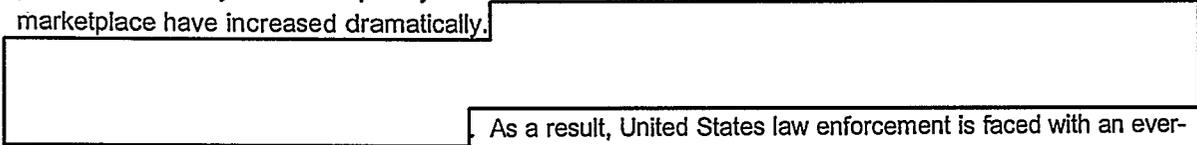
Proposal: Amend Title 28 to give the FBI statutory authority to assist in investigation of mass killings or attempted mass killings in schools, colleges, universities, non-federal office buildings, malls, and other public places.

5. Infrastructure/Facilities

Proposal: Eliminate requirement for GSA review and approval of long-terms leases. Institute DOJ review and approval procedures.

### The Going Dark Initiative

Lawfully-authorized electronic surveillance (ELSUR) is critical to enforcing the law, protecting our citizens, and maintaining our nation's security. Preserving and enhancing the capabilities used to intercept specific communications content and communication-identifying information is essential to this effort. In recent years, the variety and complexity of communications services and technologies introduced to the marketplace have increased dramatically.



As a result, United States law enforcement is faced with an ever-increasing gap in ELSUR capabilities. Gaps in ELSUR capabilities, however, are not in and of themselves the only difficulties confronting law enforcement. As technology and communications services advance, LEAs also face greater challenges in carrying out the fundamental aspects of their investigative mission.

In an effort to remedy interception and ELSUR-related gaps, and provide LEAs with the tools they need to accomplish their mission, the FBI has developed a national strategy known as the "Going Dark Initiative." The Going Dark Initiative includes several significant elements, one of which is the attached catalog of ELSUR and ELSUR-related legislative proposals designed to update and improve existing Federal ELSUR laws and assistance mandates and to enact new ELSUR and ELSUR-related laws to support LEAs' investigative efforts. As the events of September 11, 2001 show, law enforcement cannot *connect* the intelligence and evidentiary dots unless it first *collects* those dots. Absent needed legislation, LEAs increasingly will encounter outages, which will ultimately result in LEAs going dark with regard to the collection of essential evidence and intelligence information.

The specific legislative proposals and the rationale for each are set forth in Attachments 1 and 2 below.

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## **Attachment 1: Updating and Improving Federal ELSUR Laws and Assistance Mandates**

OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

14 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

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- (b)(7)(A)
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(b)(8)
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- (d)(5)
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(k)(7)

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- The following number(s) are to be used for reference regarding these pages:

EFF/Cardozo 109-122: FY 2010 Legislative Call "Point Paper", section Updating and Improving Federal ELSUR Laws and Assistance Mandates. Pages are legislative proposals under internal discussion relating to amending CALEA, Title III, ECPA, Pen Register/Trap provisions and FISA laws (essentially the same as Bates pages 89-102).

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## **Attachment 2: Enacting New ELSUR and ELSUR- Related Laws and Capabilities**

EFF/Cardozo-123

OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

2 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

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- (b)(7)(A)
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(b)(7)(C)
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(b)(7)(E)
(b)(7)(F)
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Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

Page(s) was/were not considered for release as it (is) /they (are) (a) duplicate(s) of (an)other released page(s).

Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Cardozo 124-125: FY 2010 Legislative Call "Point Paper", section Enacting New ELSUR and ELSUR-Related Laws and Capabilities. Pages are legislative proposals under internal discussion relating to amending current laws or proposing new laws that would enhance ELSUR capabilities (essentially the same as Bates pages 104-105).

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FY 2010 Legislative Call  
Office of the General Counsel

PROPOSAL

In an effort to remedy interception and ELSUR-related gaps, and provide LEAs with the tools they need to accomplish their mission, the FBI has developed a national strategy known as the "Going Dark Initiative." The Going Dark Initiative includes several significant elements, one of which is the attached catalog of ELSUR and ELSUR-related legislative proposals designed to update and improve existing Federal ELSUR laws and assistance mandates and to enact new ELSUR and ELSUR-related laws to support LEAs' investigative efforts. As the events of September 11, 2001 show, law enforcement cannot *connect* the intelligence and evidentiary dots unless it first *collects* those dots. Absent needed legislation, LEAs increasingly will encounter outages, which will ultimately result in LEAs going dark with regard to the collection of essential evidence and intelligence information.

JUSTIFICATION

Lawfully-authorized electronic surveillance (ELSUR) is critical to enforcing the law, protecting our citizens, and maintaining our nation's security. Preserving and enhancing the capabilities used to intercept specific communications content and communication-identifying information is essential to this effort. In recent years, the variety and complexity of communications services and technologies introduced to the marketplace have increased dramatically.

[REDACTED]

As a result, United States law enforcement is faced with an ever-increasing gap in ELSUR capabilities. Gaps in ELSUR capabilities, however, are not in and of themselves the only difficulties confronting law enforcement. As technology and communications services advance, LEAs also face greater challenges in carrying out the fundamental aspects of their investigative mission.

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COST IMPACT

Unknown

POINT OF CONTACT

[REDACTED], Science and Technology Law Unit, [REDACTED]

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ADMINISTRATIVE NOTE

Proposal was prepared, approved, and submitted by OGC

FY 2010 Legislative Call  
Office of the General Counsel

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Lawfully-authorized electronic surveillance (ELSUR) is critical to enforcing the law, protecting our citizens, and maintaining our nation's security. Preserving and enhancing the capabilities used to intercept specific communications content and communication-identifying information is essential to this effort. In recent years, the variety and complexity of communications services and technologies introduced to the marketplace have increased dramatically.

[REDACTED] As a result, United States law enforcement is faced with an ever-increasing gap in ELSUR capabilities. Gaps in ELSUR capabilities, however, are not in and of themselves the only difficulties confronting law enforcement. As technology and communications services advance, LEAs also face greater challenges in carrying out the fundamental aspects of their investigative mission.

**HISTORY**

Various CALEA issues have been discussed for many years, some on a regulatory front and some on a legislative front. The attached information details what is needed and in some instances, what has been addressed in part or is pending before the FCC.

**COST IMPACT**

Unknown

**ADMINISTRATIVE NOTE**

Proposal was prepared, approved, and submitted by OGC

EFF/Cardozo-127



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## GOING DARK

What is "Going Dark"?

Response:

- The term "Going Dark," is used to refer to the very real constriction of our ability to perform lawfully authorized technical collections (e.g., electronic surveillance, search and seizure of data, access to transactional records). [redacted] have increased dramatically in recent years and is expected to continue unabated for the foreseeable future.
- The FBI, as the lead domestic intelligence agency, has devoted resources to develop technical collection capabilities; however, these expenditures have only enabled the FBI to barely keep up with the pace of change. Members of the intelligence community (IC) and law enforcement community are experiencing significantly reduced collection capabilities. These circumstances reflect an emerging "capability gap" for the FBI, other IC agencies, and law enforcement.

Didn't Congress already solve this problem when it passed the Communications Assistance for Law Enforcement Act (CALEA) in 1994?

Response:

- No, CALEA applied to telecommunications carriers and to services that replace a substantial portion of the local exchange service. CALEA excluded, and still excludes, a wide range of other services which today travel over wire and electronic communications transmission networks and are interwoven in network traffic. [redacted]

What are some of the specific problems the FBI and the rest of the law enforcement and intelligence communities are facing?

Response:

- [redacted]

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
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Response  
Section 2

Serial Description ~ COVER SHEET

Total Deleted Page(s) ~ 100 Bates Pages

Page 16 ~ b2, b5, b7E	140
Page 17 ~ b2, b5, b7E	141
Page 18 ~ b2, b5, b7E	142
Page 19 ~ b2, b5, b7E	143
Page 20 ~ b2, b5, b7E	144
Page 21 ~ b2, b5, b7E	145
Page 22 ~ b2, b5, b7E	146
Page 23 ~ b2, b5, b7E	147
Page 24 ~ b2, b5, b7E	148
Page 25 ~ b2, b5, b7E	149
Page 26 ~ b2, b5, b7E	150
Page 27 ~ b2, b5, b7E	151
Page 28 ~ b2, b5, b7E	152
Page 29 ~ b2, b5, b7E	153
Page 31 ~ b2, b5, b7E	155
Page 32 ~ b2, b5, b7E	156
Page 35 ~ b2, b5, b7E	157
Page 37 ~ b2, b5, b7E	158
Page 38 ~ b2, b5, b7E	159
Page 39 ~ b2, b5, b7E	160
Page 40 ~ b2, b5, b7E	161
Page 41 ~ b2, b5, b7E	162
Page 42 ~ b2, b5, b7E	163
Page 43 ~ b2, b5, b7E	164
Page 44 ~ b2, b5, b7E	165
Page 45 ~ b2, b5, b7E	166
Page 46 ~ b2, b5, b7E	167
Page 47 ~ b2, b5, b7E	168
Page 48 ~ b2, b5, b7E	169
Page 49 ~ b2, b5, b7E	170
Page 50 ~ b2, b5, b7E	171
Page 51 ~ b2, b5, b7E	172
Page 52 ~ b2, b5, b7E	173
Page 53 ~ b2, b5, b7E	174
Page 54 ~ b2, b5, b7E	175
Page 55 ~ b2, b5, b7E	176
Page 56 ~ b2, b5, b7E	177
Page 57 ~ b2, b5, b7E	178
Page 58 ~ b2, b5, b7E	179
Page 59 ~ b2, b5, b7E	180
Page 60 ~ b2, b5, b7E	181
Page 61 ~ b2, b5, b7E	182
Page 62 ~ b2, b5, b7E	183
Page 63 ~ b2, b5, b7E	184

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Bates Page

Page 66 ~	b2, b5, b7E	185
Page 67 ~	b2, b5, b7E	186
Page 68 ~	b2, b5, b7E	187
Page 69 ~	b2, b5, b7E	188
Page 70 ~	b2, b5, b7E	189
Page 71 ~	b2, b5, b7E	190
Page 72 ~	b2, b5, b7E	191
Page 73 ~	b2, b5, b7E	192
Page 74 ~	b2, b5, b7E	193
Page 75 ~	b2, b5, b7E	194
Page 76 ~	b2, b5, b7E	195
Page 77 ~	b2, b5, b7E	196
Page 78 ~	b2, b5, b7E	197
Page 79 ~	b2, b5, b7E	198
Page 80 ~	b2, b5, b7E	199
Page 81 ~	b2, b5, b7E	200
Page 82 ~	b2, b5, b7E	201
Page 83 ~	b2, b5, b7E	202
Page 84 ~	b2, b5, b7E	203
Page 85 ~	b2, b5, b7E	204
Page 86 ~	b2, b5, b7E	205
Page 87 ~	b2, b5, b7E	206
Page 88 ~	b2, b5, b7E	207
Page 91 ~	b2, b5, b7E	208
Page 92 ~	b2, b5, b7E	209
Page 93 ~	b2, b5, b7E	210
Page 94 ~	b2, b5, b7E	211
Page 95 ~	b2, b5, b7E	212
Page 96 ~	b2, b5, b7E	213
Page 97 ~	b2, b5, b7E	214
Page 98 ~	b2, b5, b7E	215
Page 99 ~	b2, b5, b7E	216
Page 102 ~	b2, b5, b7E	217
Page 103 ~	b2, b5, b7E	218
Page 104 ~	b2, b5, b7E	219
Page 105 ~	b2, b5, b7E	220
Page 106 ~	b2, b5, b7E	221
Page 107 ~	b2, b5, b7E	222
Page 110 ~	b2, b5, b7E	223
Page 111 ~	b2, b5, b7E	224
Page 112 ~	b2, b5, b7E	225
Page 115 ~	b2, b5, b7E	226
Page 118 ~	b2, b5, b7E	227
Page 121 ~	b2, b5, b7E	228

Case 3:19-cv-04892-FJS Document 1-2 Filed 03/01/21 Page 6 of 27

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 X No Duplication Fee X  
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		<u>Bates Page</u>
Page 122	~ b2, b5, b7E	229
Page 123	~ b2, b5, b7E	230
Page 126	~ b2, b5, b7E	231
Page 127	~ b2, b5, b7E	232
Page 128	~ b2, b5, b7E	233
Page 129	~ b2, b5, b7E	234
Page 131	~ b2, b5, b7E	235
Page 137	~ b2, b5, b7E	241
Page 138	~ b2, b5, b7E	242
Page 139	~ b2, b5, b7E	243
Page 140	~ b2, b5, b7E	244
Page 141	~ b2, b5, b7E	245

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**Congressional Affairs Office  
Congressional Contacts**

Date Entered: 05/27/2009     Briefing     Hearing     Other     FOC

2009-152    Event Date: 5/27/2009    Entered By: \_\_\_\_\_

Subject: SSCI briefing on FY2010 NIP budget

CAO Contact Person: \_\_\_\_\_ (attended by \_\_\_\_\_)

DOJ Notification: \_\_\_\_\_ DOJ Date/Time: \_\_\_\_\_

FBI Participants: AD Rich Haley and Finance employees \_\_\_\_\_ and \_\_\_\_\_

Other Participants: \_\_\_\_\_

Committees /Subcommittees: SSCI and SAC-CJS

Members/Staff: SSCI staffers \_\_\_\_\_ (Committee) and \_\_\_\_\_ (Mikulski) and SAC-CJS staffer \_\_\_\_\_ (Mikulski)

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**Details of Briefing:**

The brief began with a general overview of the FY2010 NIP budget enhancements. Rich gave the overview and discussed the FBI's strategy map. This included a broad discussion on costs in several areas to include personnel, infrastructure and programs. \_\_\_\_\_ and \_\_\_\_\_ then addressed the different areas in more detail. Most budget related questions were for clarification and our briefers handled them without any issues. All staffers had additional questions relating to the FBI's \_\_\_\_\_ how the FBI is dealing with the "going dark" issue \_\_\_\_\_ and the costs involved with \_\_\_\_\_. The staffers requested additional budget numbers and a five year plan. Mikulski staffer \_\_\_\_\_ asked for further information on the recent internet security breach of the FBI unclass network. \_\_\_\_\_ also mentioned Mikulski is likely to bring up the "going dark" issue at the closed hearing next Thursday.

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**Follow Up Action:**

Finance is following up with the requests.



### Congressional Affairs Office Congressional Contacts

Date Entered: 05/15/2009  Briefing  Hearing  Other  FOC

2009-134 Event Date: 5/14/2009 Entered By: [redacted]

Subject: FBI Budget Brief to Rep Ruppberger

CAO Contact Person: [redacted]

DOJ Notification: [redacted] DOJ Date/Time: [redacted]

FBI Participants: AD Rich Haley, [redacted]

Other Participants: [redacted]

Committees /Subcommittees: HPSCI

Members/Staff: Rep Ruppberger, [redacted]

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**Details of Briefing:**

**TO COVER:**

- 1. FBI FY 2010 Budget
- 2. Enhancements to the FBI Budget and needs of the Bureau

**AD Haley Opening**

AD Haley explained the change in the FBI budget and funding process since becoming a member of the IC and transforming to an intelligence agency. He explained that the rest of the IC uses a 5 year budget projection and that the FBI must use a 1 year.

The FBI has written a 5 year program that is used internally so that they can track the IC community in a more consistent manner with the IC.

In 2002, the FBI budget was approximately 3 billion

In 2009, the FBI budget was well over 7 billion

0.5 billion of this budget is for rent, utilities and other overhead

**Personnel**

The average employee at the FBI costs approximately \$ [redacted] per year including benefits (increased significantly)

Funds received in recent years have gone to enhancing positions such as:

olas - which were previously GS-7 job and no college degree, now require a college degree and are being hired as GS-14.

This has impacted the FBI personnel costs

Rupp - was not in agreement with the way the FBI NSB was set up with traditional agents who were not trained or experienced in NS.

Rupp - How are you doing with the communications/computer technology systems?  
Why have they not been modeled after CIA and other NS agencies?

Haley explained the current state of Sentinel to include next steps (Sentinel on the TS system)

There are 82 different technology products

[redacted]

CORE - FBI forms

Rupp - asked if las have the ability to access the necessary systems to do their job?  
Yes in all field office but some of the Ras are a little slower.

**Funding - NIP**

Haley explained that the NIP is scored through the DNI

Rupp - How many positions in the FBI are scored through the NIP? [redacted] roughly half

**Drugs**

Rupp - one of his biggest concerns and issues are drugs. How is the FBI addressing this problem?

Haley explained that due to the transformation and the shift in resources to NSB, the drug violations have been affected but are still a concern of the FBI.

[redacted] - resources and current states of the [redacted] program as well as describing each division were provided

Rupp - asked why [redacted] do not carry guns

Explained that they are [redacted]

Provided the number of [redacted] staff and that this should be doubled

Rupp - what are you doing to address the [redacted] shortage?

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### Congressional Affairs Office Congressional Contacts

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Haley stated that we continue to request more funding and do not always receive it. Identified the funding requests from prior years.

Rupp – WANTS TO GET WITH HAC CJS TO ADDRESS FUNDING MATTERS FOR THE FBI – [redacted]

Counterintelligence and Russia

Rupp – stated that the Russia threat is increasing and really heating back up –Big Concern

Going Dark Problem

Haley explained that [redacted]

Rupp - asked if we were [redacted]

Haley explained that [redacted]

Other Topics Addressed

National Cyber Security Initiative

National Security Branch

Mortgage Fraud

All funding for the FBI goes through the HAC CJS and the Intel Authorization Bill authorizes the use of the Intel money.

GET BACK – WANTS A MEETING WITH [redacted] TO ADDRESS FUDNING AND SHORTAGES.

When it comes to funding, if you need it, let me know. If you justify it, I will work to get it. Tell me either on or off the record.

[redacted] cont

Discussed funding for the FBI Academy improvements and the additional funding for the NA.

Cyber Security Initiative – What is the role of the FBI?

Training of Cyber Agents was discussed and the specialized background and career path they have to possess.

WMD coordinators are over stretched in the field

o Is there going to be funding available that will alleviate this issue

BMTC – Clarksburg facility and the future of the technology to create a national standard for all LE.

o NGI will be housed here

LANGUAGE INCENTIVE PAY – explained by the last slide in the packet

o Confirm that language designated positions get the bonus but doe they receive a maintenance bonus when not assigned to a job that requires their language.

GET-BACK – WHAT IS THE EXACT NUMBER OF SURVEILLANCE AGENTS?

**Follow Up Action:**



### Congressional Affairs Office Congressional Contacts

Date Entered: 06/18/2008  Briefing  Hearing  Other  FOC

2008-765 Event Date: 4/16/2008

Subject: Going Dark Briefing - Unclassified

CAO Contact Person: [Redacted]

DOJ Notification: [Redacted] DOJ Date/Time: [Redacted]

FBI Participants: EAD Kerry Haynes, [Redacted]

Other Participants:

Committees /Subcommittees: SAC CJS

Members/Staff: [Redacted]

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**Details of Briefing:**

The briefing covered the unclassified details of the "Going Dark Initiative" and the threats that the US intelligence community face without properly preparing for the changes in technology. The briefing was well received.

OVERVIEW

1. The main message presented by EAD Haynes is that the ability of the FBI to collect intelligence and conduct investigations through the use of technology is shrinking ever day.

A. Advances of technology include:

2. The FBI considers that it is currently, in what it refers to as, the possibly of collection/intercept based on the technology of today.

3. The presentation further detailed specific technological advances and speculation on where the technology industry is headed and what must be done for the FBI to continue to play a proactive role to combat criminal and terrorism investigations.

QUESTIONS/CONCERNS FROM [Redacted] AND [Redacted]

1. [Redacted] asked what the FBI's 5 year plan was and referenced the DNI 5 year plan which he has not had access to.
2. [Redacted] asked how big of a priority this was to the FBI and to law enforcement nationwide.
3. [Redacted] asked if this would be done by contract workers or FBI staff.
4. [Redacted] asked if we were collecting less intelligence information via FISA, etc due to emerging technologies.
5. [Redacted] asked if the FBI was optimistic that it would be able to capture this data in the future with the right resources.
6. Is the exploitation of ELSUR currently being addressed by the cyber security initiative

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**Follow Up Action:**

[Redacted] and [Redacted] were interested in going to Quantico to receive the classified version of this briefing. OCA will follow-up with them to provide this briefing to them when their schedule permits.



## Congressional Affairs Office Congressional Contacts

Date Entered:	06/18/2008	<input type="radio"/> Briefing	<input checked="" type="radio"/> Hearing	<input type="radio"/> Other	<input type="radio"/> FOC
2008-766	Event Date:	4/16/2008			
Subject:	Senate Appropriations CJS Sub-Committee Hearing				
CAO Contact Person:	Jeff Kroeger				
DOJ Notification:		DOJ Date/Time:			
FBI Participants:	Director Mueller, AD Powers, AD Haley				
Other Participants:					
Committees /Subcommittees:	SAC CJS				
Members/Staff:	Senator Mikulski, Shelby, Stevens,				

### Details of Briefing:

#### 1. MIKULSKI OPENING STATEMENTS Sen Mikulski

The FBI and the CJS has had a very productive working relationship and the FBI can count on the CJS for whatever it needs to fulfill the mission of the FBI.

The FBI is a new modern FBI that has been tasked with a variety of responsibilities that it was not formally tasked with: intelligence Law Enforcement Agency that has been tasked with protecting against traditional crimes and the continued threat of terrorism

The current FBI budget is 7.1 Billion up 7% from the previous year

- o This money will fund the hiring of additional agents and intelligence analysts.
- o The largest budget increases fall within the CT program
- o All realize that this is a huge priority encompassing almost 40% of the budget. The majority of these investments deal with cyber crime and intel gathering and the combination of the two.

The NSL problem is still a major issue of concern to the committee

TSC and the process of getting selected for the terrorist watch list and then getting off of it when you should

The unpaid wiretap bills of the FBI

#### DIRECTOR'S COMMENT OF IMPORTANCE

1. MORTGAGE FRAUD - One of Senator Mikulski's main concerns was the current housing market and rampant mortgage fraud that has developed because of the market conditions. The Director stated that the FBI has increased its attention to mortgage fraud and making this a priority to the FBI. At present, the FBI is currently investigating 19 companies, up from 17 a month ago, for mortgage fraud and illegal sub-prime lending practices. The FBI is re-assigning agent from other areas such as financial fraud and healthcare fraud to address this growing problem. The FBI currently has 1,300 mortgage fraud investigations and the Director expects this number to grow over the next year.

2.

#### QUESTIONS DURING THE HEARING

##### MIKULSKI

##### Mortgage Fraud and Predatory Lending

1. What resources are needed from the SAC CJS by the FBI to address this issue?

a. Mikulski stated that this is a very sophisticated type of investigation requiring forensic accounts and agents with a very good understanding of this issue.

b. She cited that SAR reporting was up 300%

2. The SAC CJS is concerned that with the reallocation of resources from criminal investigations to the terrorism threat. The state and local LEA (Law Enforcement Agencies), which make up the JTF around the country, have been neglected and funds have been taken away or not increased from these programs. Mikulski noted that there are no additional funds to enhance this program. QUESTION: What is the desirable number of JTF and what would it take to meet those numbers to make an impact on traditional criminal cases.

##### Sentinel Implementation

3. Where are we with the Sentinel implementation and how is the overall process coming along?

a. GAO has stated that this project is on time and with the budget parameters. Mikulski did express concern with the conversion of case files from the ACS system to the new sentinel program.

Terrorist Screening Center/Terrorist Watch List - IG has provided its finding, identified the flaws, and expressed their concerns with this program. Specifically, the lag in getting individuals nominated and put onto the watch list and then getting people appropriately removed from the watch list, once it is determined that they should be cleared.

4. What is the response to the IGs concerns and recommendations related to the TSC.

##### Crimes Against Children - JTF on Child Prostitution

5. What are the programs the FBI is responsible for with the protection against crimes against children. Point of information (POI) - This is a high priority issue for Mikulski.

