

[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