EFF/Cardozo-133



### Congressional Affairs Office Congressional Contacts

**SHELBY**

1. What is the hold-up with OMB releasing the \$38m, which has already been allocated by the SAC CJS, for the render safe program?
2. What would be the impact of a long term, 90 or 120 day continuing resolution, since the FBI's 2009 budget already has a \$56m shortfall
3. Are you satisfied that the FBI is reaching the right balance between criminal and terrorism investigations.
4. The SAC CJS set aside \$9.8m to address training and infrastructure needs at the FBI Academy. Does this money meet the current needs that need to be addressed at QT. Cyber Security Initiative
5. What is the role? What are the resources and why is this program important?

**STEVENS**

1. Is the FBI effectively communicating with the DHS and other partners in the intelligence community?
2. Is the defense initiative, as it relates to cyber, correctly addressed in this budget? Is there a corroboration of resources and programs with the FBI, DNI and DHS?
  - a. Mikuski, along with her staff at the Going Dark Briefing on 4/14, stated that the FBI's budget for the cyber initiative is still somewhat unclear. Because of this, Senator Mikuski and the Director agreed to have a classified briefing on this issue in the near future. Senator Stevens and Shelby were invited and seemed to agree with Mikuski on this issue. This issue/concern stems from the fact that under DOJ, the FBI is unable to perform a 5 year budget projection/request like other agencies in the Intel Comm. Although the FBI has submitted a 5 year projection, the FBI is only allowed to ask for one year at a time vs. all 5 years up front. Because of this, the members perceive this as the FBI being secretive, when in fact, they are simply complying with DOJ established DOJ standards and policies.
  - i. POI – this same point was made by Doug Disrud at the Going Dark briefing with EAD Haynes on 4/14/2008.
3. Stevens did ask which federal agency would be in charge of the cyber initiative/defense program.
4. Do we have any overlapping funding between the federal agencies?

**QUESTIONS FOR THE RECORD:**

Mikuski indicated that there would be additional questions that will be submitted for the record.

**Follow Up Action:**

Get back on Mortgage Fraud numbers.



**Congressional Affairs Office  
Congressional Contacts**

Date Entered: 03/19/2008     Briefing     Hearing     Other     FOC

2008-634    Event Date: 3/7/2008

Subject: SSCI STAFF VISIT TO OPERATIONAL TECHNOLOGY DIVISION

CAO Contact Person: \_\_\_\_\_

DOJ Notification: \_\_\_\_\_ DOJ Date/Time: \_\_\_\_\_

FBI Participants: EAD Kerry Haynes, AD Marcus Thomas, DAD Pat Cook, SC and UC's as listed in schedule of events

Other Participants: \_\_\_\_\_

Committees /Subcommittees: SSCI

Members/Staff: SSCI staffers \_\_\_\_\_ and \_\_\_\_\_

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**Details of Briefing:**

OTD covered \_\_\_\_\_ program and the significant contribution the FBI makes to the IC in this matter; special projects (for which staff were read-in); TICTU overview (UC discussed \_\_\_\_\_) and the misconceptions about what it was a how it works); CART (w emphasis on TEDAC); overview of Tactical Operations program; Technical Response Unit; and a "Going Dark" briefing with Kerry Haynes (a handout was provided to OCA, who reviewed it and provided to staff, after removing one page). Attached is the handout, the schedule of events, and the notes from the visit. Topics covered included unfunded requirements, level of cooperation/understanding/assistance from DNI, level of sharing and cooperation with IC/telecom and intl partners, consolidation of tech efforts across industry, working groups/detailees to consolidate efforts, the "data coordination center" concept.

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**Follow Up Action:**

None. DNI Tech Expo the following week. OTD and intel cmte staff will attend.

**National Lawful Interception Strategy/**

**“Going Dark” Strategy**

**Matters for**

**Legislative Consideration**

INDEX

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National Lawful Interception Strategy/  
"Going Dark" Strategy  
Matters for  
Legislative Consideration

1. Modernizing Lawful Interception Laws and Related Authorities (BAH, Fall 2008)
2. Proposed Amendments to CALEA (DOJ/FBI approved [redacted], Spring 2006)
3. Explanatory Text re Proposed Amendments to CALEA (DOJ/FBI [redacted], Spring 2006)
4. CALEA Amendment / FCC Decisions Comparison Table [redacted], Late Spring 2006)
5. High-level Overview of Proposed CALEA Amendments (BAH, Spring 2006)
6. High-level Explanation of 2006 CALEA Amendment Package [redacted], 9/11/2008)
7. Chart by Topic Showing CALEA vs. Non-CALEA Provisions (BAH, Fall 2008)
8. Thoughts Regarding Concept for Additional Appropriations Fund (BAH, Fall 2008)
9. Potential Language for No cause Against Service Providers, Protecting Techniques (BAH, Spring 2006)
10. Encryption: Countering the Threat; Potential Lines of Legislative Action (BAH, Fall 2008)

### Modernizing Federal Electronic Surveillance Laws

Court-authorized electronic surveillance (ELSUR) is critical to enforcing the law, protecting our citizens, and maintaining our Nation's security. Maintaining a capability to intercept specific communications content and communications identifying information is vital. But maintaining ELSUR capabilities is not an end in itself; it is the ELSUR "collection product" that is critical to all types of national security and criminal investigations. Post-9/11, sharing the collection product is essential, underscoring the basic proposition that agencies cannot *connect* the intelligence and evidentiary dots unless they first *collect* those dots.

In recent years, the variety and complexity of communications technologies have increased dramatically;<sup>1</sup> and [redacted]

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[redacted] giving rise to an ELSUR "interception capability gap."

Absent needed legislation and a substantial increase in resources, LEAs, including the FBI, increasingly will encounter ELSUR outages on the road to "going dark."

The FBI in concert with LEA representatives has devised a five-pronged National ELSUR Strategy composed of:

- (1) modernizing the Federal ELSUR assistance mandates<sup>2</sup> and Federal ELSUR laws<sup>3</sup>
- (2) enacting new ELSUR-enhancing statutory authorities
- (3) enhancing LEA ELSUR coordination
- (4) enhancing ELSUR cooperation between industry and LEAs
- (5) increasing technical and financial resources for LEAs

Highlights of the legislative proposals under prongs 1 and 2 are outlined in brief in the table below. The specific legislative provisions proposed and the rationale for them are set forth in Attachments 1 and 2.

(1) Modernizing Fed ELSUR Assistance / ELSUR Laws	(2) New ELSUR-enhancing Statutory Authorities
[Redacted content]	

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[Redacted content]

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<sup>2</sup> The primary Federal ELSUR assistance mandate is the Communications Assistance for Law Enforcement Act of 1994, Pub. L. 103-414 (CALEA). However, long before CALEA, Congress mandated "technical assistance" in all of our Nation's ELSUR laws (see 18 U.S.C. §2518(4)(Title III), 18 U.S.C. §3124 (criminal law pen registers/trap-traces), 50 U.S.C. §1805(c)(2)(FISA), and 50 U.S.C. §1842(d)(B)(FISA pen registers/trap-traces).

<sup>3</sup> Title III of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351 ("Title III"); the Foreign Intelligence Surveillance Act of 1978, Pub. L. 95- 511 ("FISA"); and the Electronic Communications Privacy Act of 1986, Pub. L. 99-508 ("ECPA").

**Attachment 1: Modernizing the Federal ELSUR  
Assistance Mandates and Federal ELSUR Laws**

OPCA-20 (12-3-96)

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14 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Cardozo 140-153: Point Paper titled, "National Lawful Interception Strategy/ 'Going Dark' Strategy: Matters for Legislation Consideration," section Modernizing the Federal ELSUR Assistance Mandates and Federal ELSUR Laws. Pages are legislative proposals under internal discussion relating to amending CALEA, Title III, ECPA, Pen Register/Trap provisions and FISA laws (essentially the same as Bates pages 89-102).

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## **Attachment 2: Enacting New ELSUR-enhancing Statutory Authorities**

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Cardozo 155-156: Point Paper titled "National Lawful Interception Strategy/ 'Going Dark' Strategy: Matters for Legislation Consideration," section Enacting New ELSUR-enhancing Statutory Authorities. Pages are legislative proposals under internal discussion relating to amending current laws or proposing new laws that would enhance ELSUR capabilities (essentially the same as Bates pages 104-105).

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OPCA-20 (12-3-96)

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- The following number(s) are to be used for reference regarding these pages:

EFF/Cardozo 157-235: "Redline" breakdown and internal discussion of proposals for amending CALEA to enhance ELSUR capabilities. "Redline" is where parts of the law are crossed-out and suggested new statutory language put in it's place.

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# (U) National Lawful Intercept Strategy

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## From Bureaupedia

(U) National Lawful Intercept Strategy is a comprehensive five-step process devised by key law enforcement and industry representatives to reverse the growing number of threats to lawful interception.

## Contents

- 1 (U) Issue
- 2 (U) Proposed solution
- 3 (U) Budget
- 4 (U) Recommendations / Actions

### (U) Issue

(U) The convergence of communications and the increased variety and complexity of advanced services and technologies has resulted in impediments to lawful intercept capabilities and created an increasingly evident "lawful intercept capabilities gap." In the face of more diverse and complex communications services and technologies, including the rapid growth in diverse protocols, proprietary compression techniques, encryption, and other technological factors, law enforcement is now faced with several especially daunting lawful interception challenges.

(U)

(U) The costs of conducting lawful intercepts are increasing daily.

### (U) Proposed solution

(U) The National Lawful Intercept Strategy proposes the following solution:

1. Modernize Lawful Intercept Laws: Existing lawful intercept laws (e.g., Title III of the Omnibus Crime Control and Safe Streets Act, Electronic Communications Privacy Act [ECPA], and the Communications Assistance for Law Enforcement Act [CALEA]) require modernization as a

EFF/Cardozo-236

- .. result of advancements in communications services and technologies.
- 2. Update Lawful Intercept Authorities: Protect sensitive law enforcement and proprietary service provider lawful intercept techniques and information; authorize, in statute, FBI assistance and coordination of lawful intercept expertise; remove any administrative constraints on the ability to loan lawful intercept equipment and provide technical assistance and/or training.
- 3. Law Enforcement Coordination: To increase efficiency and cost-effectiveness, integrated leadership and support within law enforcement must be increased and coordinated. Examples of law enforcement coordination include: research and development; distribution of analysis, processing, and presentation tools and applications; strategic and tactical technical and operational assistance; sharing of technical best practices; and outreach and liaison with entities within the communications industry.
- 4. Industry Cooperation: To institute greater and broader industry liaison, particularly with IP-based communications service providers and manufacturers and emerging trusted third-party lawful intercept solution providers. This effort will focus on obtaining greater information and insight into emerging technologies, services, applications to ensure that law enforcement can field more timely, cost-effective technical solutions and identify less expensive commercial lawful intercept solutions.
- 5. Resources: To accomplish the above four prongs of the National Lawful Intercept Strategy, additional resources are required.

### (U) Budget

(U) There is no current budget allocated for the Going Dark Initiative. The Operational Technology Division (OTD) has worked with the Cyber Division to request initial funding (i.e., "seed money") to stimulate the establishment of a centralized FBI organization to begin implementing the National Lawful Intercept Strategy. The use of Cyber-related funding is being considered because much of the National Lawful Intercept Strategy would support the expansion of capacity of certain critical lawful intercept collection tools.

### (U) Recommendations / Actions

(U) The FBI will continue to pursue the development and implementation of the National Lawful Intercept Strategy to ensure the future viability of this effective, useful, and indispensable investigative tool for the entire law enforcement community.

1. Seek continued input from law enforcement leadership (e.g., IACP, Major Cities Chiefs, Major County Sheriffs' Association) and industry regarding the development and implementation of the five-pronged National Lawful Intercept Strategy.
2. The FBI will finalize the five-pronged National Lawful Intercept Strategy based on the above described continuing dialog. Vet the Strategy with key Administration officials (e.g., Office of Management and Budget [OMB], Office of the Director of National Intelligence [ODNI]; Department of Justice [DOJ]) to ensure approval and commitment from necessary components.
3. Socialize the Strategy with key Congressional members and staff (e.g., Judiciary, Intelligence, Appropriations) as appropriate.
4. Explore potential for early Strategy implementation, resource allocation, and funding and secure the five-pronged Strategy package: legislative and full-scale resource and funding enhancements.

Retrieved from "[https://www.iportal.fbi/wiki/National\\_Lawful\\_Intercept\\_Strategy](https://www.iportal.fbi/wiki/National_Lawful_Intercept_Strategy)"

EFF/Cardozo-237

## (U) Lawful interception

From Bureaupedia

(U) Court-authorized lawful interception (telephone tapping) is a critically important governmental technique utilized in all types of investigations to enforce the Nation's laws, ensure the safety of its citizens, and maintain the Nation's security. Effective use of the Foreign Intelligence Surveillance Act (FISA), Title III of the Omnibus Crime Control and Safe Streets Act, and the Electronic Communications Privacy Act (ECPA) consistently produces vital intelligence and evidence in national security and crime-related investigations. Lawful interception is used in nearly every significant intelligence, counter-intelligence, counterterrorism, criminal, and Cyber crime investigation. The Communications Assistance for Law Enforcement Act (CALEA) mandates telecommunications carriers to design into their networks the capability to perform lawful intercept.

(U) See also

(U) National Lawful Intercept Strategy

Retrieved from "[https://www.iportal.fbi/wiki/Lawful\\_interception](https://www.iportal.fbi/wiki/Lawful_interception)"

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- This page was last modified 19:35, 9 September 2008.

EFF/Cardozo-238

FBI &gt; In Brief &gt; DOJ Budget Details High-Tech Crime Fighting Tools

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## In Brief: DOJ Budget Details High-Tech Crime Fighting Tools

Alert Me

**Title** DOJ Budget Details High-Tech Crime Fighting Tools

**Description** New Surveillance Programs Look Ahead As FBI Seeks To Overcome Past Criticism  
ABCNews.go.com  
By Jason Ryan  
May 9, 2009

WASHINGTON, DC -- The release of the 2010 budget request has shed more light on some FBI surveillance programs the bureau is currently developing and testing.

While the FBI has been criticized at times for its slow reforms after the 9/11 attacks, which revealed the FBI did not have adequate computer resources, some of the new programs sound like something out of a high-tech cloak and dagger film. The budget request shows that the FBI is currently developing a new "Advanced Electronic Surveillance" program which is being funded at \$233.9 million for 2010. The program has 133 employees, 15 of whom are agents.

According to the budget documents released Thursday, the program, otherwise known as "Going Dark," supports the FBI's electronic surveillance intelligence collection and evidence gathering capabilities, as well as those of the greater Intelligence Community. "The term 'Going Dark' does not refer to a specific capability, but is a program name for the part of the FBI, Operational Technology Division's (OTD) lawful interception program which is shared with other law enforcement agencies," an FBI spokesman said. "The term applies to the research and development of new tools, technical support and training initiatives."

**Attachment 1** News article

**Attachment 2**

**Attachment 3**

**Start Date** 5/11/2009

**End Date** 5/12/2009

**Sequence**

**Approval Status** Approved

Content Type: FBI In Brief

Created at 5/11/2009 6:55 AM by [redacted] (OPA) (FBI)

Last modified at 5/12/2009 6:53 AM by [redacted] (OPA) (FBI)

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This document consists of highly-sensitive, confidential, internal decision-making, deliberative process, and attorney-client/legislative counsel information, disclosure of which would cause foreseeable harm

# **“Going Dark”**

## **Legislative Provisions**

May 27, 2009

DRAFT



EFF/Cardozo-240

OPCA-20 (12-3-96)

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EFF/Cardozo 241-245: "Draft" internal Power Point slides titled "Going Dark: Legislative Provisions, May 27, 2009," where proposals to amending CALEA were addressed.

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[Redacted] (OTD) (FBI)

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From: [Redacted] (FD) (FBI)  
Sent: Wednesday, April 02, 2008 11:39 AM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark

UNCLASSIFIED  
NON-RECORD

Thanks. [Redacted] gave us a copy when we were down; good to have electronically too!

b6  
b7C

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, April 02, 2008 11:35 AM  
To: [Redacted] (FD) (FBI)  
Subject: Going Dark

UNCLASSIFIED  
NON-RECORD

Greetings,  
FYI - Attached is EAD Haynes' Going Dark presentation. Thanks.

[Redacted]

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b6  
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<< File: Directors Briefing\_04Feb\_02\_v18.ppt >>

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UNCLASSIFIED

EFF/Cardozo-246

[Redacted] (OTD) (FBI)

b6  
b7C

From: [Redacted] (FD) (FBI)  
Sent: Tuesday, July 08, 2008 3:07 PM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: More info - Going Dark

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

Hi [Redacted]

[Redacted] and I weren't sure as to the acronym of [Redacted]. What words does it spell out?

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b6  
b7C  
b7E

From: [Redacted] (OTD) (FBI)  
Sent: Tuesday, July 08, 2008 2:41 PM  
To: [Redacted] (FD) (FBI)  
Subject: RE: More info - Going Dark

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

Thanks. I aim to please...

[Redacted]

b2  
b6  
b7C

From: [Redacted] (FD) (FBI)  
Sent: Tuesday, July 08, 2008 2:39 PM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: More info - Going Dark

b6  
b7C

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

Perfect!

From: [Redacted] (OTD) (FBI)  
Sent: Tuesday, July 08, 2008 2:21 PM  
To: [Redacted] (FD) (FBI)  
Subject: More info - Going Dark

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b7C

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

Greetings,

Got your voice mail. How's this?

The FBI will devise a comprehensive, five-prong "Going Dark" Strategy to counter the increasing capability gap as [Redacted]

[Redacted] "You cannot connect the dots unless you first collect the dots" - EAD  
Haynes

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[Redacted]

EFF/Cardozo-247



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SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

EFF/Cardozo-248

[Redacted] (OTD) (FBI) b6  
b7C

**From:** [Redacted] (OTD) (FBI)  
**Sent:** Thursday, August 21, 2008 11:34 AM  
**To:** [Redacted] (OTD) (FBI)  
**Cc:** [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
**Subject:** Going Dark Slides - Please update by 09/05/08

**Follow Up Flag:** Follow up  
**Due By:** Friday, September 05, 2008 5:00 PM  
**Flag Status:** Flagged

**Attachments:** Going Dark Slide for RPO.ppt

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[Redacted]

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Please update and incorporate the attached Going Dark initiative slides (see email below to [Redacted] that will be presented to the Director in an upcoming Strategy Review Meeting. Make sure to include RAND and any other pertinent data you deem appropriate. Please make your changes in red.

I would appreciate your updated slides by COB 09/05/08...

Thank you,

[Redacted]

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Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[Redacted] Voice  
[Redacted] Mobile  
[Redacted] Fax

b2

**From:** [Redacted] (OTD) (FBI)  
**Sent:** Thursday, August 21, 2008 10:50 AM  
**To:** [Redacted] (OTD) (FBI)  
**Cc:** [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
**Subject:** FW: Going Dark

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NON-RECORD

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[Redacted]

There are a few changes/additions based on the information I collected from TMSU's OTD Initiative Report on Going Dark and from speaking with [Redacted]. I made the changes in red for your review.

EFF/Cardozo-249



Going Dark Slide for  
RPO.ppt (...)

[Redacted]

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b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[Redacted]

Voice  
Mobile  
Fax

b2

From: [Redacted] (DO) (CON)  
Sent: Tuesday, August 19, 2008 11:32 AM  
To: [Redacted] (OTD) (FBI)  
Subject: Going Dark

UNCLASSIFIED  
NON-RECORD

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b7C

[Redacted]

I work for the Resource Planning Office at HQ and I'm compiling information for the upcoming Strategy Review meeting for the Director. One of the initiatives he will look at is Going Dark.

Are you the right point of contact for information on Going Dark?

If so, do you have any updates to the initiative and these slides?  
<< File: EAB 2-7-08.ppt >>

[Redacted]

Resource Planning Office  
Director's Office

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[Redacted]

UNCLASSIFIED

EFF/Cardozo-250

[Redacted] (OTD) (FBI)

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From: [Redacted] (OTD) (FBI)  
Sent: Monday, September 08, 2008 3:45 PM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark Slides

Importance: High

Attachments: Revised Going Dark Slide for RPO 20080905 Final.ppt

UNCLASSIFIED  
NON-RECORD

[Redacted]

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b7C

FYI, [Redacted] pushed the slides to [Redacted] at RPO for us (ahead of deadline).

Another project completed.

Thanks,

[Redacted]

b6  
b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[Redacted]  
Voice  
Mobile  
Fax

b2

From: [Redacted] (DO) (FBI)  
Sent: Monday, September 08, 2008 3:23 PM  
To: [Redacted] (DO) (CON)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (DO) (CON); [Redacted] (DO) (FBI); [Redacted] (DO)  
(FBI); GREVER, LOUIS E. (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI)  
Subject: Going Dark Slides  
Importance: High

UNCLASSIFIED  
NON-RECORD

b6  
b7C

9/8/08

[Redacted]

Per your e-mail request, attached are the revised Going Dark slides which have been approved by Acting EAD Louis Grever, Science & Technology Branch.

EFF/Cardozo-251



Revised Going Dark  
Slide for R...

Thanks,

[Redacted]

b2  
b6  
b7C

From: [Redacted] (DO) (CON)  
Sent: Tuesday, August 19, 2008 11:32 AM  
To: [Redacted] (OTD) (FBI)  
Subject: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

I work for the Resource Planning Office at HQ and I'm compiling information for the upcoming Strategy Review meeting for the Director. One of the initiatives he will look at is Going Dark.

Are you the right point of contact for information on Going Dark?

If so, do you have any updates to the initiative and these slides?  
<< File: EAB 2-7-08.ppt >>

[Redacted]

Resource Planning Office  
Director's Office

b2  
b6  
b7C

[Redacted]

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-252

[Redacted] (OTD) (FBI)

From: [Redacted] (OTD) (FBI) b6  
Sent: Thursday, November 20, 2008 10:07 AM b7c  
To: [Redacted] (OTD) (FBI); [Redacted] (CQ) (CON)  
Cc: [Redacted] (OTD) (FBI)  
Subject: One Page Summary - Going Dark

UNCLASSIFIED  
NON-RECORD

Greetings,

I am putting together Marcus' briefing book for the PETT (President Elect's Transition Team). Do you have a one page Going Dark issue paper? Could you please send me what you have? Thanks.

[Redacted]

b2  
b6  
b7c

UNCLASSIFIED

EFF/Cardozo-253

[Redacted] (OTD) (FBI)

b6  
b7c

From: [Redacted] (OTD) (FBI)  
Sent: Thursday, November 20, 2008 10:44 AM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: email

UNCLASSIFIED  
NON-RECORD

He did not, I will ask

[Redacted]  
Executive Assistant  
Operational Technology Division

b2  
b6  
b7c

[Redacted] Blackberry  
[Redacted]@ic.fbi.gov

From: [Redacted] (OTD) (FBI)  
Sent: Thursday, November 20, 2008 9:10 AM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: email

b6  
b7c

UNCLASSIFIED  
NON-RECORD

Greetings,

Just printing it now. I will put something together and will keep it all unclassified. Did Marcus say which issues he wanted highlighted? I am guessing Going Dark. But am not sure which other ones. Please advise. Thanks.

b2  
b6  
b7c

[Redacted]

From: [Redacted] (OTD) (FBI)  
Sent: Thursday, November 20, 2008 8:57 AM  
To: [Redacted] (OTD) (FBI)  
Subject: email  
Importance: High

b6  
b7c

UNCLASSIFIED  
NON-RECORD

[Redacted]: I sent you a BB email regarding a meeting that Mr. Thomas is having next week with the Obama Transition Team.  
Thanks, [Redacted]

b2  
b6  
b7c

[Redacted]  
Executive Assistant  
Operational Technology Division

[Redacted] Blackberry  
[Redacted]@ic.fbi.gov

EFF/Cardozo-254

[Redacted] (OTD) (FBI)  
From: [Redacted] (OTD) (FBI)  
Sent: Monday, November 24, 2008 3:46 PM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: SMS Initiatives

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Have a good Thanksgiving!

From: [Redacted] (OTD) (FBI)  
Sent: Monday, November 24, 2008 3:44 PM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: SMS Initiatives

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Thanks.

[Redacted]

b2  
b6  
b7C

From: MORROW, DAWN E. (OTD) (FBI)  
Sent: Monday, November 24, 2008 3:40 PM  
To: [Redacted] (OTD) (FBI)  
Subject: SMS Initiatives

UNCLASSIFIED  
NON-RECORD

b6  
b7C

Hi [Redacted]

The Top 4 initiatives are below. I've also included brief 2-3 sentence explanations of them. If they need to be shorter, you can cut out the italicized part. Let me know if you need more.

**Going Dark:** A five-prong strategic approach to address the lawful "intercept capability gap," (*the eroding of lawful intercept (LI) due to the proliferation of communications methods*) in support of the community of ELSUR stakeholders to include 1) modernization /amendment of existing laws, 2) enhancing authorities to protect industry proprietary and LE sensitive lawful intercept information, equipment and techniques , 3) enhancing LE agencies' coordination leveraging technical expertise of FBI with other LE entities, 4) enhancing lawful intercept cooperation between the communications industry and LEAs with a "One Voice" approach, and 5) seeking new federal funding to bolster lawful intercept capabilities.

[Redacted]

b2  
b7E

[Redacted]

[Redacted]

b2  
b7E

[Redacted]

[Redacted]  
Special Advisor

[Redacted]

Desk  
Blackberry  
@ic.fbi.gov

b2  
b6  
b7C

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-256

[Redacted] (OTD) (FBI)

---

From: [Redacted] (OTD) (FBI) b6-  
b7C  
 Sent: Wednesday, April 15, 2009 10:41 AM  
 To: [Redacted] (DO) (FBI)  
 Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); COOK,  
 Subject: PATRICK B. (OTD) (FBI)  
 RE: Field Office Visits

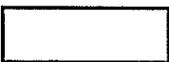
Attachments: OTD Quick Reference GuideB0409.pdf; Going Dark White House Meeting.pdf

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

Greetings,

Attached is the OTD 'one-pager' and a recent copy of the Going Dark presentation. Thanks.

b2  
b6  
b7C



OTD Quick Reference GuideB0409  
 Going Dark White House Meeting...

---

From: [Redacted] (OTD) (FBI)  
 Sent: Tuesday, April 14, 2009 8:58 AM  
 To: [Redacted] (OTD) (FBI)  
 Subject: FW: Field Office Visits

b6  
b7C

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD



Can you see if they could use the one pager from the Director's visit on Friday and maybe the Going Dark presentation?

---

From: COOK, PATRICK B. (OTD) (FBI)  
 Sent: Tuesday, April 14, 2009 8:51 AM  
 To: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI) b6  
b7C  
 Subject: FW: Field Office Visits

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

Can you pull something together quickly for MJ?

---

From: [Redacted] (DO) (FBI)  
 Sent: Tuesday, April 14, 2009 8:47 AM b6  
b7C  
 To: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)  
 Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
 Subject: FW: Field Office Visits

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

EFF/Cardozo-257

Marcus,

We will be leaving next Tuesday for the Chicago Field Office visit and I still have not received any input from OTD on the programs listed below.

Can you task someone to pull this together and get it back to me by Thursday morning?

Thanks,

MJ

SSA [redacted]  
Special Assistant to EAD  
Science & Technology Branch  
Military Liaison for STB  
[redacted] (W) [redacted] (M)

b6  
b7C

b2

From: [redacted] (DO) (FBI)  
Sent: Thursday, March 26, 2009 11:43 AM  
To: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)  
Subject: Field Office Visits

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

b6  
b7C

Marcus, [redacted]

I am putting together Louis' agenda for his (6) field office visits.

- Chicago
- Milwaukee
- Boston
- Knoxville
- Norfolk
- Denver

I need to put something on the agenda to cover OTD initiatives, i.e. [redacted], Going Dark, [redacted], etc. etc. b2  
b7E

Can you send me some items that you would like Louis to cover and that the field would find informative/beneficial.

Thanks,

MJ

b6  
b7C

SSA [redacted]  
Special Assistant to EAD  
Science & Technology Branch  
Military Liaison for STB  
[redacted] (W) [redacted] (M)

b2

EFF/Cardozo-258

[redacted] (OTD) (FBI)  
From: [redacted] (DO) (FBI)  
Sent: Friday, May 29, 2009 1:02 PM  
To: [redacted] (OTD) (FBI)  
Cc: DICLEMENTE, ANTHONY P. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [redacted]  
Subject: RE: Going Dark request - Deadline today at 2:30

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Thanks to all who had a hand in getting this response so quickly! I tremendously appreciate it!

From: [redacted] (OTD) (FBI)  
Sent: Friday, May 29, 2009 1:00 PM  
To: [redacted] (DO) (FBI)  
Cc: DICLEMENTE, ANTHONY P. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [redacted] (OTD) (FBI); [redacted]  
Subject: FW: Going Dark request - Deadline today at 2:30

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[redacted]  
Here is the Going Dark response. The outward facing Going Dark Initiative is about providing support to domestic law enforcement. [redacted]

b2  
b6  
b7C  
b7E

See attached for revised version:

<< File: OTD-GoingDarkDoc 1\_14\_09 (4).doc >>

From: [redacted] (OTD) (FBI)  
Sent: Friday, May 29, 2009 10:01 AM  
To: [redacted] (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)  
Subject: FW: Going Dark request - Deadline today at 2:30  
Importance: High

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[redacted] as discussed here is the items needed to be reviewed. DEADLINE IS 2:30 TODAY.

b2  
b6  
b7C

[redacted]  
Executive Assistant  
Operational Technology Division

[redacted] Blackberry  
[redacted]@ic.fbi.gov

EFF/Cardozo-259

From: [redacted] (DO) (FBI)  
Sent: Friday, May 29, 2009 9:54 AM  
To: THOMAS, MARCUS C. (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: Going Dark request - Deadline today at 2:30  
Importance: High

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Mr. Marcus,

I work in OCA and am preparing the Director's briefing material for his upcoming appearance before the Senate Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies on June 4, 2009. It has come to OCA's attention that questions will be posed on the topic of Going Dark in both the closed and open hearing sessions.

AD Powers advised he recently met with you on Going Dark and requested that I send this directly to you for review. Therefore, attached paper is a Question and Answer format that I believe covers the potential areas on this topic. Could you please review the paper and edit for changes? Also, the Director prefers concise and brief answers to the questions. The answer to the last question on page 2 is rather lengthy. Could this be condensed to a shorter answer? In addition, please feel free to add any other additional questions you deem necessary.

<< File: OTD-GoingDarkDoc 1\_14\_09 (3).doc >>  
I apologize for requesting a short deadline, but I will need this paper returned by 2:30 today.

Thank you for your assistance on this matter,

b6  
b7C

[redacted]  
Special Projects Unit  
Office of Congressional Affairs

b2

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UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-260

[Redacted] (OTD) (CON)

b6  
b7C

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, August 20, 2008 12:36 PM  
To: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark

UNCLASSIFIED  
NON-RECORD

Pass the revisions back through the Branch. They need to approve and forward since its their SMS initiative being spoke to.

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, August 20, 2008 8:04 AM  
To: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

Can you get with [Redacted] and the project/initiative coordinators and have them update please. I think its pretty well on point but things are being looked at across the hall so it may need tweaked.

Thanks, [Redacted]

From: [Redacted] (DO) (CON)  
Sent: Tuesday, August 19, 2008 11:32 AM  
To: [Redacted] (OTD) (FBI)  
Subject: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

I work for the Resource Planning Office at HQ and I'm compiling information for the upcoming Strategy Review meeting for the Director. One of the initiatives he will look at is Going Dark.

Are you the right point of contact for information on Going Dark?

If so, do you have any updates to the initiative and these slides?

<< File: EAB 2-7-08.ppt >>

[Redacted]  
Resource Planning Office  
Director's Office

b2  
b6  
b7C

[Redacted]

UNCLASSIFIED

EFF/Cardozo-261

[Redacted] (OTD) (CON)

b6  
b7C

From: [Redacted] (OTD) (FBI)  
Sent: Thursday, August 21, 2008 8:07 AM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark

UNCLASSIFIED  
NON-RECORD

Yes, I will do that now.

[Redacted]

b6  
b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[Redacted] Voice  
[Redacted] Mobile  
[Redacted] Fax

b2

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, August 20, 2008 3:34 PM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Preview of upcoming tasking .

[Redacted] can you contact [Redacted] and see what his timeframe is. [Redacted] has RAND coming in on the 3rd and if we could wait until after that....

From: [Redacted] (DO) (CON)  
Sent: Tuesday, August 19, 2008 11:32 AM  
To: [Redacted] (OTD) (FBI)  
Subject: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

I work for the Resource Planning Office at HQ and I'm compiling information for the upcoming Strategy Review meeting for the Director. One of the initiatives he will look at is Going Dark.

Are you the right point of contact for information on Going Dark?

If so, do you have any updates to the initiative and these slides?  
<< File: EAB 2-7-08.ppt >>

EFF/Carodozo-262

[Redacted]

Resource Planning Office  
Director's Office

[Redacted]

b2  
b6  
b7c

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-263

[redacted] (OTD) (CON)  
From: [redacted] (OTD) (FBI)  
Sent: Thursday, August 21, 2008 12:30 PM  
To: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI)  
Subject: RE: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Sure. [redacted] usually completes taskings ahead of deadline. So it may get approved before 9/5/2008. thanks.  
[redacted]

b2  
b6  
b7C

From: [redacted] (OTD) (FBI)  
Sent: Thursday, August 21, 2008 12:29 PM  
To: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: RE: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Shoot for 9/5 if Marcus is here.

From: [redacted] (OTD) (FBI)  
Sent: Thursday, August 21, 2008 12:26 PM  
To: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: RE: Going Dark

UNCLASSIFIED  
NON-RECORD

b6  
b7C

Greetings,

We have revised the deadline a bit (see attached). CIU will get us the up date by 9/5/08. [redacted] usually has things completed before deadline. Marcus will approve on 9/5 or 9/8 and [redacted] will push to Branch no later than noon 9/8/2008. Thanks.

[redacted]

b2  
b6  
b7C

<< Message: Going Dark Slides - Please update by 09/05/08 >>

From: [redacted] (OTD) (FBI)  
Sent: Thursday, August 21, 2008 12:22 PM  
To: [redacted] (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI)  
Subject: RE: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

What I would like to do is update the slides and push to the Branch by 9/5. The Branch can then revise if necessary and push to him by 9/9. You can let him know he should get it by 9/9 but we have to have the Branch clear it first.

From: [redacted] (OTD) (FBI)  
Sent: Thursday, August 21, 2008 10:50 AM  
To: [redacted] (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: FW: Going Dark

UNCLASSIFIED  
NON-RECORD

b6  
b7C

[redacted]

There are a few changes/additions based on the information I collected from TMSU's OTD Initiative Report on Going Dark and from speaking with [redacted]. I made the changes in red for your review. It appears that [redacted] is willing to wait until 09/09 (after [redacted] meeting with RAND on 09/03.

He is asking if 09/09 is ok and whether we want to update the slide/timeline ourselves or provide the information to him and he will do it. Do you want to get back with him or do you want me to?

Here's the revised slide for your review:

<< File: Going Dark Slide for RPO.ppt >>

[redacted]

b6  
b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[redacted] Voice  
[redacted] Mobile  
[redacted] Fax

b2

From: [redacted] (DO) (CON)  
Sent: Thursday, August 21, 2008 9:07 AM  
To: [redacted] (OTD) (FBI)  
Subject: RE: Going Dark

UNCLASSIFIED  
NON-RECORD

b6  
b7C

[redacted]

We're shooting to have the data on slides good as of Aug 31st. How's by September 9th to send it to me? If you want to send all the required data I can update the slides/timeline. Or if it's easier to do the slides on your own that's fine too of course.

[redacted]  
Resource Planning Office  
Director's Office

b2  
b6  
b7C

[redacted]

EFF/Cardozo-265

From: [redacted] (OTD) (FBI)  
Sent: Thursday, August 21, 2008 8:11 AM  
To: [redacted] (DO) (CON)  
Cc: [redacted] (OTD) (FBI)  
Subject: FW: Going Dark

UNCLASSIFIED  
NON-RECORD

b6  
b7C

[redacted]

What is your timeframe/deadline for updating these slides?

Thank you,

[redacted]

b6  
b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[redacted]

Voice  
Mobile  
Fax

b2

From: [redacted] (DO) (CON)  
Sent: Tuesday, August 19, 2008 11:32 AM  
To: [redacted] (OTD) (FBI)  
Subject: Going Dark

UNCLASSIFIED  
NON-RECORD

b6  
b7C

[redacted]

I work for the Resource Planning Office at HQ and I'm compiling information for the upcoming Strategy Review meeting for the Director. One of the initiatives he will look at is Going Dark.

Are you the right point of contact for information on Going Dark?

If so, do you have any updates to the initiative and these slides?

<< File: EAB 2-7-08.ppt >>

[redacted]

Resource Planning Office  
Director's Office

b2  
b6  
b7C

[redacted]

UNCLASSIFIED

EFF/Cardozo-266

[Redacted] (OTD) (CON)

From: [Redacted] (OTD) (FBI)  
Sent: Thursday, August 21, 2008 1:11 PM  
To: [Redacted] (DO) (CON)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

We will take care of updating the slides/timeline. They will be approved by OTD's Executive Management and then forwarded to the S&T Branch for final approval. You should have them by 09/09.

Thanks,

[Redacted]  
Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

b6  
b7C

[Redacted] Voice  
[Redacted] Mobile  
[Redacted] Fax

b2

From: [Redacted] (DO) (CON)  
Sent: Thursday, August 21, 2008 9:07 AM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

We're shooting to have the data on slides good as of Aug 31st. How's by September 9th to send it to me? If you want to send all the required data I can update the slides/timeline. Or if it's easier to do the slides on your own that's fine too of course.

[Redacted]  
Resource Planning Office  
Director's Office

b2  
b6  
b7C

[Redacted]

From: [Redacted] (OTD) (FBI)

EFF/Cardozo-267

b6  
b7C

Sent: Thursday, August 21, 2008 8:11 AM  
To: [redacted] (DO) (CON)  
Cc: [redacted] (OTD) (FBI)  
Subject: FW: Going Dark

UNCLASSIFIED  
NON-RECORD

b6  
b7C

[redacted]

What is your timeframe/deadline for updating these slides?

Thank you,

[redacted]

b6  
b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[redacted] Voice  
[redacted] Mobile  
[redacted] Fax

b2

From: [redacted] (DO) (CON)  
Sent: Tuesday, August 19, 2008 11:32 AM  
To: [redacted] (OTD) (FBI)  
Subject: Going Dark

UNCLASSIFIED  
NON-RECORD

b6  
b7C

[redacted]

I work for the Resource Planning Office at HQ and I'm compiling information for the upcoming Strategy Review meeting for the Director. One of the initiatives he will look at is Going Dark.

Are you the right point of contact for information on Going Dark?

If so, do you have any updates to the initiative and these slides?

<< File: EAB 2-7-08.ppt >>

[redacted]  
Resource Planning Office  
Director's Office

b2  
b6  
b7C

[redacted]

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-268

[Redacted] (OTD) (CON)

From: [Redacted] (OTD) (FBI)  
Sent: Friday, September 05, 2008 9:12 AM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (CON)

Subject: FW: Going Dark Slides - Please update by 09/05/08

Attachments: Going Dark.Slide for RPO.ppt b6  
b7C

UNCLASSIFIED  
NON-RECORD

Hi [Redacted]

Could you please provide the updated slides following your meeting with RAND? Please call me if you have any concerns.

Thanks,

[Redacted]

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[Redacted] Voice  
[Redacted] Mobile  
[Redacted] Fax

b6  
b7C

b2

From: [Redacted] (OTD) (FBI)  
Sent: Thursday, August 21, 2008 11:34 AM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: Going Dark Slides - Please update by 09/05/08

UNCLASSIFIED  
NON-RECORD

b6  
b7C

[Redacted]

Please update and incorporate the attached Going Dark initiative slides (see email below to [Redacted] that will be presented to the Director in an upcoming Strategy Review Meeting. Make sure to include RAND and any other pertinent data you deem appropriate. Please make your changes in red.

I would appreciate your updated slides by COB 09/05/08...

Thank you,

[Redacted]

EFF/Cardozo-269

b6  
b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[Redacted] Voice  
[Redacted] Mobile  
[Redacted] Fax

b2

From: [Redacted] (OTD) (FBI)  
Sent: Thursday, August 21, 2008 10:50 AM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark

UNCLASSIFIED  
NON-RECORD

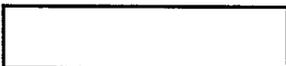
b6  
b7C



There are a few changes/additions based on the information I collected from TMSU's OTD Initiative Report on Going Dark and from speaking with [Redacted]. I made the changes in red for your review.



Going Dark Slide for RPO.ppt (...)



b6  
b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[Redacted] Voice  
[Redacted] Mobile  
[Redacted] Fax

b2

From: [Redacted] (DO) (CON)  
Sent: Tuesday, August 19, 2008 11:32 AM  
To: [Redacted] (OTD) (FBI)  
Subject: Going Dark

UNCLASSIFIED  
NON-RECORD

b6  
b7C



I work for the Resource Planning Office at HQ and I'm compiling information for the upcoming Strategy Review meeting for the Director. One of the initiatives he will look at is Going Dark.

Are you the right point of contact for information on Going Dark?

If so, do you have any updates to the initiative and these slides?  
<< File: EAB 2-7-08.ppt >>

b2  
b6  
b7c

Resource Planning Office  
Director's Office

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-271

[Redacted] (OTD) (CON)

From: [Redacted] (OTD) (FBI) b6  
 Sent: Monday, September 08, 2008 9:59 AM b7C  
 To: GREVER, LOUIS E. (DO) (FBI)  
 Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [Redacted] (DO) (FBI); [Redacted] (CTD) (FBI); [Redacted] (OTD) (FBI)  
 Subject: Going Dark slide version approved by AD Thomas  
 Attachments: Revised Going Dark Slide for RPO 20080905 Final.ppt; Revised Going Dark Slide for RPO 20080905 v2.ppt

UNCLASSIFIED  
NON-RECORD

Mr. Grever,

AD Thomas has reviewed and approved this version of the Going Dark slide. Would you like for us to forward to [Redacted] RPO prior to their 09/09 deadline once you have reviewed or would you prefer to? Please advise.



Revised Going Dark Slide for R...

b6  
b7C

Thank you,

[Redacted]  
 Management & Program Analyst  
 Strategic Resources Unit  
 Operational Technology Division

[Redacted] Voice  
 [Redacted] Mobile  
 [Redacted] Fax

b2

From: [Redacted] (OTD) (FBI) b6  
 Sent: Friday, September 05, 2008 2:07 PM b7C  
 To: GREVER, LOUIS E. (DO) (FBI); THOMAS, MARCUS C. (OTD) (FBI)  
 Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI)  
 Subject: Going Dark

UNCLASSIFIED  
NON-RECORD

Mr. Grever,

EFF/Cardozo-272

As promised in [redacted] email below, attached is an updated Going Dark slide for your review before forwarding to [redacted] RPO.

AD Thomas - DAD Cook reviewed this today, however, he thought you may want to review it before we send to the RPO by their 09/09 deadline.



Revised Going Dark Slide for R...

b6  
b7C

Thanks,

[redacted]

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[redacted] Voice  
[redacted] Mobile  
[redacted] Fax

b2

From: GREVER, LOUIS E. (DO) (FBI)  
Sent: Thursday, August 21, 2008 3:47 PM  
To: [redacted] (OTD) (FBI); [redacted] (DO) (FBI)  
Cc: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: RE: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Perfect.

From: [redacted] (OTD) (FBI)  
Sent: Thursday, August 21, 2008 12:31 PM  
To: GREVER, LOUIS E. (DO) (FBI); [redacted] (DO) (FBI)  
Cc: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: FW: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Louis,

If this works for you, we've worked this out this way. CIU has a meeting/briefing from RAND, who we commissioned to look at going dark, on 9/3. I'd like to wait till past that meeting to complete the slide updates and get them to the Branch by noon 9/8 (probably on 9/5 provided Marcus is here to approve.) [redacted] has indicated that he ok with getting them on 9/9 which will give you time to review them before passing them on to him. Sound ok?

b6  
b7C

[redacted]

From: [redacted] (DO) (CON)  
Sent: Tuesday, August 19, 2008 11:32 AM

EFF/Cardozo-273

To: [redacted] (OTD) (FBI)  
Subject: Going Dark

UNCLASSIFIED  
NON-RECORD

b6  
b7c

[redacted]

I work for the Resource Planning Office at HQ and I'm compiling information for the upcoming Strategy Review meeting for the Director. One of the initiatives he will look at is Going Dark.

Are you the right point of contact for information on Going Dark?

If so, do you have any updates to the initiative and these slides?  
<< File: EAB 2-7-08.ppt >>

b2  
b6  
b7c

[redacted]

Resource Planning Office  
Director's Office

[redacted]

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-274

[Redacted] (OTD) (CON)

From: [Redacted] (OTD) (FBI)  
Sent: Monday, September 08, 2008 3:45 PM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark Slides

b6  
b7C

Importance: High  
Attachments: Revised Going Dark Slide for RPO 20080905 Final.ppt

UNCLASSIFIED  
NON-RECORD

[Redacted]

FYI, [Redacted] pushed the slides to [Redacted] at RPO for us (ahead of deadline).

b6  
b7C

Another project completed.

Thanks,

[Redacted]

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[Redacted] Voice  
[Redacted] Mobile  
[Redacted] Fax

b2

From: [Redacted] (DO) (FBI)  
Sent: Monday, September 08, 2008 3:23 PM  
To: [Redacted] (DO) (CON)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (DO) (CON); [Redacted] (DO) (FBI); [Redacted] (DO)  
(FBI); GREVER, LOUIS E. (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI)  
Subject: Going Dark Slides  
Importance: High

UNCLASSIFIED  
NON-RECORD

b6  
b7C

9/8/08

[Redacted]

Per your e-mail request, attached are the revised Going Dark slides which have been approved by Acting EAD Louis Grever, Science & Technology Branch.

EFF/Cardozo-275



Revised Going Dark  
Slide for R...

Thanks,

[Redacted]

b2  
b6  
b7C

From: [Redacted] (DO) (CON)  
Sent: Tuesday, August 19, 2008 11:32 AM  
To: [Redacted] (OTD) (FBI)  
Subject: Going Dark

UNCLASSIFIED  
NON-RECORD

b6  
b7C

[Redacted]

I work for the Resource Planning Office at HQ and I'm compiling information for the upcoming Strategy Review meeting for the Director. One of the initiatives he will look at is Going Dark.

Are you the right point of contact for information on Going Dark?

If so, do you have any updates to the initiative and these slides?  
<< File: EAB 2-7-08.ppt >>

[Redacted]

Resource Planning Office  
Director's Office

[Redacted]

b2  
b6  
b7C

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-276

[Redacted] (OTD) (CON)

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, September 10, 2008 10:28 AM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (DO) (FBI); [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark Slides

b6  
b7c

UNCLASSIFIED  
NON-RECORD

[Redacted]

No, I don't know either. His initial tasking was for us to update the slides, which is what we did. Let me know if I can assist.

b6  
b7c

[Redacted]

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

b2

[Redacted] Voice  
[Redacted] Mobile  
[Redacted] Fax

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, September 10, 2008 10:26 AM  
To: [Redacted] (DO) (FBI)  
Cc: [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark Slides

UNCLASSIFIED  
NON-RECORD

b6  
b7c

I don't have a clue.

[Redacted] Do you know what he might be looking for?

From: [Redacted] (DO) (FBI)  
Sent: Wednesday, September 10, 2008 9:38 AM  
To: [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark Slides

UNCLASSIFIED  
NON-RECORD

[Redacted]

See below email from [Redacted] regarding the Going Dark Slides. I'm not sure what he wants & before I call him thought I'd reach out to you first.

EFF/Cardozo-277

Give me a call

[Redacted]

From: [Redacted] (DO) (CON)  
Sent: Wednesday, September 10, 2008 9:24 AM  
To: [Redacted] (DO) (FBI)  
Subject: RE: Going Dark Slides

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

Thanks. I know [Redacted] will want to see this in a Visio timeline. I would do it for you but don't know how best to consolidate the verbage into shorter blurbs so that they read well on a timeline. Should I just use the "Activity" column?

[Redacted]

b2  
b6  
b7C

Resource Planning Office  
Director's Office

[Redacted]

From: [Redacted] (DO) (FBI)  
Sent: Monday, September 08, 2008 3:23 PM  
To: [Redacted] (DO) (CON)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (DO) (CON); [Redacted] (DO) (FBI); [Redacted] (DO)  
(FBI); GREVER, LOUIS E. (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI)  
Subject: Going Dark Slides  
Importance: High

UNCLASSIFIED  
NON-RECORD

b6  
b7C

9/8/08

[Redacted]

Per your e-mail request, attached are the revised Going Dark slides which have been approved by Acting EAD Louis Grever, Science & Technology Branch.

<< File: Revised Going Dark Slide for RPO 20080905 Final.ppt >>

Thanks,

[Redacted]

b2  
b6  
b7C

From: [Redacted] (DO) (CON)  
Sent: Tuesday, August 19, 2008 11:32 AM  
To: [Redacted] (OTD) (FBI)  
Subject: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

EFF/Cardozo-278

[Redacted]

b6  
b7C

I work for the Resource Planning Office at HQ and I'm compiling information for the upcoming Strategy Review meeting for the Director. One of the initiatives he will look at is Going Dark.

Are you the right point of contact for information on Going Dark?

If so, do you have any updates to the initiative and these slides?  
<< File: EAB 2-7-08.ppt >>

[Redacted]

Resource Planning Office  
Director's Office

b2  
b6  
b7C

[Redacted]

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-279

[redacted] (OTD) (CON)

From: [redacted] (DO) (CON)  
Sent: Thursday, September 11, 2008 10:14 AM  
To: [redacted] (DO) (FBI)  
Cc: [redacted] (OTD) (FBI)  
Subject: RE: Going Dark Slides

b6  
b7c

UNCLASSIFIED  
NON-RECORD

[redacted] I have your timeline in excel form so I will take the "Initiative" column and input the milestones onto a Visio timeline. [redacted] of the RPO would like to see one timeline format for the briefing. I'll send to you for your review once it's complete.

Thanks

[redacted]  
Resource Planning Office  
Director's Office

b2  
b6  
b7c

[redacted]

From: [redacted] (DO) (FBI)  
Sent: Wednesday, September 10, 2008 11:05 AM  
To: [redacted] (DO) (CON)  
Cc: [redacted] (OTD) (FBI)  
Subject: RE: Going Dark Slides

UNCLASSIFIED  
NON-RECORD

9/10/08

Hi [redacted]

b6  
b7c

I didn't understand what you were looking for so reached out to [redacted] regarding your below email -

Can you be a little specific on what you are looking for?

[redacted]

From: [redacted] (DO) (CON)  
Sent: Wednesday, September 10, 2008 9:24 AM  
To: [redacted] (DO) (FBI)  
Subject: RE: Going Dark Slides

UNCLASSIFIED  
NON-RECORD

[redacted]

Thanks. I know [redacted] will want to see this in a Visio timeline. I would do it for you but don't know how best to consolidate the verbage into shorter blurbs so that they read well on a timeline. Should I just use the "Activity" column?

[Redacted]  
Resource Planning Office  
Director's Office

b2  
b6  
b7C

From: [Redacted] (DO) (FBI)  
Sent: Monday, September 08, 2008 3:23 PM  
To: [Redacted] (DO) (CON)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (DO) (CON); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI); GREVER, LOUIS E. (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI)  
Subject: Going Dark Slides  
Importance: High

UNCLASSIFIED  
NON-RECORD

b6  
b7C

9/8/08

[Redacted]

Per your e-mail request, attached are the revised Going Dark slides which have been approved by Acting EAD Louis Grever, Science & Technology Branch.

<< File: Revised Going Dark Slide for RPO 20080905 Final.ppt >>

Thanks,

[Redacted]

b2  
b6  
b7C

From: [Redacted] (DO) (CON)  
Sent: Tuesday, August 19, 2008 11:32 AM  
To: [Redacted] (OTD) (FBI)  
Subject: Going Dark

UNCLASSIFIED  
NON-RECORD

b6  
b7C

[Redacted]

I work for the Resource Planning Office at HQ and I'm compiling information for the upcoming Strategy Review meeting for the Director. One of the initiatives he will look at is Going Dark.

Are you the right point of contact for information on Going Dark?

If so, do you have any updates to the initiative and these slides?

<< File: EAB 2-7-08.ppt >>

[Redacted]

Resource Planning Office  
Director's Office

b2  
b6  
b7C

[Redacted]

EFF/Cardozo-281

[Redacted] (OTD) (CON)

From: [Redacted] (OTD) (FBI)  
Sent: Tuesday, April 14, 2009 12:04 PM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: Field Office Visits

b6  
b7C

Attachments: FW: Going Dark Slides ; FW: Going dark

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD



FW: Going Dark Slides



FW: Going dark

I think [Redacted] would have the latest and greatest. She and [Redacted] are working on some slides for the upcoming Branch meeting which might be useful. Up top are the latest two "blessed" presentation versions I have.

b6  
b7C

From: [Redacted] (OTD) (FBI)  
Sent: Tuesday, April 14, 2009 11:56 AM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: Field Office Visits

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

Who is the owner of the current Going Dark presentation? Please advise. Thanks.

[Redacted]

b2  
b6  
b7C

From: [Redacted] (OTD) (FBI)  
Sent: Tuesday, April 14, 2009 8:58 AM  
To: [Redacted] (OTD) (FBI)  
Subject: FW: Field Office Visits

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

b6  
b7C

[Redacted]

Can you see if they could use the one pager from the Director's visit on Friday and maybe the Going Dark presentation?

From: COOK, PATRICK B. (OTD) (FBI)  
Sent: Tuesday, April 14, 2009 8:51 AM  
To: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: FW: Field Office Visits

EFF/Cardozo-282

SENSITIVE BUT UNCLASSIFIED

NON-RECORD

Can you pull something together quickly for MJ?

From: [redacted] (DO) (FBI)  
Sent: Tuesday, April 14, 2009 8:47 AM  
To: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: FW: Field Office Visits

b6  
b7C

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

Marcus,

We will be leaving next Tuesday for the Chicago Field Office visit and I still have not received any input from OTD on the programs listed below.

Can you task someone to pull this together and get it back to me by Thursday morning?

Thanks,

MJ

SSA [redacted]  
Special Assistant to EAD  
Science & Technology Branch  
Military Liaison for STB  
[redacted] (W) [redacted] (M)

b6  
b7C

b2

From: [redacted] (DO) (FBI)  
Sent: Thursday, March 26, 2009 11:43 AM  
To: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)  
Subject: Field Office Visits

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

b6  
b7C

Marcus/Pat,

I am putting together Louis' agenda for his (6) field office visits.

- Chicago
- Milwaukee
- Boston
- Knoxville
- Norfolk
- Denver

I need to put something on the agenda to cover OTD initiatives, i.e. [redacted], Going Dark, [redacted], etc. etc.

b2  
b7E

EFF/Cardozo-283

Can you send me some items that you would like Louis to cover and that the field would find informative/beneficial.

Thanks,  
MJ

SSA [redacted]  
Special Assistant to EAD  
Science & Technology Branch  
Military Liaison for STB  
[redacted] (w) [redacted] (M)

b6  
b7c

b2

SENSITIVE BUT UNCLASSIFIED

EFF/Cardozo-284

[Redacted] (OTD) (FBI)

b6  
b7C

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, August 20, 2008 12:36 PM  
To: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark

UNCLASSIFIED  
NON-RECORD

Pass the revisions back through the Branch. They need to approve and forward since its their SMS initiative being spoke to.

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, August 20, 2008 8:04 AM  
To: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

Can you get with [Redacted] and the project/initiative coordinators and have them update please. I think its pretty well on point but things are being looked at across the hall so it may need tweaked.

Thanks, [Redacted]

From: [Redacted] (DO) (CON)  
Sent: Tuesday, August 19, 2008 11:32 AM  
To: [Redacted] (OTD) (FBI)  
Subject: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

I work for the Resource Planning Office at HQ and I'm compiling information for the upcoming Strategy Review meeting for the Director. One of the initiatives he will look at is Going Dark.

Are you the right point of contact for information on Going Dark?

If so, do you have any updates to the initiative and these slides?

<< File: EAB 2-7-08.ppt >>

[Redacted]  
Resource Planning Office  
Director's Office

b2  
b6  
b7C

[Redacted]

UNCLASSIFIED

EFF/Cardozo-285

[Redacted] (OTD) (FBI)

From: [Redacted] (OTD) (FBI)  
Sent: Thursday, August 21, 2008 11:34 AM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: Going Dark Slides - Please update by 09/05/08

Follow Up Flag: Follow up  
Due By: Friday, September 05, 2008 5:00 PM  
Flag Status: Flagged

Attachments: Going Dark Slide for RPO.ppt

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

Please update and incorporate the attached Going Dark initiative slides (see email below to [Redacted]) that will be presented to the Director in an upcoming Strategy Review Meeting. Make sure to include RAND and any other pertinent data you deem appropriate. Please make your changes in red.

I would appreciate your updated slides by COB 09/05/08...

Thank you,

[Redacted]

b6  
b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

b2

[Redacted] Voice  
[Redacted] Mobile  
[Redacted] Fax

From: [Redacted] (OTD) (FBI)  
Sent: Thursday, August 21, 2008 10:50 AM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

There are a few changes/additions based on the information I collected from TMSU's OTD Initiative Report on Going Dark and from speaking with [Redacted]. I made the changes in red for your review.

EFF/Cardozo-286



Going Dark Slide for  
RPO.ppt (...)

[Redacted]

b6  
b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[Redacted]

Voice  
Mobile  
Fax

b2

From: [Redacted] (DO) (CON)  
Sent: Tuesday, August 19, 2008 11:32 AM  
To: [Redacted] (OTD) (FBI)  
Subject: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

I work for the Resource Planning Office at HQ and I'm compiling information for the upcoming Strategy Review meeting for the Director. One of the initiatives he will look at is Going Dark.

Are you the right point of contact for information on Going Dark?

If so, do you have any updates to the initiative and these slides?  
<< File: EAB 2-7-08.ppt >>

b2  
b6  
b7C

[Redacted]  
Resource Planning Office  
Director's Office

[Redacted]

UNCLASSIFIED

EFF/Cardozo-287

[Redacted] (OTD) (FBI)

From: [Redacted] (DO) (FBI)  
Sent: Monday, September 08, 2008 3:12 PM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark slide version approved by AD Thomas

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

Louis just gave me the go ahead to send - I'll send for the Branch & cc you.

[Redacted]

From: [Redacted] (OTD) (FBI)  
Sent: Monday, September 08, 2008 10:47 AM  
To: [Redacted] (DO) (FBI)  
Cc: [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark slide version approved by AD Thomas

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Hi [Redacted]

Could you let me know if we are to send this along to RPO or if your office will be doing so. [Redacted] is out this week and I just want to make sure we meet the deadline.

Thanks,

b6  
b7C

[Redacted]

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[Redacted] Voice  
[Redacted] Mobile  
[Redacted] Fax

b2

From: [Redacted] (OTD) (FBI)  
Sent: Monday, September 08, 2008 9:59 AM  
To: GREVER, LOUIS E. (DO) (FBI)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (OTD) (FBI)  
Subject: Going Dark slide version approved by AD Thomas

b6  
b7C

UNCLASSIFIED  
NON-RECORD

EFF/Cardozo-288

Mr. Grever,

AD Thomas has reviewed and approved this version of the Going Dark slide. Would you like for us to forward to [redacted] RPO prior to their 09/09 deadline once you have reviewed or would you prefer to? Please advise.

<< File: Revised Going Dark Slide for RPO 20080905 Final.ppt >>

b6  
b7C

Thank you,

[redacted]

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[redacted]

Voice  
Mobile  
Fax

b2

**From:** [redacted] (OTD) (FBI)  
**Sent:** Friday, September 05, 2008 2:07 PM  
**To:** GREVER, LOUIS E. (DO) (FBI); THOMAS, MARCUS C. (OTD) (FBI)  
**Cc:** [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI)  
**Subject:** Going Dark

UNCLASSIFIED  
NON-RECORD

b6  
b7C

Mr. Grever,

As promised in [redacted] email below, attached is an updated Going Dark slide for your review before forwarding to [redacted] RPO.

AD Thomas - DAD Cook reviewed this today, however, he thought you may want to review it before we send to the RPO by their 09/09 deadline.

<< File: Revised Going Dark Slide for RPO 20080905 v2.ppt >>

Thanks,

[redacted]

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[redacted]

Voice  
Mobile  
Fax

b6  
b7C

b2

EFF/Cardozo-289

From: GREVER, LOUIS E. (DO) (FBI)  
Sent: Thursday, August 21, 2008 3:47 PM  
To: [redacted] (OTD) (FBI); [redacted] (DO) (FBI)  
Cc: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: RE: Going Dark

UNCLASSIFIED  
NON-RECORD

b6  
b7c

Perfect.

From: [redacted] (OTD) (FBI)  
Sent: Thursday, August 21, 2008 12:31 PM  
To: GREVER, LOUIS E. (DO) (FBI); [redacted] (DO) (FBI)  
Cc: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: FW: Going Dark

UNCLASSIFIED  
NON-RECORD

Louis,

If this works for you, we've worked this out this way. CIU has a meeting/briefing from RAND, who we commissioned to look at going dark, on 9/3. I'd like to wait till past that meeting to complete the slide updates and get them to the Branch by noon 9/8 (probably on 9/5 provided Marcus is here to approve.) [redacted] has indicated that he ok with getting them on 9/9 which will give you time to review them before passing them on to him. Sound ok?

[redacted]

From: [redacted] (DO) (CON)  
Sent: Tuesday, August 19, 2008 11:32 AM  
To: [redacted] (OTD) (FBI)  
Subject: Going Dark

b6  
b7c

UNCLASSIFIED  
NON-RECORD

[redacted]

I work for the Resource Planning Office at HQ and I'm compiling information for the upcoming Strategy Review meeting for the Director. One of the initiatives he will look at is Going Dark.

Are you the right point of contact for information on Going Dark?

If so, do you have any updates to the initiative and these slides?

<< File: EAB 2-7-08.ppt >>

[redacted]

Resource Planning Office  
Director's Office

b2  
b6  
b7c

[redacted]

EFF/Cardozo-290

UNCLASSIFIED

[redacted] (OTD) (FBI)

b6  
b7C

From: [redacted] (DO) (FBI)  
Sent: Tuesday, September 09, 2008 7:02 AM  
To: [redacted] (OTD) (FBI)  
Subject: RE: Going Dark slide version approved by AD Thomas

UNCLASSIFIED  
NON-RECORD

Great - because I sent them before I asked - that makes me feel better.

[redacted]

From: [redacted] (OTD) (FBI)  
Sent: Monday, September 08, 2008 3:43 PM  
To: [redacted] (DO) (FBI)  
Subject: RE: Going Dark slide version approved by AD Thomas

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[redacted]

I checked with [redacted] they are unclassified. A/UC [redacted] (CALEA) who performed the majority of the revisions confirmed unclassified also.

Thanks,

[redacted]

b6  
b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[redacted] Voice  
[redacted] Mobile  
[redacted] Fax

b2

From: [redacted] (DO) (FBI)  
Sent: Monday, September 08, 2008 3:23 PM  
To: [redacted] (OTD) (FBI)  
Subject: RE: Going Dark slide version approved by AD Thomas

UNCLASSIFIED  
NON-RECORD

b6  
b7C

[redacted]

Can you tell me if these slides should be classified? Just thought about it?

[redacted]

EFF/Cardozo-291

From: [redacted] (OTD) (FBI)  
Sent: Monday, September 08, 2008 10:47 AM  
To: [redacted] (DO) (FBI)  
Cc: [redacted] (OTD) (FBI)  
Subject: FW: Going Dark slide version approved by AD Thomas

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Hi [redacted]

Could you let me know if we are to send this along to RPO or if your office will be doing so. [redacted] is out this week and I just want to make sure we meet the deadline.

Thanks,

[redacted]

b6  
b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[redacted] Voice  
[redacted] Mobile  
[redacted] Fax

b2

From: [redacted] (OTD) (FBI)  
Sent: Monday, September 08, 2008 9:59 AM  
To: GREVER, LOUIS E. (DO) (FBI)  
Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (OTD) (FBI)  
Subject: Going Dark slide version approved by AD Thomas

UNCLASSIFIED  
NON-RECORD

b6  
b7C

Mr. Grever,

AD Thomas has reviewed and approved this version of the Going Dark slide. Would you like for us to forward to [redacted] RPO prior to their 09/09 deadline once you have reviewed or would you prefer to? Please advise.

<< File: Revised Going Dark Slide for RPO 20080905 Final.ppt >>

Thank you,

[redacted]

b6  
b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[redacted] Voice

EFF/Cardozo-292

b2

[Redacted] Mobile  
[Redacted] Fax

b2

From: [Redacted] (OTD) (FBI)  
Sent: Friday, September 05, 2008 2:07 PM  
To: GREVER, LOUIS E. (DO) (FBI); THOMAS, MARCUS C. (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [Redacted]  
Subject: Going Dark [Redacted] (DO) (FBI); [Redacted] (DO) (FBI)

UNCLASSIFIED  
NON-RECORD

b6  
b7C

Mr. Grever,

As promised in [Redacted] email below, attached is an updated Going Dark slide for your review before forwarding to [Redacted], RPO.

AD Thomas - DAD Cook reviewed this today, however, he thought you may want to review it before we send to the RPO by their 09/09 deadline.

<< File: Revised Going Dark Slide for RPO 20080905 v2.ppt >>  
Thanks,

[Redacted]

b6  
b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[Redacted] Voice  
[Redacted] Mobile  
[Redacted] Fax

b2

From: GREVER, LOUIS E. (DO) (FBI)  
Sent: Thursday, August 21, 2008 3:47 PM  
To: [Redacted] (OTD) (FBI); [Redacted] (DO) (FBI)  
Cc: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark

UNCLASSIFIED  
NON-RECORD

b6  
b7C

Perfect.

From: [Redacted] (OTD) (FBI)  
Sent: Thursday, August 21, 2008 12:31 PM  
To: GREVER, LOUIS E. (DO) (FBI); [Redacted] (DO) (FBI)  
Cc: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark  
EFF/Cardozo-293

UNCLASSIFIED  
NON-RECORD

Louis,

If this works for you, we've worked this out this way. CIU has a meeting/briefing from RAND, who we commissioned to look at going dark, on 9/3. I'd like to wait till past that meeting to complete the slide updates and get them to the Branch by noon 9/8 (probably on 9/5 provided Marcus is here to approve.) [redacted] has indicated that he ok with getting them on 9/9 which will give you time to review them before passing them on to him. Sound ok?

[redacted]

From: [redacted] (DO) (CON)  
Sent: Tuesday, August 19, 2008 11:32 AM  
To: [redacted] (OTD) (FBI)  
Subject: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[redacted]

I work for the Resource Planning Office at HQ and I'm compiling information for the upcoming Strategy Review meeting for the Director. One of the initiatives he will look at is Going Dark.

Are you the right point of contact for information on Going Dark?

If so, do you have any updates to the initiative and these slides?  
<< File: EAB 2-7-08.ppt >>

[redacted]  
Resource Planning Office  
Director's Office

b2  
b6  
b7C

[redacted]

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-294

[redacted] (OTD) (FBI)  
From: [redacted] (OTD) (FBI)  
Sent: Monday, September 08, 2008 3:52 PM  
To: [redacted] (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI)  
Subject: RE: Going Dark Slides

b6  
b7c

UNCLASSIFIED  
NON-RECORD

Good job, thanks again.

From: [redacted] (OTD) (FBI)  
Sent: Monday, September 08, 2008 3:45 PM  
To: [redacted] (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: FW: Going Dark Slides  
Importance: High

UNCLASSIFIED  
NON-RECORD

b6  
b7c

[redacted]

FYI, [redacted] pushed the slides to [redacted] at RPO for us (ahead of deadline).

Another project completed.

Thanks,

[redacted]

b6  
b7c

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[redacted] Voice  
[redacted] Mobile  
[redacted] Fax

b2

From: [redacted] (DO) (FBI)  
Sent: Monday, September 08, 2008 3:23 PM  
To: [redacted] (DO) (CON)  
Cc: [redacted] (OTD) (FBI); [redacted] (DO) (CON); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); GREVER, LOUIS E. (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI)  
Subject: Going Dark Slides  
Importance: High

b6  
b7c

UNCLASSIFIED  
NON-RECORD

9/8/08

EFF/Cardozo-295

[Redacted]

b6  
b7C

Per your e-mail request, attached are the revised Going Dark slides which have been approved by Acting EAD Louis Grever, Science & Technology Branch.

<< File: Revised Going Dark Slide for RPO 20080905 Final.ppt >>

b2  
b6  
b7C

Thanks,

[Redacted]

From: [Redacted] (DO) (CON)  
Sent: Tuesday, August 19, 2008 11:32 AM  
To: [Redacted] (OTD) (FBI)  
Subject: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

I work for the Resource Planning Office at HQ and I'm compiling information for the upcoming Strategy Review meeting for the Director. One of the initiatives he will look at is Going Dark.

Are you the right point of contact for information on Going Dark?

If so, do you have any updates to the initiative and these slides?

<< File: EAB 2-7-08.ppt >>

[Redacted]

b2  
b6  
b7C

Resource Planning Office  
Director's Office

[Redacted]

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-296

[Redacted] (OTD) (FBI)

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, September 10, 2008 10:28 AM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (DO) (FBI); [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark Slides

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

No, I don't know either. His initial tasking was for us to update the slides, which is what we did. Let me know if I can assist.

b6  
b7C

[Redacted]

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

b2

[Redacted] Voice  
[Redacted] Mobile  
[Redacted] Fax

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, September 10, 2008 10:26 AM  
To: [Redacted] (DO) (FBI)  
Cc: [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark Slides

UNCLASSIFIED  
NON-RECORD

b6  
b7C

I don't have a clue.

[Redacted] Do you know what he might be looking for?

From: [Redacted] (DO) (FBI)  
Sent: Wednesday, September 10, 2008 9:38 AM  
To: [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark Slides

UNCLASSIFIED  
NON-RECORD

[Redacted]

See below email from [Redacted] regarding the Going Dark Slides. I'm not sure what he wants & before I call him thought I'd reach out to you first.

EFF/Cardozo-297

Give me a call

[Redacted]

From: [Redacted] (DO) (CON)  
Sent: Wednesday, September 10, 2008 9:24 AM  
To: [Redacted] (DO) (FBI)  
Subject: RE: Going Dark Slides

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

Thanks. I know [Redacted] will want to see this in a Visio timeline. I would do it for you but don't know how best to consolidate the verbage into shorter blurbs so that they read well on a timeline. Should I just use the "Activity" column?

[Redacted]  
Resource Planning Office  
Director's Office

b2  
b6  
b7C

[Redacted]

From: [Redacted] (DO) (FBI)  
Sent: Monday, September 08, 2008 3:23 PM  
To: [Redacted] (DO) (CON)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (DO) (CON); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI); GREVER, LOUIS E. (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO)  
Subject: Going Dark Slides  
Importance: High

UNCLASSIFIED  
NON-RECORD

b6  
b7C

9/8/08

[Redacted]

Per your e-mail request, attached are the revised Going Dark slides which have been approved by Acting EAD Louis Grever, Science & Technology Branch.

<< File: Revised Going Dark Slide for RPO 20080905 Final.ppt >>

b2  
b6  
b7C

Thanks,

[Redacted]

From: [Redacted] (DO) (CON)  
Sent: Tuesday, August 19, 2008 11:32 AM  
To: [Redacted] (OTD) (FBI)  
Subject: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

EFF/Cardozo-298

[Redacted]

b6  
b7C

I work for the Resource Planning Office at HQ and I'm compiling information for the upcoming Strategy Review meeting for the Director. One of the initiatives he will look at is Going Dark.

Are you the right point of contact for information on Going Dark?

If so, do you have any updates to the initiative and these slides?  
<< File: EAB 2-7-08.ppt >>

[Redacted]

Resource Planning Office  
Director's Office

b2  
b6  
b7C

[Redacted]

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-299

[Redacted] (OTD) (FBI)

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, September 17, 2008 12:20 PM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark Slides

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Nicely done. Thanks.

b2  
b6  
b7C

[Redacted]

From: [Redacted] (OTD) (FBI)  
Sent: Monday, September 08, 2008 3:45 PM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark Slides  
Importance: High

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

FYI, [Redacted] pushed the slides to [Redacted] at RPO for us (ahead of deadline).

Another project completed.

b6  
b7C

Thanks,

[Redacted]

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[Redacted] Voice  
[Redacted] Mobile  
[Redacted] Fax

b2

From: [Redacted] (DO) (FBI)  
Sent: Monday, September 08, 2008 3:23 PM  
To: [Redacted] (DO) (CON)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (DO) (CON); [Redacted] (DO) (FBI); [Redacted] (DO)  
(FBI); GREVER, LOUIS E. (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI)  
Subject: Going Dark Slides  
Importance: High

b6  
b7C

UNCLASSIFIED  
NON-RECORD

EFF/Cardozo-300

9/8/08

b6  
b7C

[redacted]  
Per your e-mail request, attached are the revised Going Dark slides which have been approved by Acting EAD Louis Grever, Science & Technology Branch.

<< File: Revised Going Dark Slide for RPO 20080905 Final.ppt >>

Thanks,

b2  
b6  
b7C

[redacted]  
From: [redacted] (DO) (CON)  
Sent: Tuesday, August 19, 2008 11:32 AM  
To: [redacted] (OTD) (FBI)  
Subject: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[redacted]  
I work for the Resource Planning Office at HQ and I'm compiling information for the upcoming Strategy Review meeting for the Director. One of the initiatives he will look at is Going Dark.

Are you the right point of contact for information on Going Dark?

If so, do you have any updates to the initiative and these slides?

<< File: EAB 2-7-08.ppt >>

b2  
b6  
b7C

[redacted]  
Resource Planning Office  
Director's Office

[redacted]

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-301

[redacted] (OTD) (FBI)

From: [redacted] (OTD) (FBI)  
Sent: Wednesday, October 01, 2008 11:06 AM  
To: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: FW: Going Dark accomplishments

b6  
b7c

UNCLASSIFIED  
NON-RECORD

Here it is

From: [redacted] (OTD) (FBI)  
Sent: Monday, September 29, 2008 12:21 PM  
To: [redacted] (OTD) (FBI)  
Subject: RE: Going Dark accomplishments

UNCLASSIFIED  
NON-RECORD

b6  
b7c

I think it reads well. [redacted] may have to tweak it a bit to tie it into the regular monthly. A template would be good, otherwise you get all kinds of different answers.

From: [redacted] (OTD) (FBI)  
Sent: Monday, September 29, 2008 12:15 PM  
To: [redacted] (OTD) (FBI)  
Subject: Going Dark accomplishments

UNCLASSIFIED  
NON-RECORD

b6  
b7c



Here is the sample email to get accomplishment submissions. We should create a template similar to the SARs but listing the prongs. Let me know what you think:

OTD is actively pursuing the National Electronic Surveillance Strategy, commonly known as the 'Going Dark' initiative in an effort to maintain and advance electronic surveillance capabilities. The strategy consists of five prongs:

- 1) Modernization of Lawful Intercept (LI) Laws- Updating LI legislation, regulation, and assistance mandates
- 2) LI Authorities Enactment- Removing impediments to the FBI's ability to protect and share LI technical equipment and expertise
- 3) Enhanced LEA Coordination- Enhancing greater LEA LI mutual coordination/assistance
- 4) Greater Industry/LEA Cooperation- Expanding industry cooperation among LEAs on new and emerging technology issues/solutions
- 5) New Federal Resources- Seeking new Federal funding to bolster domestic LI capabilities

In this regard, [redacted]

[redacted] In an effort to provide data for this study and to ascertain progress towards implementation of the Strategy, the front office would like to collect any and all accomplishments made in connection with the five prongs listed above. This canvass is for accomplishments to date. Thereafter, accomplishments will be solicited on a monthly basis. It is expected that some of these accomplishments will be identical to those provided in the monthly significant accomplishment reports.

Some ideas of accomplishments would include:

- Training of State and local law enforcement
- Sharing of techniques and/or equipment with other agencies
- Budget requests to enhance or maintain capabilities

b2  
b7E

EFF/Cardozo-302

- Liaison with industry concerning new and emerging services and technologies .

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-303

[Redacted] (OTD) (FBI)

From: [Redacted] (OTD) (FBI)  
Sent: Thursday, October 02, 2008 8:26 AM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI)  
Subject: FW: Major accomplishments

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

Can you prepare an unclassified writeup on Going Dark for this year's OTD FY 2008 Annual Report? Do you have any graphics or pics? Save them as separate jpg, ppt, etc. files and send them as separate attachments. You can indicate in the write up where you want them placed and put their captions in, just don't embed them in the document. Is it possible that I could have it by Monday, Oct 6?

Call me if you have any quesitons or concerns. Congratulations on getting Going Dark in this year's report!!

Thanks,

[Redacted]

b6  
b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[Redacted] Voice  
[Redacted] Mobile  
[Redacted] Fax

b2

From: [Redacted] (OTD) (FBI)  
Sent: Thursday, October 02, 2008 8:21 AM  
To: [Redacted] (OTD) (FBI)  
Subject: Major accomplishments

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Mr. Thomas indicated one accomplishment could be Going Dark and for others he suggested that you canvass the SCs to see what they have for suggestions.

[Redacted]  
Executive Assistant  
Operational Technology Division

b2  
b6  
b7C

[Redacted] -Blackberry  
[Redacted] @ic.fbi.gov

UNCLASSIFIED

EFF/Cardozo-304



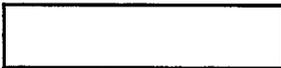
- Sharing of techniques and/or equipment with other agencies
- Budget requests to enhance or maintain capabilities
- Liaison with industry concerning new and emerging services and technologies

For your convenience, I have attached a template for you to use which showcases Field support, Headquarters support, Training, Liaison, Going Dark and Other. Be sure to use Word Perfect, Times New Roman, 12 pt. font and include portion markings. Please keep each individual significant activity to one paragraph in length if possible (3-4 sentences).

Your Section may not have a significant accomplishment in each category every month. It is your discretion to decide overall which **three (3)** accomplishments you choose to represent your Section each month. Going Dark is an exception - please include ALL Going Dark accomplishments in addition to your overall 3 Section-level accomplishments.

Thanking you in advance for your cooperation and assistance. If you have any questions, please do not hesitate to contact me.

<< File: Template Significant Accomplishments OTD Sept 08.wpd >>



b6  
b7c

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division



Voice  
Mobile  
Fax

b2

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-306

[Redacted] (OTD) (FBI)

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, October 08, 2008 8:03 AM  
To: [Redacted] (OTD) (CON)  
Cc: [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Thank you very much.

[Redacted]

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[Redacted] Voice  
[Redacted] Mobile  
[Redacted] Fax

b6  
b7C

b2

From: [Redacted] (OTD) (CON)  
Sent: Tuesday, October 07, 2008 12:53 PM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

The viewgraphs have been updated to no longer include the handling instructions or the page numbers. Please let me know if I can be of further assistance.

[Redacted]

b2  
b6  
b7C

<< File: Going Dark 3.ppt >> << File: Going Dark 2.ppt >> << File: Going Dark 1.ppt >>

From: [Redacted] (OTD) (FBI)  
Sent: Tuesday, October 07, 2008 8:45 AM  
To: [Redacted] (OTD) (CON)  
Subject: FW: Going Dark

UNCLASSIFIED  
NON-RECORD

b6  
b7C

From: [Redacted] (OTD) (FBI)  
Sent: Tuesday, October 07, 2008 8:18 AM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (CON); [Redacted] (OTD) (FBI)

EFF/Cardozo-307

Subject: RE: Going Dark

UNCLASSIFIED  
NON-RECORD

Hi [redacted]

b6  
b7C

It looks good. The report is unclassified. I noticed the slides have a dissemination notice on them....can you remove it?

[redacted]

b6  
b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[redacted] Voice  
[redacted] Mobile  
[redacted] Fax

b2

From: [redacted] (OTD) (FBI)  
Sent: Monday, October 06, 2008 5:16 PM  
To: [redacted] (OTD) (FBI)  
Cc: [redacted] (OTD) (CON); [redacted] (OTD) (FBI)  
Subject: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[redacted]

Here is the stuff for the Annual Report. Is this what you were looking for?  
<< File: Going Dark Annual Report.doc >>

<< File: Going Dark 3.ppt >> << File: Going Dark 2.ppt >> << File: Going Dark 1.ppt >>

UNCLASSIFIED

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UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-308

[Redacted] (OTD) (FBI)

b6  
b7c

From: [Redacted] (OTD) (FBI)  
Sent: Monday, November 24, 2008 3:27 PM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (CON); MOTTA, THOMAS GREGORY (OTD) (FBI)  
Subject: RE: OTD Significant Activity Report for November 2008 - DEADLINE NOON, WEDNESDAY, DECEMBER 3, 2008 - New Reporting Category for Going Dark Initiative

UNCLASSIFIED  
NON-RECORD

10-4; we are on it.

Gregg,  
I will have the draft for the section NLT December 1.

From: [Redacted] (OTD) (FBI)  
Sent: Monday, November 24, 2008 1:28 PM  
To: COOK, PATRICK B. (OTD) (FBI); [Redacted] (OTD) (OGA); PRICE, J CLAY (OTD) (FBI); SMITH, CHARLES BARRY (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); MOTTA, THOMAS GREGORY (OTD) (FBI); [Redacted] (OTD) (FBI);  
Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (CON); [Redacted] (OTD) (CON); [Redacted] (OTD) (CON); [Redacted] (OTD) (CON); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (CON); [Redacted] (OTD) (CON); [Redacted] (OTD) (CON); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI);  
Subject: OTD Significant Activity Report for November 2008 - DEADLINE NOON, WEDNESDAY, DECEMBER 3, 2008 - New Reporting Category for Going Dark Initiative

UNCLASSIFIED  
NON-RECORD

Good afternoon,  
Please provide me with a consolidated Section-level approved monthly Significant Activity Report which contains your Section's top three (3) most significant activities for November 2008 by Noon, Wednesday, December 3, 2008. I would appreciate receiving one report for each Section that is inclusive of your unit-level activities. SRU and TMSU please submit significant unit level activities, if any, to me.

**Reminder - "Going Dark" Initiative Added to Template:**

OTD is actively pursuing the National Electronic Surveillance Strategy, commonly known as the 'Going Dark' initiative in an effort to maintain and advance electronic surveillance capabilities. The front office would like to collect all accomplishments made in connection with the Going Dark Initiative five prongs listed below. Past accomplishments will be compiled by A/UC, CIU, [Redacted]. Current and future accomplishments will be solicited along with your significant accomplishments on a monthly basis.

- The strategy consists of five prongs:
- 1) Modernization of Lawful Intercept (LI) Laws - Updating LI legislation, regulation, and assistance mandates
  - 2) LI Authorities Enactment - Removing impediments to the FBI's ability to protect and share LI technical equipment and expertise
  - 3) Enhanced LEA Coordination - Enhancing greater LEA LI mutual coordination/assistance
  - 4) Greater Industry/LEA Cooperation - Expanding industry cooperation among LEAs on new and emerging technology issues/solutions
  - 5) New Federal Resources - Seeking new Federal funding to bolster domestic LI capabilities

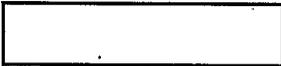
Some ideas for accomplishments would include: EFF/Cardozo-309

- Training of State and local law enforcement
- Sharing of techniques and/or equipment with other agencies
- Budget requests to enhance or maintain capabilities
- Liaison with industry concerning new and emerging services and technologies

For your convenience, I have attached a template for you to use which showcases Field support, Headquarters support, Training, Liaison, Going Dark and Other. Be sure to use Word Perfect, Times New Roman, 12 pt. font and include portion markings. Please keep each individual significant activity to one paragraph in length if possible (3-4 sentences).

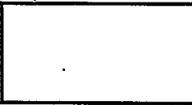
Your Section may not have a significant accomplishment in each category every month. It is your discretion to decide overall which **three (3)** accomplishments you choose to represent your Section each month. Going Dark is an exception - please include ALL Going Dark accomplishments in addition to your overall 3 Section-level accomplishments.

Thanking you in advance for your cooperation and assistance. If you have any questions, please do not hesitate to contact me.



b6  
b7c

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division



Voice  
Mobile  
Fax

b2

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-310

[Redacted] (OTD) (FBI)

From: [Redacted] (OTD) (FBI)  
Sent: Tuesday, November 25, 2008 10:02 AM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: OTD Significant Activity Report for November 2008 - DEADLINE NOON, WEDNESDAY, DECEMBER 3, 2008 - New Reporting Category for Going Dark Initiative

b6  
b7c

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NON-RECORD

[Redacted]

Per our discussion, The TOS will not be submitting its input for this tasking until 12/5/2008.

[Redacted]

TOSC, OTD

[Redacted] -Desk  
[Redacted] -Cell

b2  
b6  
b7c

From: [Redacted] (OTD) (FBI)  
Sent: Monday, November 24, 2008 1:28 PM  
To: COOK, PATRICK B. (OTD) (FBI); [Redacted] (OTD) (OGA); PRICE, J CLAY (OTD) (FBI); SMITH, CHARLES BARRY (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); MOTTA, THOMAS GREGORY (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (CON); [Redacted] (OTD) (CON); [Redacted] (OTD) (CON); [Redacted] (OTD) (CON); [Redacted] (OTD) (FBI); [Redacted] (OTD) (CON); [Redacted] (OTD) (CON); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: OTD Significant Activity Report for November 2008 - DEADLINE NOON, WEDNESDAY, DECEMBER 3, 2008 - New Reporting Category for Going Dark Initiative

UNCLASSIFIED  
NON-RECORD

b6  
b7c

Good afternoon,

Please provide me with a consolidated Section-level approved monthly Significant Activity Report which contains your Section's top three (3) most significant activities for November 2008 by Noon, Wednesday, December 3, 2008. I would appreciate receiving one report for each Section that is inclusive of your unit-level activities. SRU and TMSU please submit significant unit level activities, if any, to me.

**Reminder - "Going Dark" Initiative Added to Template:**

OTD is actively pursuing the National Electronic Surveillance Strategy, commonly known as the 'Going Dark' initiative in an effort to maintain and advance electronic surveillance capabilities. The front office would like to collect all accomplishments made in connection with the Going Dark Initiative five prongs listed below. Past accomplishments will be compiled by A/UC, CIU, [Redacted]. Current and future accomplishments will be solicited along with your significant accomplishments on a monthly basis.

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- The strategy consists of five prongs:
- 1) Modernization of Lawful Intercept (LI) Laws - Updating LI legislation, regulation, and assistance mandates
  - 2) LI Authorities Enactment - Removing impediments to the FBI's ability to protect and share LI technical equipment and expertise
  - 3) Enhanced LEA Coordination - Enhancing greater LEA LI mutual coordination/assistance
  - 4) Greater Industry/LEA Cooperation - Expanding industry cooperation among LEAs on new and emerging technology issues/solutions
  - 5) New Federal Resources - Seeking new Federal funding to bolster domestic LI capabilities

Some ideas for accomplishments would include:

- Training of State and local law enforcement
- Sharing of techniques and/or equipment with other agencies
- Budget requests to enhance or maintain capabilities
- Liaison with industry concerning new and emerging services and technologies

For your convenience, I have attached a template for you to use which showcases Field support, Headquarters support, Training, Liaison, Going Dark and Other. Be sure to use Word Perfect, Times New Roman, 12 pt. font and include portion markings. Please keep each individual significant activity to one paragraph in length if possible (3-4 sentences).

Your Section may not have a significant accomplishment in each category every month. It is your discretion to decide overall which **three (3)** accomplishments you choose to represent your Section each month. Going Dark is an exception - please include ALL Going Dark accomplishments in addition to your overall 3 Section-level accomplishments.

Thanking you in advance for your cooperation and assistance. If you have any questions, please do not hesitate to contact me.



b6  
b7c

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division



Voice  
Mobile  
Fax

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UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-312



Your Section may not have a significant accomplishment in each category every month. It is your discretion to decide overall which three (3) accomplishments you choose to represent your Section each month. Going Dark is an exception - please include ALL Going Dark accomplishments in addition to your overall 3 Section-level accomplishments.

Thanking you in advance for your cooperation and assistance. If you have any questions, please do not hesitate to contact me.



Template Significant  
Accomplis...

[Redacted]

b6  
b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[Redacted]

Voice  
Mobile

b2

UNCLASSIFIED

EFF/Cardozo-314

[Redacted] (OTD) (FBI)

From: [Redacted] (OTD) (FBI)  
Sent: Tuesday, January 27, 2009 10:42 AM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI)  
Subject: FW: OTD Significant Activity Report for January 2009 - DEADLINE NOON, WEDNESDAY, FEBRUARY 4, 2009 - REVISED TO INCLUDE TEMPLATE

b6  
b7C

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NON-RECORD

[Redacted]

I had this ready to forward to you and saw that DAD Cook had already done so. Hope all is well with you and have a great day.

[Redacted]

b6  
b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[Redacted] Voice  
[Redacted] Mobile

b2

From: COOK, PATRICK B. (OTD) (FBI)  
Sent: Tuesday, January 27, 2009 10:37 AM  
To: MOTTA, THOMAS GREGORY (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: RE: OTD Significant Activity Report for January 2009 - DEADLINE NOON, WEDNESDAY, FEBRUARY 4, 2009 - REVISED TO INCLUDE TEMPLATE

UNCLASSIFIED  
NON-RECORD

[Redacted]

See Below email from Greg. Please send Greg our most recent "Going Dark" material. Thanks

b6  
b7C

Pat

From: MOTTA, THOMAS GREGORY (OTD) (FBI)  
Sent: Tuesday, January 27, 2009 10:22 AM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI); MOTTA, THOMAS GREGORY (OTD) (FBI); [Redacted] (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: RE: OTD Significant Activity Report for January 2009 - DEADLINE NOON, WEDNESDAY, FEBRUARY 4, 2009 - REVISED TO INCLUDE TEMPLATE

UNCLASSIFIED  
NON-RECORD

[Redacted]

What is the status of whether the Going Dark initiative includes lack of resources for digital forensics and counter-

encryption? At one point these were included as part of the initiative, but I note that the description below is entirely intercept centric.

Gregg

**Thos. Gregory Motta**  
**Section Chief, Digital Evidence Section (DES)**  
**Operational Technology Division (OTD)**  
**Engineering Research Facility**  
**Bldg 27958A, Room A-207**  
**Quantico, VA 22135**

Tel. [Redacted]  
Tel. [Redacted]  
Fax. [Redacted]

b2

**From:** [Redacted] (OTD) (FBI)  
**Sent:** Tuesday, January 27, 2009 9:13 AM  
**To:** COOK, PATRICK B. (OTD) (FBI); [Redacted] (OTD) (OGA); PRICE, J CLAY (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); MOTTA, THOMAS GREGORY (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
**Cc:** [Redacted] (OTD) (FBI); [Redacted] (OTD) (CON); [Redacted] (OTD) (CON); [Redacted] (OTD) (CON); [Redacted] (OTD) (CON); [Redacted] (OTD) (FBI); [Redacted] (OTD) (CON); [Redacted] (OTD) (CON); [Redacted] (OTD) (CON); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (LD) (FBI)  
**Subject:** OTD Significant Activity Report for January 2009 - DEADLINE NOON, WEDNESDAY, FEBRUARY 4, 2009 - REVISED TO INCLUDE TEMPLATE

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NON-RECORD

b6  
b7c

Good morning,

Please provide me with a consolidated Section-level approved monthly Significant Activity Report which contains your Section's top three (3) most significant activities for January 2009 by Noon, **Wednesday, February 4, 2009**. I would appreciate receiving one report for each Section that is inclusive of your unit-level activities. SRU and TMSU please submit significant unit level activities, if any, to me.

**Reminder - "Going Dark" Initiative Added to Template:**

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b6  
b7c

The strategy consists of five prongs:

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Some ideas for accomplishments would include:

- Training of State and local law enforcement

EFF/Cardozo-316

- Sharing of techniques and/or equipment with other agencies
- Budget requests to enhance or maintain capabilities
- Liaison with industry concerning new and emerging services and technologies

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Thanking you in advance for your cooperation and assistance. If you have any questions, please do not hesitate to contact me.

<< File: Template Significant Accomplishments OTD Jan 09.wpd >>

[Redacted]

b6  
b7c

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[Redacted] Voice  
[Redacted] Mobile

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EFF/Cardozo-317



OTD is actively pursuing the National Electronic Surveillance Strategy, commonly known as the 'Going Dark' initiative in an effort to maintain and advance electronic surveillance capabilities. The front office would like to collect all accomplishments made in connection with the Going Dark Initiative five prongs listed below. Past accomplishments will be compiled by A/UC, CIU, [redacted]. Current and future accomplishments will be solicited along with your significant accomplishments on a monthly basis.

b6  
b7C

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Thanking you in advance for your cooperation and assistance. If you have any questions, please do not hesitate to contact me.

<< File: Template Significant Accomplishments OTD Jan 09.wpd >>

[redacted]

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b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[redacted] Voice  
[redacted] Mobile

b2

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UNCLASSIFIED

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EFF/Cardozo-319

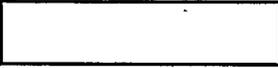


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b6  
b7c

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division



Voice  
Mobile

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UNCLASSIFIED.

EFF/Cardozo-321



Good morning,

Please provide me with a consolidated Section-level approved monthly Significant Activity Report which contains your Section's top three (3) most significant activities for March 2009 by **Noon, Monday, April 6, 2009**. I would appreciate receiving one report for each Section that is inclusive of your unit-level activities. SRU and TMSU please submit significant unit level activities, if any, to me.

For your convenience, I have attached a template for you to use which showcases Field support, Headquarters support, Training, Liaison, Going Dark and Other. Be sure to use Word Perfect, Times New Roman, 12 pt. font and include portion markings. Keep each individual significant activity to one paragraph in length if possible (3-4 sentences).

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Thanking you in advance for your cooperation and assistance. If you have any questions, please do not hesitate to contact me.

<< File: Template Significant Accomplishments OTD Mar 09.wpd >>

[Redacted]

b6  
b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[Redacted] Voice  
[Redacted] Mobile

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EFF/Cardozo-323



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Mobile  
Fax

b2

UNCLASSIFIED

EFF/Cardozo-325



Mobile  
 Fax

b2

UNCLASSIFIED

EFF/Cardozo-327

[Redacted] (OTD) (FBI) b6  
b7C

From: [Redacted] (OTD) (FBI)

Sent: Tuesday, January 27, 2009 11:44 AM

To: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)

Cc: [Redacted] (OTD) (FBI)

Subject: FW: OTD Significant Activity Report for January 2009 - DEADLINE NOON, WEDNESDAY, FEBRUARY 4, 2009 - REVISED TO INCLUDE TEMPLATE

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~~NON-RECORD~~

PMs (particularly [Redacted] and [Redacted]),  
 Please just take a look at the "Going Dark" categories/examples below. We're required to report on these, and we do so in the monthly SARs. I'm usually aware of any cases where we work with local law enforcement/other agencies, but

[Redacted], please note such in KMS and also let me know. (This doesn't include passive viewing/collection of web site material.) Thanks.

b2  
b6  
b7C  
b7E

**Reminder - "Going Dark" Initiative Added to Template:**

~~U // FOUO~~ OTD is actively pursuing the National Electronic Surveillance Strategy, commonly known as the 'Going Dark' initiative in an effort to maintain and advance electronic surveillance capabilities. The front office would like to collect all accomplishments made in connection with the Going Dark Initiative five prongs listed below. Past accomplishments will be compiled by A/UC, CIU, [Redacted]. Current and future accomplishments will be solicited along with your significant accomplishments on a monthly basis. b6  
b7C

- ~~U // FOUO~~ The strategy consists of five prongs:
- ✓ 1) Modernization of Lawful Intercept (LI) Laws - Updating LI legislation, regulation, and assistance mandates
  - ✓ 2) LI Authorities Enactment - Removing impediments to the FBI's ability to protect and share LI technical equipment and expertise
  - ✓ 3) Enhanced LEA Coordination - Enhancing greater LEA LI mutual coordination/assistance
  - ✓ 4) Greater Industry/LEA Cooperation - Expanding industry cooperation among LEAs on new and emerging technology issues/solutions
  - ✓ 5) New Federal Resources - Seeking new Federal funding to bolster domestic LI capabilities

Some ideas for accomplishments would include:

- U • Training of State and local law enforcement
  - U • Sharing of techniques and/or equipment with other agencies
  - U • Budget requests to enhance or maintain capabilities
- ~~ES~~ [Redacted] b2  
b7E

UNCLASSIFIED

EFF/Cardozo-328

b6  
b7c

From: [redacted] (OTD) (FBI)  
Sent: Thursday, July 31, 2008 9:16 AM  
To: [redacted] (OTD) (FBI)  
Cc: DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OTD) (FBI); SMITH, CHARLES BARRY (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: RE: International Meeting on Technology Forecast

UNCLASSIFIED  
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unless I hear to the contrary, I will attend this on behalf of OTD at the request of the Legat. Since you were specifically named, I would like you to come along and give your named presentation. I plan to present an appropriately tailored Going Dark Initiative briefing.

EFF/Cardozo-329

[redacted] (OTD) (FBI)

From: DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Sent: Wednesday, August 20, 2008 2:08 PM  
To: [redacted] (OTD) (FBI)  
Subject: RE: Comments on Going Dark White Paper

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Certainly.

Anthony P. DiClemente  
Chief, Data Acquisition / Intercept Section  
Operational Technology Division

[redacted]

b2

From: [redacted] (OTD) (FBI)  
Sent: Wednesday, August 20, 2008 10:03 AM  
To: DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Subject: Comments on Going Dark White Paper

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NON-RECORD

b6  
b7C

Tony;

Can I pass on my Going Dark comments to [redacted]?

[redacted]

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-330

[Redacted] (OTD) (FBI)

b6  
b7C

From: [Redacted] (OTD) (CON)  
Sent: Thursday, August 21, 2008 3:32 PM  
To: [Redacted] (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [Redacted] (OTD) (FBI);  
Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (CON); [Redacted] (OTD) (FBI); [Redacted] (OTD) (CON); [Redacted] (OTD) (CON); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (CON);  
Subject: Going Dark--Deadline COB 8/29/08

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

As discussed in today's UC meeting, I have made copies of the Going Dark whitepaper for your review and comments. They will go out in tomorrow's (8/22) mail.

Please return your comments to me by COB 8/29/08.

Thanks,

[Redacted]  
DAIS Executive Administrative Assistant  
Operational Technology Division  
[Redacted]

b6  
b7C

b2

SENSITIVE BUT UNCLASSIFIED

EFF/Cardozo-331

[redacted] (OTD) (FBI)

b6  
b7c

From: [redacted] (OTD) (FBI)  
Sent: Friday, August 22, 2008 8:14 AM  
To: [redacted] (OTD) (CON)  
Cc: [redacted] (OTD) (FBI)  
Subject: Comments on Going Dark paper

Attachments: comments on GD.doc

UNCLASSIFIED  
NON-RECORD

[redacted]

I've attached comments I drafted several week ago and gave to Tony. I don't think he passed them on, but said to do so. If the paper has changed in the last two weeks, please let me know and I'll review it again.

If you have questions on these comments call me or stop by.



comments on  
GD.doc (32 KB)

[redacted]

UNCLASSIFIED

EFF/Cardozo-332

[redacted] (OTD) (FBI)

From: [redacted] (OTD) (CON)  
Sent: Monday, December 01, 2008 11:36 AM  
To: [redacted] (OTD) (FBI)  
Subject: RE: [redacted] and ETR Bulletin

b6  
b7C

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

[redacted]  
You have it covered. Nothing else is required by or for me if he is charging his hours to a different contract. Thanks for the quick reply.  
BGF

b6  
b7C

From: [redacted] (OTD) (FBI)  
Sent: Monday, December 01, 2008 11:24 AM  
To: [redacted] (OTD) (CON)  
Cc: DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: RE: [redacted] and ETR Bulletin

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

BG;

My plan is to use him for a very limited number of hours just to make sure we do not stray from the work that has and is being done for the Going Dark project. I spoke to Tony and got approval from [redacted] to allow him to charge his time used to the project.

Is this OK or do we need to do something else?

[redacted]

From: [redacted] (OTD) (CON)  
Sent: Monday, December 01, 2008 11:13 AM  
To: [redacted] (OTD) (FBI)  
Subject: [redacted] and ETR Bulletin

b6  
b7C

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

[redacted]  
I just met with [redacted] regarding his meeting with you this morning. Do you plan to use him for the next Bulletin? If so, I can prepare a CRF for you to define his role and the number of hours you envision for him. Thanks!  
BGF

b6  
b7C

[redacted]  
Program Management Office  
Technical Management Services Unit  
Operational Technology Division  
Phone: [redacted]  
Fax: [redacted]

b2

SENSITIVE BUT UNCLASSIFIED

EFF/Cardozo-333

[redacted] (OTD) (FBI)

b6  
b7c

From: [redacted] (OTD) (FBI)  
Sent: Wednesday, May 13, 2009 2:31 PM  
To: [redacted] (OTD) (FBI)  
Subject: RE: Going Dark Bulletin

UNCLASSIFIED  
NON-RECORD

[redacted]

Have you spoken to [redacted] about the state and local article?

From: [redacted] (OTD) (FBI)  
Sent: Wednesday, May 13, 2009 1:53 PM  
To: THOMAS, MARCUS C. (OTD) (FBI)  
Cc: DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: Going Dark Bulletin

UNCLASSIFIED  
NON-RECORD

Marcus;

Is there any specific material, whitepapersm presentations etc. on the Going Dark topic that you would like to get into the Going Dark Bulletin?

I would be happy to work with [redacted] to prepare any of the materials you have developed so we can publish them.

[redacted]

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UNCLASSIFIED

EFF/Cardozo-334

[Redacted] (OTD) (FBI)

b6  
b7c

From: [Redacted] (OTD) (FBI)  
Sent: Tuesday, June 30, 2009 11:31 AM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: ELSUR Meeting

UNCLASSIFIED  
NON-RECORD

I want just a few minutes to talk about the ETR Going Dark Bulletin.

From: [Redacted] (OTD) (FBI)  
Sent: Tuesday, June 30, 2009 10:52 AM  
To: THOMAS, MARCUS C. (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); MOTTA, THOMAS GREGORY (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: ELSUR Meeting

UNCLASSIFIED  
NON-RECORD

Does anyone have agenda items for tomorrow's ELSUR Strategy Meeting?

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UNCLASSIFIED

EFF/Cardozo-335

[redacted] (OTD) (FBI)

From: [redacted] (OTD) (CON)  
Sent: Friday, October 03, 2008 9:24 AM  
To: [redacted] (OTD) (FBI)  
Subject: RE: "Going Dark"

b6  
b7c

UNCLASSIFIED  
NON-RECORD

Thanks. I have left a message with [redacted] and will provide your comments to him this afternoon when he comes to meet with [redacted].

b6  
b7c

[redacted]  
DAIS Executive Administrative Assistant  
Operational Technology Division  
[redacted]

b2

From: [redacted] (OTD) (FBI)  
Sent: Friday, October 03, 2008 9:20 AM  
To: [redacted] (OTD) (CON)  
Subject: RE: "Going Dark"

UNCLASSIFIED  
NON-RECORD

b6  
b7c

[redacted]  
Here is a response to Tony regarding, "Going Dark". I hope this helps.

[redacted]  
From: [redacted] (OTD) (FBI)  
Sent: Friday, August 29, 2008 3:22 PM  
To: DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Cc: [redacted] (OTD) (CON)  
Subject: "Going Dark"

UNCLASSIFIED  
NON-RECORD

Tony,

I requested TICTU's SSAs and Program Managers to read and provide input to the "Going Dark" whitepaper. The team overall believe that the whitepaper had validity and provided a good overview from past to present challenges. There seemed to be consensus that the issues related more to packet data intercepts, than voice based telecommunications intercepts, as mentioned on page 11 of this write-up. However, understanding the industry trend, this can and will be a futuristic programmatic-concern for TICTU.

The team agreed that a move in the right direction is with the five-pronged National LI Strategy.

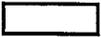
- Modernization of LI LAWS-
- LI Authorities Enactment-
- Enhanced LEA Coordination
- Greater Industry/LEA Cooperation

EFF/Cardozo-336

- New Federal Resources

If additional information is required, please advise.

b6  
b7c



UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-337

[redacted] (OTD) (FBI)

b6  
b7C

From: [redacted] (OTD) (FBI)  
Sent: Friday, October 17, 2008 9:27 AM  
To: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: FW: Going Dark accomplishments

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NON-RECORD

[redacted]

See below!

b6  
b7C

[redacted]

From: [redacted] (OTD) (FBI)  
Sent: Wednesday, October 15, 2008 2:44 PM  
To: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: Going Dark accomplishments

UNCLASSIFIED  
NON-RECORD

I am putting together the list of accomplishments towards Going Dark. [redacted] and [redacted] are accomplishments listed under Law Enforcement Cooperation. I need to attach some numbers to these. Such as users or agencies who we've loaned them to. Can you help me out? It's for FY 2008. b2 b7E

Thanks,

[redacted]

b6  
b7C

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-338

[redacted] (OTD) (FBI)

b6  
b7c

From: [redacted] (OTD) (CON)  
Sent: Friday, October 31, 2008 11:49 AM  
To: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI);  
[redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI)  
Subject: Going Dark

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

Gentlemen - Per [redacted] request, I have placed in your mailboxes the "Going Dark" Whitepaper. [redacted] would like you to read through this and then respond if we have any items that can be submitted in our monthly SAR on "Going Dark". Thank you.

SENSITIVE BUT UNCLASSIFIED

EFF/Cardozo-339



NON-RECORD

Please provide your response for the October Significant Activity Report to me by NOON, MONDAY, NOVEMBER 3, 2008. Please NOTE the 'Going Dark' Initiative has been added to the template and will now be reported in each month's submission. Please read the following information carefully and include along with your monthly significant accomplishments.

'Going Dark' Initiative Added to Template:

OTD is actively pursuing the National Electronic Surveillance Strategy, commonly known as the 'Going Dark' initiative in an effort to maintain and advance electronic surveillance capabilities. The front office would like to collect all accomplishments made in connection with the Going Dark Initiative five prongs listed below. Past accomplishments will be compiled by AUC, CIU, [redacted]. Current and future accomplishments will be solicited along with your significant accomplishments on a monthly basis.

b6  
b7C

The strategy consists of five prongs:

- 1) Modernization of Lawful Intercept (LI) Laws - Updating LI legislation, regulation, and assistance mandates
- 2) LI Authorities Enactment - Removing impediments to the FBI's ability to protect and share LI technical equipment and expertise
- 3) Enhanced LEA Coordination - Enhancing greater LEA LI mutual coordination/assistance
- 4) Greater Industry/LEA Cooperation - Expanding industry cooperation among LEAs on new and emerging technology issues/solutions
- 5) New Federal Resources - Seeking new Federal funding to bolster domestic LI capabilities

Some ideas for accomplishments would include:

- Training of State and local law enforcement
- Sharing of techniques and/or equipment with other agencies
- Budget requests to enhance or maintain capabilities
- Liaison with industry concerning new and emerging services and technologies

For your convenience, attached is a template which showcases Field support, Headquarters support, Training, Liaison, Going Dark and Other. Be sure to use Word Perfect, Times New Roman, 12 pt. font and include portion markings. Please keep each individual significant activity to one paragraph in length if possible (3-4 sentences).

Feel free to contact me with any questions.

b6  
b7C

[redacted]  
DAIS ASC Administrative Assistant  
Operational Technology Division  
[redacted]

b2



Template Significant  
Accomplis...

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UNCLASSIFIED

EFF/Cardozo-341

[redacted] (OTD) (FBI)

From: [redacted] (OTD) (FBI)  
Sent: Monday, December 08, 2008 12:24 PM  
To: [redacted] (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI)  
Subject: RE: Going Dark SAR

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[redacted]

b6  
b7C

I don't submit the GD report, but I'll make sure [redacted] knows about it. Also, we currently do not track our work as a function of "Going Dark" so we don't report it that way. This is a cultural shift that we (SBIT) haven't fully embraced yet.

In FY2008 we provided [redacted]

b2  
b7E

[redacted]

From: [redacted] (OTD) (FBI)  
Sent: Monday, December 08, 2008 11:52 AM  
To: [redacted] (OTD) (FBI)  
Subject: FW: Going Dark SAR

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[redacted]

b6  
b7C

[redacted] would like for our Unit to change the wording in responding to the Going Dark initiative. We will be required to submit our status on a monthly basis with our Significant monthly Report. See below and advise if we can respond for the month of November.

Thanks,

[redacted]

From: [redacted] (OTD) (CON)  
Sent: Monday, December 08, 2008 9:52 AM  
To: [redacted] (OTD) (FBI)  
Cc: DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: FW: Going Dark SAR

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[redacted]

b6  
b7C

Please see below from [redacted] regarding your Going Dark question.

Also, she is looking for some numbers for [redacted] for FY08. Have these been submitted?

b2  
b7E

Please advise.

Thanks,

EFF/Cardozo-342

[redacted]  
DAIS Executive Administrative Assistant  
Operational Technology Division  
[redacted]

b6  
b7C

b2

From: [redacted] (OTD) (FBI)  
Sent: Monday, December 08, 2008 9:24 AM  
To: [redacted] (OTD) (FBI); [redacted] (OTD) (CON)  
Subject: RE: Going Dark SAR

b6  
b7C

UNCLASSIFIED  
NON-RECORD

They only need to submit the actual accomplishments for the month. TICTU is not doing that. They submit general statements.

For example they say:

- Communicate with the CALEA Implementation Unit to [redacted]

b2  
b7E

They should say something like:

Coordinated with the CALEA Implementation Unit and resolved a noncompliance issue for [redacted]

They say:

- Participate in [redacted] via [redacted] Visits with [redacted] and Field Offices are also facilitated as needed.

b2  
b6  
b7C  
b7E

They should say something like:

[redacted]

[redacted] I also sent an email to TICTU on 10/15 looking for numbers (users, agencies) associated with [redacted] for FY 2008. I haven't received them yet and still need them. They also need to include any additional numbers in their monthly GD accomplishment report.

Hope this helps.

Mb

From: [redacted] (OTD) (FBI)  
Sent: Monday, December 08, 2008 8:16 AM  
To: [redacted] (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI)  
Subject: FW: Going Dark SAR

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Good morning [redacted].

Can you help me answer the question below about Going Dark? I will be getting your report to you this

morning.

Thanks,

[Redacted]

From: [Redacted] (OTD) (CON)  
Sent: Friday, December 05, 2008 12:48 PM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI)  
Subject: Going Dark SAR

b6  
b7c

UNCLASSIFIED  
NON-RECORD

[Redacted]

When submitting the Going Dark portion of the SAR, should the unit's be only submitting new items? Or, should they resubmit the previous month's submission even if it is status quo with no changes?

Thanks,

b6  
b7c

[Redacted]

DAIS' Executive Administrative Assistant  
Operational Technology Division

[Redacted]

b2

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EFF/Cardozo-344



OTD is actively pursuing the National Electronic Surveillance Strategy, commonly known as the 'Going Dark' initiative in an effort to maintain and advance electronic surveillance capabilities. The front office would like to collect all accomplishments made in connection with the Going Dark Initiative five prongs listed below. Past accomplishments will be compiled by A/UC, CIU, [redacted]. Current and future accomplishments will be solicited along with your significant accomplishments on a monthly basis.

b6  
b7C

The strategy consists of five prongs:

- 1) Modernization of Lawful Intercept (LI) Laws - Updating LI legislation, regulation, and assistance mandates
- 2) LI Authorities Enactment - Removing impediments to the FBI's ability to protect and share LI technical equipment and expertise
- 3) Enhanced LEA Coordination - Enhancing greater LEA LI mutual coordination/assistance
- 4) Greater Industry/LEA Cooperation - Expanding industry cooperation among LEAs on new and emerging technology issues/solutions
- 5) New Federal Resources - Seeking new Federal funding to bolster domestic LI capabilities

Some ideas for accomplishments would include:

- Training of State and local law enforcement
- Sharing of techniques and/or equipment with other agencies
- Budget requests to enhance or maintain capabilities
- Liaison with industry concerning new and emerging services and technologies

For your convenience, I have attached a template for you to use which showcases Field support, Headquarters support, Training, Liaison, Going Dark and Other. Be sure to use Word Perfect, Times New Roman, 12 pt. font and include portion markings. Please keep each individual significant activity to one paragraph in length if possible (3-4 sentences).

Your Section may not have a significant accomplishment in each category every month. It is your discretion to decide overall which three (3) accomplishments you choose to represent your Section each month. Going Dark is an exception - please include ALL Going Dark accomplishments in addition to your overall 3 Section-level accomplishments.

Thanking you in advance for your cooperation and assistance. If you have any questions, please do not hesitate to contact me.

[redacted]

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

b6  
b7C

[redacted] Voice  
[redacted] Mobile

b2

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UNCLASSIFIED

EFF/Cardozo-346

b6  
b7c

From: [REDACTED] (AQ) (FBI)  
Sent: Wednesday, February 04, 2009 8:13 AM  
To: AQ EVERYONE  
Subject: ELSUR survey request  
UNCLASSIFIED  
NON-RECORD

All AQ agents and investigative personnel who have ever been disappointed or aggravated by the inability of a telecommunications carrier to respond to an court order for information associated with a: Title III, pen register, or trap and trace - please read the information below and respond as requested.

\*\*\*\*\*

The Operational Technology Division (OTD) is currently working on a National Electronic Surveillance Strategy, commonly known as the "Going Dark Initiative", in an effort to maintain and enhance electronic surveillance (ELSUR) capabilities. At the request of the Director, an independent study is being conducted by the RAND Corporation to thoroughly examine and identify implications of the strategy. In an effort to gather data in support of this study, OTD has initiated an information collection effort regarding cases where investigations have been negatively impacted by carriers' inability to either (A) retain for a reasonable period and provide to law enforcement subscriber and non-content transactional records relating to their customers' communications, or (B) provide adequate assistance in the timely implementation of real time ELSUR orders.

OTD understands that cases are often impacted by an inability of a communications carrier to provide adequate assistance, a communications carrier's insistence on charging an exorbitant fee to process certain information, or a communications carrier's business practice that inadvertently thwarts law enforcement. However, much of this information has been passed to OTD anecdotally. Concrete examples are needed for the purpose of more fully supporting the FBI's claims that its investigative efforts are often frustrated by technological impediments or outdated statutory constraints.

OTD needs the assistance of all Field Offices to help document specific incidents where communications carriers' capabilities are not sufficient to meet the FBI's investigative needs. This survey should be completed by either investigative or technical personnel who have encountered the inability of communications carriers to provide stored records or adequate assistance with electronic surveillance. Case Agents who do not seek orders based on knowledge that a communications carrier

EFF/Cardozo-347

will not be able to comply should also complete the survey as this data is critical to the information collection effort. All Field Offices are requested to complete the survey for Fiscal Year (FY) 2008 and the first quarter of FY 2009.

The collected data will be shared within the law enforcement community and OTD will provide results from this information collection effort to the RAND Corporation and internally within the FBI. This collection effort is intended to highlight areas where law enforcement needs additional support and resources. The submission form can be completed quickly and with little need to enter duplicate information. It can be accessed from the following link on the FBI's intranet: <http://otdsurvey.fbinet.fbi>

\*\*\*\*\*

Please feel free to contact me with general questions or, as always, contact a TTA if you have technical questions.

Regards,

SSA [redacted]  
Albuquerque Division  
Cyber, CART, Tech, Applicants & Media  
[redacted]

b6  
b7c

b2

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EFF/Cardozo-348



accomplishments made in connection with the Going Dark Initiative five prongs listed below. Past accomplishments will be compiled by A/UC, CIU, [redacted]. Current and future accomplishments will be solicited along with your significant accomplishments on a monthly basis.

b6  
b7c

The strategy consists of five prongs:

- 1) Modernization of Lawful Intercept (LI) Laws - Updating LI legislation, regulation, and assistance mandates
- 2) LI Authorities Enactment - Removing impediments to the FBI's ability to protect and share LI technical equipment and expertise
- 3) Enhanced LEA Coordination - Enhancing greater LEA LI mutual coordination/assistance
- 4) Greater Industry/LEA Cooperation - Expanding industry cooperation among LEAs on new and emerging technology issues/solutions
- 5) New Federal Resources - Seeking new Federal funding to bolster domestic LI capabilities

Some ideas for accomplishments would include:

- Training of State and local law enforcement
- Sharing of techniques and/or equipment with other agencies
- Liaison with industry concerning new and emerging services and technologies

For your convenience, I have attached a template for you to use which showcases Field support, Headquarters support, Training, Liaison, Going Dark and Other. Be sure to use Word Perfect, Times New Roman, 12 pt. font and include portion markings. Please keep each individual significant activity to one paragraph in length if possible (3-4 sentences).

Your Section may not have a significant accomplishment in each category every month. It is your discretion to decide overall which three (3) accomplishments you choose to represent your Section each month. Going Dark is an exception - please include ALL Going Dark accomplishments in addition to your overall 3 Section-level accomplishments.

Thanking you in advance for your cooperation and assistance. If you have any questions, please do not hesitate to contact me.

<< File: Template Significant Accomplishments OTD Feb 09.wpd >>

[redacted]

b6  
b7c

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[redacted]

Voice  
Mobile

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EFF/Cardozo-350



Subject: (FBI)  
FW: Advisory Board Files

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NON-RECORD

On March 18, OTD will be hosting a meeting for members of the Director's Advisory Board regarding Going Dark. I have attached an agenda for the meeting. Those on the To: line are being asked to do a 15 minute presentation as indicated in the enclosed agenda. I have also attached a template for the presentation. On Monday March 16th at 10AM in the AD's conference room, we will have a review of the presentations.

I know you will not be able to attend the meeting. Marcus or Pat will present but can you fill in the template?

will put together the ppt for Law Enforcement Outreach. Can you give him input from your side so he can fill in the template?

Can you do the ppt for Tony?

Thanks,

<< File: DRAFT Going Dark DAB 20090310.ppt >> << File: Director's Advisory Board Agenda.doc >>

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EFF/Cardozo-352

[Redacted] (OTD) (FBI)

From: [Redacted] (CQ) (CON)  
Sent: Monday, April 20, 2009 10:15 AM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: P10

b6  
b7c

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NON-RECORD

You're correct

How do you see the split? 60/40? Or do we not put in percentages?

From: [Redacted] (OTD) (FBI)  
Sent: Monday, April 20, 2009 10:13 AM  
To: [Redacted] (CQ) (CON)  
Subject: RE: P10

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NON-RECORD

The RAND contract didn't end until 3/31. Isn't this for last Qtr

From: [Redacted] (CQ) (CON)  
Sent: Monday, April 20, 2009 10:11 AM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: P10

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NON-RECORD

[Redacted]

I was under the impression that those percentages were going to be removed and so I didn't fill them in. We didn't fill them in last quarter either.

If we need to, I suggest the following:

% Improving: 60% (based on the continuing number of briefings with industry and the law enforcement community [e.g., LEEF, LETF], there seems to be a continuing impetus on pushing the message forward).

% No progress: 20% (based on a lack of involvement with the new Administration - political appointees at Justice not being confirmed and no substantive decision-making authority with those in the positions of interest).

% Lagging: 20% (based on the RAND situation and no movement on the independent third party study).

If you agree, I'll forward these to [Redacted]. If you think differently, let me know and we'll go from there.

Thanks,

[Redacted]

From: [Redacted] (OTD) (FBI)  
Sent: Monday, April 20, 2009 9:17 AM

EFF/Cardozo-353

To: [redacted] (CQ) (CON)  
Subject: FW: P10

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From: [redacted] (OTD) (FBI)  
Sent: Friday, April 17, 2009 3:25 PM  
To: [redacted] (OTD) (FBI)  
Subject: P10

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NON-RECORD

[redacted] - Looks like [redacted] updated the Measure "# of briefings to policy influencers by category" but didn't update the measure "% Progress against "Going Dark" campaign" which includes the % Improving, % No Progress, %Lagging. He already hit the submit button, so you won't be able to go in to update. If you or [redacted] could send me those percentages, I will be able to input them for you. Thanks!

b6  
b7C

[redacted]  
Operational Technology Division  
Management and Program Analyst  
TMSU  
Quantico, VA

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EFF/Cardozo-354

[redacted] (OTD) (FBI)

From: [redacted] (CQ) (CON)  
Sent: Friday, April 17, 2009 10:16 AM  
To: [redacted] (OTD) (FBI)  
Subject: RE: SMS Going Dark Initiative

b6  
b7C

UNCLASSIFIED  
NON-RECORD

I'll reach out for her first thing Monday.

From: [redacted] (OTD) (FBI)  
Sent: Friday, April 17, 2009 10:15 AM  
To: [redacted] (CQ) (CON)  
Cc: [redacted] (OTD) (FBI)  
Subject: FW: SMS Going Dark Initiative

b6  
b7C

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NON-RECORD

[redacted] can you get with [redacted] on Monday to see if she has anything to add to what we have already gotten.

From: [redacted] (OTD) (CON)  
Sent: Friday, April 17, 2009 9:50 AM  
To: [redacted] (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: RE: SMS Going Dark Initiative

b6  
b7C

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NON-RECORD

[redacted]

I just spoke to SC DiClemente. [redacted] will be updating the Going Dark Initiative, with any additional inputs from [redacted]

[redacted] please forward any submissions for Going Dark to [redacted] when you return from AL.

b6  
b7C

Thanks,

[redacted]

DAIS Executive Administrative Assistant  
Operational Technology Division

[redacted]

b2

From: [redacted] (OTD) (FBI)  
Sent: Friday, April 17, 2009 9:26 AM  
To: [redacted] (OTD) (CON)  
Subject: SMS Going Dark Initiative

b6  
b7C

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NON-RECORD

EFF/Cardozo-355

Hi [redacted] - Is Tony able to do the Going Dark Initiative in SMS or is he waiting for [redacted] to update it? Any idea?

[redacted]  
Operational Technology Division  
Management and Program Analyst  
TMSU  
Quantico, VA  
[redacted]

b6  
b7c

b2

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UNCLASSIFIED

EFF/Cardozo-356

[Redacted] (OTD) (FBI)

From: [Redacted] (CQ) (CON)  
Sent: Monday, April 06, 2009 9:26 AM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: SMS Initiative Update for Spend Plan - Deadline COB Friday April 3rd

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SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

[Redacted]

b2  
b6  
b7C  
b7E

For FY09 only:

- Estimated \$\$ Spent: \$ [Redacted]
- Estimated FTE Devoted: 0
- Stoplight Status (R/Y/G): Yellow (based on new Administration personnel not being in place for briefings, FD decision regarding RAND contract, and revision of whitepaper)

Thanks,

[Redacted]

b6  
b7C

From: [Redacted] (OTD) (FBI)  
Sent: Tuesday, March 31, 2009 4:00 PM  
To: [Redacted] (CQ) (CON)  
Subject: FW: SMS Initiative Update for Spend Plan - Deadline COB Friday April 3rd

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

From: [Redacted] (OTD) (FBI)  
Sent: Friday, March 27, 2009 2:35 PM  
To: [Redacted] (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Cc: [Redacted] (OTD) (CON); THOMAS, MARCUS C. (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: SMS Initiative Update for Spend Plan - Deadline COB Friday April 3rd

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

b6  
b7C

[Redacted]

You have been designated as the POC for the following SMS initiative:

- Going Dark

For FY09 only, I need to know:

- Estimated \$\$ Spent
- Estimated FTE Devoted
- Stoplight Status (R/Y/G) on your initiative where R equals "off-track" and Y equals "a trend towards on-track" and G equals "on-track."

Thanks,

[Redacted]

SENSITIVE BUT UNCLASSIFIED

EFF/Cardozo-357

[redacted] (OTD) (FBI)

b6  
b7c

From: [redacted] (CQ) (CON)  
Sent: Wednesday, April 01, 2009 8:56 AM  
To: [redacted] (OTD) (FBI)  
Subject: RE: SMS Initiative Update for Spend Plan - Deadline COB Friday April 3rd

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

[redacted]

I have the following questions:

- Estimated \$\$ Spent

What should this include? - RAND, [redacted] time, my time, anything else? If so, do you have those costs? I can estimate my costs, but I don't have insight into anyone else. Was there travel involved - since there were a number of meetings, can I assume those costs were tracked separately (probably not?)

- Estimated FTE Devoted

Same question here - with the number of people involved: Marcus, Pat, Tony, [redacted] you, [redacted] etc. this could really add up. Any idea of how much time was spent? Or perhaps starting with a percentage: Marcus, Pat, Tony, [redacted] at 10% (?); you at 25% (?); we can get a number of hours... 10 people averaging 10% of there time would result in 1 FTE.

- Stoplight Status (R/Y/G) on your initiative where R equals "off-track" and Y equals "a trend towards on-track" and G equals "on-track."

My guess would be "Y" - but that is subject to interpretation...

Thanks,

[redacted]

From: [redacted] (OTD) (FBI)  
Sent: Tuesday, March 31, 2009 4:00 PM  
To: [redacted] (CQ) (CON)  
Subject: FW: SMS Initiative Update for Spend Plan - Deadline COB Friday April 3rd

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

From: [redacted] (OTD) (FBI)  
Sent: Friday, March 27, 2009 2:35 PM  
To: [redacted] (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Cc: [redacted] (OTD) (CON); THOMAS, MARCUS C. (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: SMS Initiative Update for Spend Plan - Deadline COB Friday April 3rd

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

[redacted]

You have been designated as the POC for the following SMS initiative:

- Going Dark

EFF/Cardozo-358

b6  
b7c

For FY09 only, I need to know:

- Estimated \$\$ Spent
- Estimated FTE Devoted
- Stoplight Status (R/Y/G) on your initiative where R equals "off-track" and Y equals "a trend towards on-track" and G equals "on-track."

Thanks,

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

EFF/Cardozo-359

[Redacted] (OTD) (FBI)

From: [Redacted] (CQ) (CON)  
Sent: Monday, March 16, 2009 9:02 AM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: Advisory Board Files

Attachments: DRAFT Going Dark DAB 20090316 CALEA.ppt; DRAFT Going Dark DAB 20090316 LE Coord.ppt

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

See attached for your two...



DRAFT Going Dark  
DAB 20090316 ...



DRAFT Going Dark  
DAB 20090316 ...

Thanks,

[Redacted]

b6  
b7C

From: [Redacted] (OTD) (FBI)  
Sent: Monday, March 16, 2009 8:45 AM  
To: [Redacted] (CQ) (CON)  
Subject: FW: Advisory Board Files

UNCLASSIFIED  
NON-RECORD

From: [Redacted] (OTD) (FBI)  
Sent: Thursday, March 12, 2009 6:10 PM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: Advisory Board Files

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b7C

UNCLASSIFIED  
NON-RECORD

What think of these slides?

<< File: DRAFT Going Dark DAB TLU 03122009.ppt >>

b2  
b6  
b7C

[Redacted]

EFF/Cardozo-360



[redacted] (OTD) (FBI)

b6  
b7c

From: [redacted] (CQ) (CON)  
Sent: Friday, March 13, 2009 3:01 PM  
To: [redacted] (OTD) (FBI)  
Subject: FW: Advisory Board Files

UNCLASSIFIED  
NON-RECORD

[redacted]

See [redacted] assumption below that you'll take the lead in the discussion on Wednesday...

Thanks,  
[redacted]

From: [redacted] (OTD) (FBI)  
Sent: Friday, March 13, 2009 2:46 PM  
To: [redacted] (CQ) (CON)  
Subject: RE: Advisory Board Files

UNCLASSIFIED  
NON-RECORD

[redacted]

This looks really good. I assume [redacted] will take the lead during the discussion. I'll compile some details/stats about what we have done/doing to assist the law enforcement community to add color to the conversation if it is necessary at game time.

[redacted]

From: [redacted] (CQ) (CON)  
Sent: Friday, March 13, 2009 2:30 PM  
To: [redacted] (OTD) (FBI)  
Subject: RE: Advisory Board Files

UNCLASSIFIED  
NON-RECORD

[redacted]

See attached.

Thanks,  
[redacted]

<< File: DRAFT Going Dark DAB 20090313 LE Coord.ppt >>

From: [redacted] (CQ) (CON)  
Sent: Friday, March 13, 2009 2:05 PM  
To: [redacted] (OTD) (FBI)  
Subject: FW: Advisory Board Files

UNCLASSIFIED  
NON-RECORD

EFF/Cardozo-362



[Redacted] (OTD) (FBI)

**From:** [Redacted] (CQ) (CON)  
**Sent:** Tuesday, March 10, 2009 3:53 PM  
**To:** [Redacted] (OTD) (FBI)  
**Subject:** Advisory Board Files

b6  
b7c

**Attachments:** Director's Advisory Board Agenda.doc; DRAFT Going Dark DAB 20090310.ppt

UNCLASSIFIED  
NON-RECORD

[Redacted]

Here are the Agenda and Template files:



Director's Advisory Board Agen...



DRAFT Going Dark DAB 20090310....

Thanks,

[Redacted]

UNCLASSIFIED

EFF/Cardozo-364

[Redacted] (OTD) (FBI)

From: [Redacted] (OTD) (FBI)  
Sent: Friday, May 29, 2009 3:51 PM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark Roundtable / Tasking of POCs

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Can you forward the attachment - Questions for Case Agent Interviews 20090305 v2.doc - I am attempting to meld the 2 emails together into one that will task POCs to forward the email to their Case Agents in their field division.

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, May 27, 2009 8:55 AM  
To: [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark Roundtable May 21st 10AM

b6  
b7C

UNCLASSIFIED  
NON-RECORD

From: VENIZELOS, GEORGE C. (NY) (FBI)  
Sent: Wednesday, May 13, 2009 9:29 AM  
To: [Redacted] (OTD) (FBI); [Redacted] (NY) (FBI); [Redacted] (NY) (FBI); [Redacted] (NY) (FBI); [Redacted] (FBI); [Redacted] (NY) (FBI); [Redacted] (OTD) (CON)  
Cc: DEMAREST, JOSEPH M. (NY) (FBI); THOMAS, MARCUS C. (OTD) (FBI)  
Subject: RE: Going Dark Roundtable May 21st 10AM

b6  
b7C

UNCLASSIFIED  
NON-RECORD

The meeting will be in the ADIC conference room. Thanks GV

From: [Redacted] (OTD) (FBI)  
Sent: Tuesday, May 12, 2009 3:59 PM  
To: [Redacted] (NY) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (CON)  
Cc: VENIZELOS, GEORGE C. (NY) (FBI); DEMAREST, JOSEPH M. (NY) (FBI); THOMAS, MARCUS C. (OTD) (FBI)  
Subject: Going Dark Roundtable May 21st 10AM

b6  
b7C

UNCLASSIFIED  
NON-RECORD

EFF/Cardozo-365

All,

Thank you for taking the time out of your busy schedules and agreeing to participate in the Going Dark Roundtable. By way of background, Going Dark is one of the FBI's top initiatives. It is a National Electronic Surveillance Strategy which focuses on law enforcement's impending inability to conduct electronic surveillance on certain communications devices due to rapid changes in technology.

[Redacted] Among other things, the Strategy looks to request changes in existing legislation and will ask for increases in funding through special appropriations from Congress.

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b7E

The Strategy has gotten attention so far from high ranking officials in other federal, state, and local agencies and from industry. However, we need to strengthen the business case on this to influence policy makers. In order to make this case, OTD will be going to FBI field offices to gain information which shows the impact the inability to conduct ELSUR has or will have on investigations. I felt it was important to engage Case Agents who will be most affected by this problem. New York is the first field office to participate in this project. DEA and several state and local agencies have already provided similar information. Take a look at the attached list of questions and talk to others about it. It shows what information we are looking for. Stories of great cases utilizing ELSUR would also be helpful.

Thanks again,

[Redacted]

b6  
b7C

[Redacted]

Operational Technology Division

[Redacted]

Blackberry  
@ic.fbi.gov

b2

<< File: Questions for Case Agent Interviews 20090305 v2.doc >>

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cárdozo-366

[Redacted] (OTD) (FBI)

From: [Redacted] (OTD) (FBI)  
Sent: Friday, May 29, 2009 10:41 AM  
To: DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Subject: FW: Going Dark request - Deadline today at 2:30

b6  
b7C

Importance: High

Attachments: OTD-GoingDarkDoc 1\_14\_09 (3).doc

UNCLASSIFIED  
NON-RECORD

Tony,

I will condense the last para as she asked. I think the rest looks OK. Since this is going to the subcommittee related to commerce, should we mention the letter we sent to the DoC in a separate email? Could it come up?

Mb

From: [Redacted] (OTD) (FBI)  
Sent: Friday, May 29, 2009 10:01 AM.  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)  
Subject: FW: Going Dark request - Deadline today at 2:30  
Importance: High

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted] as discussed here is the items needed to be reviewed. DEADLINE IS 2:30 TODAY.

[Redacted]  
Executive Assistant  
Operational Technology Division

b2  
b6  
b7C

[Redacted] Blackberry  
[Redacted]@ic.fbi.gov

From: [Redacted] (DO) (FBI)  
Sent: Friday, May 29, 2009 9:54 AM  
To: THOMAS, MARCUS C. (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: Going Dark request - Deadline today at 2:30  
Importance: High

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Mr. Marcus,

I work in OCA and am preparing the Director's briefing material for his upcoming appearance before the Senate Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies on June 4, 2009. It has come to OCA's attention that questions will be posed on the topic of Going Dark in both the closed and open hearing sessions.

AD Powers advised he recently met with you on Going Dark and requested that I send this directly to you for review.

Therefore, attached paper is a Question and Answer format that I believe covers the potential areas on this topic. Could you please review the paper and edit for changes? Also, the Director prefers concise and brief answers to the questions. The answer to the last question on page 2 is rather lengthy. Could this be condensed to a shorter answer? In addition, please feel free to add any other additional questions you deem necessary.

b2  
b6  
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OTD-GoingDarkDoc  
1\_14\_09 (3).d...

I apologize for requesting a short deadline, but I will need this paper returned by 2:30 today.

Thank you for your assistance on this matter,

UC [redacted]  
Special Projects Unit  
Office of Congressional Affairs  
[redacted]

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-368

[Redacted] (OTD) (FBI)

b6  
b7C

From: [Redacted] (OTD) (FBI)  
Sent: Friday, May 29, 2009 10:19 AM  
To: [Redacted] (OTD) (FBI); [Redacted] (CQ) (CON)  
Cc: [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark request - Deadline today at 2:30  
Attachments: OTD-GoingDarkDoc 1\_14\_09 (3).doc

UNCLASSIFIED  
NON-RECORD

Greetings,

When you guys reply to [Redacted], could you cc me. Thanks.

b2  
b6  
b7C

[Redacted]

From: [Redacted] (OTD) (CON)  
Sent: Friday, May 29, 2009 10:09 AM  
To: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark request - Deadline today at 2:30

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Please note deadline.

[Redacted]  
Management Assistant for SRU  
Room A-252  
Phone: [Redacted]  
Fax: [Redacted]

b2  
b6  
b7C

From: [Redacted] (OTD) (FBI)  
Sent: Friday, May 29, 2009 10:01 AM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)  
Subject: FW: Going Dark request - Deadline today at 2:30  
Importance: High

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b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]: as discussed here is the items needed to be reviewed. DEADLINE IS 2:30 TODAY.

[Redacted]  
Executive Assistant  
Operational Technology Division

b2  
b6  
b7C

[Redacted] Blackberry  
[Redacted]@ic.fbi.gov

EFF/Cardozo-369

From: [redacted] (DO) (FBI)  
Sent: Friday, May 29, 2009 9:54 AM  
To: THOMAS, MARCUS C. (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: Going Dark request - Deadline today at 2:30  
Importance: High

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Mr. Marcus,

I work in OCA and am preparing the Director's briefing material for his upcoming appearance before the Senate Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies on June 4, 2009. It has come to OCA's attention that questions will be posed on the topic of Going Dark in both the closed and open hearing sessions.

AD Powers advised he recently met with you on Going Dark and requested that I send this directly to you for review. Therefore, attached paper is a Question and Answer format that I believe covers the potential areas on this topic. Could you please review the paper and edit for changes? Also, the Director prefers concise and brief answers to the questions. The answer to the last question on page 2 is rather lengthy. Could this be condensed to a shorter answer? In addition, please feel free to add any other additional questions you deem necessary.



OTD-GoingDarkDoc  
1\_14\_09 (3).d...

I apologize for requesting a short deadline, but I will need this paper returned by 2:30 today.

Thank you for your assistance on this matter,

UC [redacted]  
Special Projects Unit  
Office of Congressional Affairs  
[redacted]

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UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-370

[redacted] (OTD) (FBI)

b6  
b7C

**From:** [redacted] (OTD) (FBI)  
**Sent:** Friday, May 29, 2009 11:38 AM  
**To:** DICLEMENTE, ANTHONY P. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)  
**Cc:** [redacted] (OTD) (FBI)  
**Subject:** FW: Going Dark request - Deadline today at 2:30  
**Attachments:** OTD-GoingDarkDoc 1\_14\_09 (4).doc

UNCLASSIFIED  
NON-RECORD

See attached for revised version (changes to last answer only).



OTD-GoingDarkDoc  
1\_14\_09 (4).d...

**From:** [redacted] (OTD) (FBI)  
**Sent:** Friday, May 29, 2009 10:01 AM  
**To:** [redacted] (OTD) (FBI)  
**Cc:** [redacted] (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)  
**Subject:** FW: Going Dark request - Deadline today at 2:30  
**Importance:** High

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[redacted]: as discussed here is the items needed to be reviewed. DEADLINE IS 2:30 TODAY.

[redacted]  
Executive Assistant  
Operational Technology Division

[redacted] Blackberry  
[redacted]@ic.fbi.gov

b2  
b6  
b7C

**From:** [redacted] (DO) (FBI)  
**Sent:** Friday, May 29, 2009 9:54 AM  
**To:** THOMAS, MARCUS C. (OTD) (FBI)  
**Cc:** [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
**Subject:** Going Dark request - Deadline today at 2:30  
**Importance:** High

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Mr. Marcus,

I work in OCA and am preparing the Director's briefing material for his upcoming appearance before the Senate Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies on June 4, 2009. It has come to OCA's attention that questions will be posed on the topic of Going Dark in both the closed and open hearing sessions.

AD Powers advised he recently met with you on Going Dark and requested that I send this directly to you for review. Therefore, attached paper is a Question and Answer format that I believe covers the potential areas on this topic. Could you please review the paper and edit for changes? Also, the Director prefers concise and brief answers to the questions. The answer to the last question on page 2 is rather lengthy. Could this be condensed to a shorter answer? In addition, please feel free to add any other additional questions you deem necessary.

<< File: OTD-GoingDarkDoc 1\_14\_09 (3).doc >>

I apologize for requesting a short deadline, but I will need this paper returned by 2:30 today.

Thank you for your assistance on this matter,

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UC [redacted]  
Special Projects Unit  
Office of Congressional Affairs  
[redacted]

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EFF/Cardozo-372

b6  
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[redacted] (OTD) (FBI)

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**From:** [redacted] (OTD) (FBI)  
**Sent:** Friday, May 22, 2009 4:41 PM  
**To:** THOMAS, MARCUS C. (OTD) (FBI); [redacted] (DO) (FBI); GREVER, LOUIS E. (DO) (FBI)  
**Cc:** COOK, PATRICK B. (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
**Subject:** RE: Director Tasking re Going Dark

**Attachments:** Going Dark Legislative Strategy 5-22-09[1].ppt; Going Dark Legislative Provisions 5-21-09\_BAH[1].ppt

UNCLASSIFIED  
NON-RECORD

[redacted] Here are the requested slides

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Going Dark  
Legislative Strateg...



Going Dark  
Legislative Provisi...

[redacted]  
Executive Assistant  
Operational Technology Division

b6  
b7c

[redacted] Blackberry  
@ic.fbi.gov

b2

---

**From:** THOMAS, MARCUS C. (OTD) (FBI)  
**Sent:** Thursday, May 21, 2009 1:09 PM  
**To:** [redacted] (OTD) (FBI)  
**Subject:** FW: Director Tasking re Going Dark

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b7c

UNCLASSIFIED  
NON-RECORD

Page [redacted] and advise that we need a draft by tomorrow.

b6  
b7c

Marcus G. Thomas  
Assistant Director,  
Operational Technology Division

b2

---

**From:** [redacted] (DO) (FBI)  
**Sent:** Thursday, May 21, 2009 10:40 AM  
**To:** THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)  
**Subject:** FW: Director Tasking re Going Dark  
EFF/Cardozo-373

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b7c

UNCLASSIFIED  
NON-RECORD

Marcus, Pat - Don't know who in OTD Louis involved in this, so this is a tickler.

Thx

[Redacted]

[Redacted]

Science & Technology Branch

Office [Redacted]

BB [Redacted]

b2  
b6  
b7C

From: [Redacted] (DO) (FBI)  
Sent: Thursday, May 21, 2009 10:04 AM  
To: [Redacted] (DO) (FBI); GREVER, LOUIS E. (DO) (FBI)  
Subject: RE: Director Tasking re Going Dark

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b7C

UNCLASSIFIED  
NON-RECORD

Louis and [Redacted] - I just noticed that this is a week away, and that they wanted a draft by today. Just wanted to ensure it was covered.

Thx

[Redacted]

[Redacted]

Science & Technology Branch

Office [Redacted]

BB [Redacted]

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From: [Redacted] (DO) (FBI)  
Sent: Tuesday, May 05, 2009 9:12 AM  
To: [Redacted] (DO) (FBI); [Redacted] (DO) (FBI); GREVER, LOUIS E. (DO) (FBI)  
Subject: RE: Director Tasking re Going Dark

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UNCLASSIFIED  
NON-RECORD

STB Team,

Thanks for being willing to present the Going Dark strategy on the 28th. If at all possible, we would like to ask if you could now take 30 minutes, not the full hour; another of the Director's SMS Initiatives, on Risk-Based Management, needs to go on that day now as well. It will be a full meeting!

With our experience in preparing materials for other Executive Board meetings, we would be willing to work with you on shaping your presentation and getting it into the appropriate format. We like to have your presentation in to us a week beforehand, meaning May 21 in this case, so we can get it into format and perhaps work with you to polish it even further. If you like, I would be happy to meet with you in advance as well. Please let me know if you have any questions, and thanks for your participation and understanding!

-E.

[Redacted]

b6  
b7C

Special Assistant to the AD, RPO  
Room 6256, FBIHQ, [redacted]

b2

From: [redacted] (DO) (FBI)  
Sent: Friday, May 01, 2009 5:07 PM  
To: [redacted] (DO) (FBI); GREVER, LOUIS E. (DO) (FBI); [redacted] (DO) (FBI)  
Subject: RE: Director Tasking re Going Dark

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UNCLASSIFIED  
NON-RECORD

[redacted]

I just spoke to Mr. Grever about this, as he had a meeting regarding this with OTD & OGC this past Monday. OTD and STB are working on this briefing right now and will provide before the date. May 28th will be good, with a full hour. I've noted this on his schedule.

Thanks.

[redacted]

[redacted]  
Administrative Assistant  
Executive Assistant Director - Science & Technology Branch  
FBIHQ - Room 7125  
[redacted]

b2  
b6  
b7C

From: [redacted] (DO) (FBI)  
Sent: Friday, May 01, 2009 12:38 PM  
To: GREVER, LOUIS E. (DO) (FBI)  
Cc: [redacted] (DO) (FBI)  
Subject: Director Tasking re Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Louis - You may know this, but [redacted] (RPO) called me to advise that we/you had been tasked to provide a written strategy for our Going Dark initiative in an upcoming Executive Board (before end of May). He suggested the May 28 board, and can schedule the full hour if needed, or something less.

If you can provide your preferences, I'll coordinate with RPO. Also, I can also coordinate with OTD if we need them involved.

Thanks

[redacted]

[redacted]  
Science & Technology Branch  
Office [redacted]  
BB [redacted]

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b7C

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-375

[Redacted] (OTD) (FBI)

From: [Redacted] (OTD) (FBI)  
Sent: Thursday, May 21, 2009 1:49 PM  
To: [Redacted] (TD) (FBI)  
Subject: Going Dark Initiative

b6  
b7c

UNCLASSIFIED  
NON-RECORD

[Redacted]

The CIU is responsible for a survey, the ELSUR Non-compliance Survey, that was launched in support of the Going Dark Initiative - there is one for the Bureau and one for outside federal, state and local law enforcement. I was thinking about doing a short 5 to 10 minute presentation to the National Academy classes about Going Dark and pass out some literature and the link to the survey. I would like to do it towards the end of their training here.

Please advise who I can speak to & thanks for your time.

[Redacted] (cell)  
[Redacted] (office)

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b7c

UNCLASSIFIED

EFF/Cardozo-376

UNCLASSIFIED

[redacted] (OTD) (FBI)

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b7c

From: [redacted] (OTD) (CON)  
Sent: Friday, May 22, 2009 2:35 PM  
To: [redacted] (OTD) (FBI)  
Subject: RE: Going Dark Initiative - data call

Attachments: Unit ELSUR Technology Assistance to LEAs.doc

UNCLASSIFIED  
NON-RECORD

[redacted] - please review and edit as required Thanks JB

OTD Executive Management is considering a plan to expand the sharing of our ELSUR capabilities to other LEAs (Federal, State, and Local) in support of the S&T Branch Going Dark Initiative . This plan is in the formulation stage and information is needed from you to (1) baseline the level/type of support already provided to LEAs, (2) identify capabilities that could be shared with LEAs and (3) list unfulfilled requests from LEAs for assistance.

The information you provide will be crucial in creating realistic cost estimates and timelines for what it will take to extend selected OTD capabilities to the greater Law Enforcement community.

Responses to the following questions are requested from the CEAU, DITU, TICTU, and TTU and should be provided to the ETMU no later than COB 29 May 2009.

1. What equipment/system, capability (i.e., software/application), service (i.e., training) does your unit loan/provide to other LEAs to support their ELSUR needs?
2. For each of the categories identified in response to question 1, provide information relative to the number of LEAs supported in FY-2009.
  - a. Each Equipment Type. Estimated Number of LEAs supported.
  - b. Each Capability Type. Estimated Number of LEAs supported.
  - c. Each Service Type. Estimated Number of LEAs supported.
3. For each type of equipment provided, identify the number of units held in "ready inventory" to be used to support the ELSUR needs of other LEAs.
4. Identify the unit cost for each type of equipment held in "ready inventory".
5. For each capability or service provided, identify the costs associated with supporting the ELSUR needs of other LEAs.
6. Identify the number of ELSUR support requests received from other LEAs that your unit was not able to meet. Provide details of why the support could not be provided for each instance of denial (i.e., no equipment or capability available, unique requirement ).

EFF/Cardozo-377

7. Identify any ELSUR equipment or capability that your unit currently provides to satisfy FBI investigative requirements that could potentially be beneficial to LEAs.

For consistency purposes, please use the attached Word document for your responses.



Unit ELSUR  
echnology Assistan.

Please contact me if you have any questions or concerns. Thanks JB

EFF/Cardozo-378

UNCLASSIFIED

b6  
b7c

UNCLASSIFIED

UNCLASSIFIED

[Redacted] (OTD) (FBI)

From: [Redacted] (OTD) (FBI)  
 Sent: Wednesday, October 08, 2008 2:31 PM  
 To: [Redacted] (OTD) (FBI)  
 Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
 Subject: Going Dark Solicitation for Input  
 Attachments: Going-Dark-September Accomplishment.wpd

UNCLASSIFIED  
NON-RECORD

[Redacted]

I know we are late (12:00 PM deadline), but I just received word from ASC [Redacted] to submit version 1 of the 2 write-ups I prepared for the Going Dark initiative. Attached is the document I drafted which contains both versions. Please let me know if you have any questions...

[Redacted]



Going-Dark-Septem  
ber Accomplis...

UNCLASSIFIED

EFF/Cardozo-379

[redacted] (OTD) (FBI)

From: [redacted] (OTD) (FBI) b6  
Sent: Wednesday, May 27, 2009 5:00 PM b7C  
To: [redacted] (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI); MOTTA, THOMAS GREGORY (OTD) (FBI); [redacted]  
[redacted] (OTD) (CON); [redacted] (OTD) (FBI)  
Subject: RE: S&T Branch Going Dark Initiative - data call due 5/29  
Attachments: Unit ELSUR Technology Assistance to LEAs.doc

UNCLASSIFIED  
NON-RECORD



Unit ELSUR  
echnology Assistan.

[redacted]

Here is CEAU's report. Please let me know if you have any questions.

[redacted]

b2  
b6  
b7C

SSA [redacted]

[redacted]

Digital Evidence Section  
Operational Technology Division

[redacted]

From: [redacted] (OTD) (FBI)  
Sent: Friday, May 22, 2009 3:01 PM  
To: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Cc: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (OGA); MOTTA, THOMAS GREGORY (OTD) (FBI)  
Subject: S&T Branch Going Dark Initiative - data call due 5/29

b6  
b7C

UNCLASSIFIED  
NON-RECORD

OTD Executive Management is considering a plan to expand the sharing of our ELSUR capabilities to other LEAs (Federal, State, and Local) in support of the S&T Branch Going Dark Initiative. This plan is in the formulation stage and information is needed from your units to (1) baseline the level/type of support already provided to LEAs, (2) identify capabilities that could be shared with LEAs and (3) list unfulfilled requests from LEAs for assistance.

The information you provide will be crucial in creating realistic cost estimates and timelines for what it will take to extend selected OTD capabilities to the greater Law Enforcement community.

Responses to the following questions are requested from the CEAU, DITU, TICTU, and TTU and should be provided to the ETMU no later than COB 29 May 2009. EFF/Cardozo-380

1. What equipment/system, capability (i.e., software/application), service (i.e., training) does your unit loan/provide to other LEAs to support their ELSUR needs?
2. For each of the categories identified in response to question 1, provide information relative to the number of LEAs supported in FY-2009.
  - a. Each Equipment Type. Estimated Number of LEAs supported.
  - b. Each Capability Type. Estimated Number of LEAs supported.
  - c. Each Service Type. Estimated Number of LEAs supported.
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7. Identify any ELSUR equipment or capability that your unit currently provides to satisfy FBI investigative requirements that could potentially be beneficial to LEAs.

For consistency purposes, please use the attached Word document for your responses.

<< File: Unit ELSUR Technology Assistance to LEAs.doc >>

Please contact me if you have any questions or concerns.

Thanks,

JB

[Redacted]

Unit Chief  
 Electronic Surveillance Technology Management Unit (ETMU)  
 Data Acquisition/Intercept Section (DAIS)  
 Operational Technology Division (OTD)  
 ERF, Quantico, VA

b6  
b7c

Tel: [Redacted]  
 Cell [Redacted]  
 Fax [Redacted]

b2

UNCLASSIFIED

EFF/Cardozo-381

UNCLASSIFIED

[Redacted] (OTD) (FBI)

b6  
b7C

From: [Redacted] (OTD)(FBI)  
Sent: Friday, May 29, 2009 10:34 AM  
To: [Redacted] (OTD) (FBI)  
Subject: FW: S&T Branch Going Dark Initiative - data call due 5/29

Attachments: TTU\_Going Dark\_052809.doc; Unit ELSUR Technology Assistance to LEAs.doc

UNCLASSIFIED  
NON-RECORD

Greetings,

Attached is the TTS response for the S&T Branch Going Dark initiative.



TTU\_Going  
irk\_052809.doc (63)

[Redacted]

Traditional Technology Section  
Operational Technology Division  
Quantico, Engineering Research Facility (ERF)  
Room C-222a

b2  
b6  
b7C

[Redacted]

From: [Redacted] (OTD)(FBI) On Behalf Of [Redacted] (OTD) (OGA)  
Sent: Tuesday, May 26, 2009 8:08 AM  
To: [Redacted] (OTD)(FBI)  
Subject: FW: S&T Branch Going Dark Initiative - data call due 5/29

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UNCLASSIFIED  
NON-RECORD

[Redacted]

Traditional Technology Section  
Operational Technology Division  
Quantico, Engineering Research Facility (ERF)  
Room C-222a

b2  
b6  
b7C

[Redacted]

EFF/Cardozo-382

From: [Redacted] (OTD) (FBI)  
Sent: Friday, May 22, 2009 3:01 PM  
To: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Cc: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [Redacted] (OTD) (FBI)

b6  
b7C

Subject: (OTD) (FBI); [REDACTED] (OTD) (OGA); MOTTA, THOMAS GREGORY (OTD) (FBI)  
S&T Branch Going Dark Initiative - data call due 5/29

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UNCLASSIFIED  
NON-RECORD

OTD Executive Management is considering a plan to expand the sharing of our ELSUR capabilities to other LEAs (Federal, State, and Local) in support of the S&T Branch Going Dark Initiative. This plan is in the formulation stage and information is needed from your units to (1) baseline the level/type of support already provided to LEAs, (2) identify capabilities that could be shared with LEAs and (3) list unfulfilled requests from LEAs for assistance.

The information you provide will be crucial in creating realistic cost estimates and timelines for what it will take to extend selected OTD capabilities to the greater Law Enforcement community.

Responses to the following questions are requested from the CEAU, DITU, TICTU, and TTU and should be provided to the ETMU no later than COB 29 May 2009.

1. What equipment/system, capability (i.e., software/application), service (i.e., training) does your unit loan/provide to other LEAs to support their ELSUR needs?
2. For each of the categories identified in response to question 1, provide information relative to the number of LEAs supported in FY-2009.
  - a. Each Equipment Type. Estimated Number of LEAs supported.
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  - c. Each Service Type. Estimated Number of LEAs supported.
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7. Identify any ELSUR equipment or capability that your unit currently provides to satisfy FBI investigative requirements that could potentially be beneficial to LEAs.

For consistency purposes, please use the attached Word document for your responses.



Unit ELSUR  
echnology Assistan.

Please contact me if you have any questions or concerns.

EFF/Cardozo-383

Thanks,

JB

[Redacted]

b6  
b7c

Unit Chief  
Electronic Surveillance Technology Management Unit (ETMU)  
Data Acquisition/Intercept Section (DAIS)  
Operational Technology Division (OTD)  
ERF, Quantico, VA

Tel: [Redacted]  
Cell: [Redacted]  
Fax: [Redacted]

b2

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

[Redacted] (OTD) (FBI)

**From:** [Redacted] (OTD) (FBI)  
**Sent:** Thursday, May 28, 2009 3:19 PM  
**To:** [Redacted] (OTD) (FBI)  
**Cc:** [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
**Subject:** RE: OTD Significant Activity Report for May 2009 - SHORT DEADLINE COB FRIDAY, MAY 29, 2009

b6  
b7c

**Attachments:** ETMU May 2009 Significant Accomplishments.wpd

UNCLASSIFIED  
NON-RECORD

[Redacted]

Attached is the ESS portion for inclusion in the ETMU May Significant Activity Report.

b6  
b7c



ETMU May 2009  
Significant Acco...

[Redacted]

EFF/Cardozo-384





Thanks,

JB

[Redacted]

Unit Chief  
Electronic Surveillance Technology Management Unit (ETMU)  
Data Acquisition/Intercept Section (DAIS)  
Operational Technology Division (OTD)  
ERF, Quantico, VA

b6  
b7c

Tel: [Redacted]  
Cell: [Redacted]  
Fax: [Redacted]

b2

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

[Redacted] (OTD) (FBI)

From: [Redacted] (OTD) (FBI)  
Sent: Friday, May 29, 2009 2:34 PM  
To: [Redacted] (OTD) (FBI)  
Subject: FW: S&T Branch Going Dark Initiative - data call due 5/29  
Attachments: Completed Unit ELSUR Technology Assistance to LEAs.doc

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NON-RECORD

[Redacted]

Attached is the information requested. If additional information is needed, please advise.

b6  
b7c

[Redacted]

From: [Redacted] (OTD)(FBI)  
Sent: Friday, May 29, 2009 2:16 PM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: S&T Branch Going Dark Initiative - data call due 5/29

UNCLASSIFIED  
NON-RECORD

EFF/Cardozo-387

b6  
b7c

[Redacted]

The attached document provides the answers to [Redacted] questions for his survey. Please advise if I need to change anything. If not please forward this to him.

Thanks,

[Redacted]



Completed Unit  
ELSUR Technolog...

From: [Redacted] (OTD) (FBI)  
Sent: Tuesday, May 26, 2009 8:32 AM  
To: [Redacted] (OTD)(FBI)  
Subject: FW: S&T Branch Going Dark Initiative - data call due 5/29

UNCLASSIFIED  
NON-RECORD

[Redacted]

Let's discuss at the program manager's meeting.

[Redacted]

From: [Redacted] (OTD) (FBI)  
Sent: Friday, May 22, 2009 3:01 PM  
To: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (OGA); MOTTA, THOMAS GREGORY (OTD) (FBI)  
Subject: S&T Branch Going Dark Initiative - data call due 5/29

UNCLASSIFIED  
NON-RECORD

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1. What equipment/system, capability (i.e., software/application), service (i.e., training) does your unit loan/provide to other LEAs to support their ELSUR needs?
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  - b. Each Capability Type. Estimated Number of LEAs supported.
  - c. Each Service Type. Estimated Number of LEAs supported.
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  4. Identify the unit cost for each type of equipment held in "ready inventory".
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  7. Identify any ELSUR equipment or capability that your unit currently provides to satisfy FBI investigative requirements that could potentially be beneficial to LEAs.

For consistency purposes, please use the attached Word document for your responses.

<< File: Unit ELSUR Technology Assistance to LEAs.doc >>

Please contact me if you have any questions or concerns.

Thanks,

JB

[Redacted]

Unit Chief  
 Electronic Surveillance Technology Management Unit (ETMU)  
 Data Acquisition/Intercept Section (DAIS)  
 Operational Technology Division (OTD)  
 ERF, Quantico, VA

b6  
b7C

Tel: [Redacted]  
 Cell: [Redacted]  
 Fax: [Redacted]

b2

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UNCLASSIFIED

EFF/Cardozo-389

DECLASSIFIED BY 60322 UC LP/STP/AMW  
ON 01-19-2010

[Redacted] (OTD) (FBI)

From: [Redacted] (OTD) (CON) b6  
Sent: Friday, May 29, 2009 9:06 AM b7C  
To: [Redacted] (OTD) (CON)  
Cc: [Redacted] (OTD) (FBI)  
Subject: FW: OTD Significant Activity Report for May 2009 - SHORT DEADLINE COB FRIDAY, MAY 29, 2009  
  
Attachments: May 2009.wpd

(U)  
~~SECRET~~  
RECORD 319

[Redacted]  
Please see attached.

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b7C

Thank you,  
[Redacted]

From: [Redacted] (OTD) (FBI)  
Sent: Friday, May 29, 2009 8:43 AM  
To: [Redacted] (OTD) (CON)  
Subject: RE: OTD Significant Activity Report for May 2009 - SHORT DEADLINE COB FRIDAY, MAY 29, 2009

~~SECRET//NOFORN~~  
RECORD 319



May 2009.wpd

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b7C

[Redacted]  
Acting Unit Chief  
Data Intercept Technology Unit  
[Redacted]

b2

From: [Redacted] (OTD) (CON)  
Sent: Friday, May 29, 2009 8:33 AM  
To: [Redacted] (OTD) (FBI)  
Subject: FW: OTD Significant Activity Report for May 2009 - SHORT DEADLINE COB FRIDAY, MAY 29, 2009

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(U)  
~~SECRET//NOFORN~~  
RECORD 319

<< File: May 2009.wpd >>

[Redacted]  
Please review and let me know when it is good to send.

b6  
b7C

Thanks,  
[Redacted]

EFF/Cardozo-390



Training, Liaison, Going Dark and Other. Be sure to use Word Perfect, Times New Roman, 12 pt. font and include portion markings. Keep each individual significant activity to one paragraph in length if possible (3-4 sentences).

Your Section may not have a significant accomplishment in each category every month. It is your discretion to decide overall which **three (3)** accomplishments you choose to represent your Section each month. Going Dark is an exception - please include ALL Going Dark accomplishments in addition to your overall 3 Section-level accomplishments.

Thanking you in advance for your cooperation and assistance. If you have any questions, please do not hesitate to contact me.

<< File: Template Significant Accomplishments OTD May 09.wpd >>

[Redacted]

b6  
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Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[Redacted]

Voice  
Mobile  
Fax

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(U)

~~DERIVED FROM: Multiple Sources  
DECLASSIFY ON: 20340529  
SECRET//NOFORN~~

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DECLASSIFY ON: 20340529  
SECRET//NOFORN~~

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DECLASSIFY ON: 20340529  
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EFF/Cardozo-392



Reminder - "Going Dark" Initiative Added to Template:

OTD is actively pursuing the National Electronic Surveillance Strategy, commonly known as the 'Going Dark' initiative in an effort to maintain and advance electronic surveillance capabilities. The front office would like to collect all accomplishments made in connection with the Going Dark Initiative five prongs listed below. Past accomplishments will be compiled by AUC, CIU [redacted] Current and future accomplishments will be solicited along with your significant accomplishments on a monthly basis.

b6  
b7C

The strategy consists of five prongs:

- 1) Modernization of Lawful Intercept (LI) Laws - Updating LI legislation, regulation, and assistance mandates
- 2) LI Authorities Enactment - Removing impediments to the FBI's ability to protect and share LI technical equipment and expertise
- 3) Enhanced LEA Coordination - Enhancing greater LEA LI mutual coordination/assistance
- 4) Greater Industry/LEA Cooperation - Expanding industry cooperation among LEAs on new and emerging technology issues/solutions
- 5) New Federal Resources - Seeking new Federal funding to bolster domestic LI capabilities

Some ideas for accomplishments would include:

- Training of State and local law enforcement
- Sharing of techniques and/or equipment with other agencies
- Budget requests to enhance or maintain capabilities
- Liaison with industry concerning new and emerging services and technologies

For your convenience, I have attached a template for you to use which showcases Field support, Headquarters support, Training, Liaison, Going Dark and Other. Be sure to use Word Perfect, Times New Roman, 12 pt. font and include portion markings. Please keep each individual significant activity to one paragraph in length if possible (3-4 sentences).

Your Section may not have a significant accomplishment in each category every month. It is your discretion to decide overall which three (3) accomplishments you choose to represent your Section each month. Going Dark is an exception - please include ALL Going Dark accomplishments in addition to your overall 3 Section-level accomplishments.

Thanking you in advance for your cooperation and assistance. If you have any questions, please do not hesitate to contact me.

[redacted]

b6  
b7C

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[redacted]

Voice  
Mobile

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UNCLASSIFIED

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UNCLASSIFIED

EFF/Cardozo-394





Template Significant  
Accomplis...

Reminder - "Going Dark" Initiative Added to Template:

OTD is actively pursuing the National Electronic Surveillance Strategy, commonly known as the 'Going Dark' initiative in an effort to maintain and advance electronic surveillance capabilities. The front office would like to collect all accomplishments made in connection with the Going Dark Initiative five prongs listed below. Past accomplishments will be compiled by A/UC, CIU, [redacted]. Current and future accomplishments will be solicited along with your significant accomplishments on a monthly basis. b6 b7c

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- 1) Modernization of Lawful Intercept (LI) Laws - Updating LI legislation, regulation, and assistance mandates
- 2) LI Authorities Enactment - Removing impediments to the FBI's ability to protect and share LI technical equipment and expertise
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- Sharing of techniques and/or equipment with other agencies
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- Liaison with industry concerning new and emerging services and technologies

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Your Section may not have a significant accomplishment in each category every month. It is your discretion to decide overall which three (3) accomplishments you choose to represent your Section each month. Going Dark is an exception - please include ALL Going Dark accomplishments in addition to your overall 3 Section-level accomplishments.

Thanking you in advance for your cooperation and assistance. If you have any questions, please do not hesitate to contact me.

[redacted]

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[redacted] Voice  
[redacted] Mobile

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b7c

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UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-396



OTD is actively pursuing the National Electronic Surveillance Strategy, commonly known as the 'Going Dark' initiative in an effort to maintain and advance electronic surveillance capabilities. The front office would like to collect all accomplishments made in connection with the Going Dark Initiative five prongs listed below. Past accomplishments will be compiled by A/UC, CIU, [redacted]. Current and future accomplishments will be solicited along with your significant accomplishments on a monthly basis.

b6  
b7c

The strategy consists of five prongs:

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Thanking you in advance for your cooperation and assistance. If you have any questions, please do not hesitate to contact me.

[redacted]

Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[redacted] Voice  
[redacted] Mobile

b6  
b7c

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UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-398

[redacted] (OTD) (FBI)

From: [redacted] (CTD) (FBI)  
Sent: Thursday, February 05, 2009 11:00 AM  
To: [redacted] (OTD) (FBI)  
Subject: RE: "Going Dark" briefing?

b6  
b7C

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

Thanks for checking ... not sure where this product resides.

From: [redacted] (OTD) (FBI)  
Sent: Thursday, February 05, 2009 10:02 AM  
To: [redacted] (CTD) (FBI)  
Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (CON); [redacted] (OTD) (FBI);  
Subject: DICLEMENTE, ANTHONY P. (OTD) (FBI)  
FW: "Going Dark" briefing?

b6  
b7C

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

Hi, [redacted]  
I am Acting Unit Chief for [redacted] this week. I checked with our Unit and our Section and we are negative for such a briefing. Please let me know if you get any additional information, and we will do what we can to help. Thanks.

b6  
b7C

[redacted]  
Supervisory Special Agent  
Data Intercept Technology Unit  
[redacted] (desk)  
[redacted] (cell)

b2

From: [redacted] (OTD) (FBI)  
Sent: Thursday, February 05, 2009 9:51 AM  
To: [redacted] (OTD) (FBI)  
Cc: [redacted] (OTD) (CON); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted]  
Subject: RE: "Going Dark" briefing?

b6  
b7C

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

Greetings,

I checked with [redacted] (Front Office) and the CALEA folks re: the email traffic below. OTD does not have a "Going Dark" ~~SECRET~~ presentation on [redacted]. Thanks.

b2  
b6  
b7C  
b7E

From: [redacted] (OTD) (FBI)  
Sent: Thursday, February 05, 2009 9:19 AM  
To: [redacted] (OTD) (FBI)  
Cc: [redacted] (OTD) (CON); [redacted] (OTD) (FBI)  
Subject: FW: "Going Dark" briefing? EFF/Cardozo-399

b6  
b7C

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

b2  
b6  
b7C  
b7E

Hi, [redacted]  
I just wanted to touch base and see if you had heard of a presentation described below called "Going Dark" on [redacted]  
[redacted] sent this request to [redacted] but I am Acting Unit Chief this week for DITU since [redacted]  
[redacted] is out. Thanks for your help.

[redacted]  
Supervisory Special Agent  
Data Intercept Technology Unit  
[redacted] (desk)  
[redacted] (cell)

b2  
b6  
b7C

From: [redacted] (OTD) (FBI) On Behalf Of [redacted] (OTD) (FBI)  
Sent: Thursday, February 05, 2009 9:12 AM  
To: [redacted] (OTD) (FBI)  
Subject: RE: "Going Dark" briefing?

b6  
b7C

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

[redacted]

b6  
b7C

You might want to check with [redacted] in SRU. She handles all major presentations for OTD. She would be your best source to see if there is one.

[redacted]  
Management and Program Analyst  
OTD/DAIS/DITU  
[redacted] (O)  
[redacted] (BB)  
[redacted]@ic.fbi.gov

b2  
b6  
b7C

From: [redacted] (OTD) (FBI)  
Sent: Thursday, February 05, 2009 8:13 AM  
To: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (CON); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: FW: "Going Dark" briefing?  
Importance: High

b6  
b7C

SENSITIVE BUT UNCLASSIFIED  
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Please canvass your groups to see if anyone has heard of this briefing and let me know positive results by COB 2/6.  
Thanks.

[redacted]

b6  
b7C

From: [redacted] (OTD) (CON) On Behalf Of [redacted] (OTD) (FBI)  
Sent: Thursday, February 05, 2009 7:57 AM  
To: [redacted] (OTD) (FBI)  
Subject: FW: "Going Dark" briefing?  
Importance: High

EFF/Cardozo-400



From: [redacted] (OTD) (FBI)  
Sent: Wednesday, January 09, 2008 3:14 PM  
To: [redacted] (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI)  
Subject: FW: Going Dark

b6  
b7c

UNCLASSIFIED  
NON-RECORD

[redacted]

Here is what we have so far [redacted] still needs to make sure its good with him but I know ur on a short suspense

b6  
b7c

From: [redacted] (OTD) (FBI)  
Sent: Wednesday, January 09, 2008 1:20 PM  
To: [redacted] (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: Going Dark

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NON-RECORD

<< File: TechnologyImpact.wpd >>

[redacted]

b6  
b7c

SSA [redacted]  
Data Intercept Technology Unit  
Operational Technology Division  
[redacted] Office

b2

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-402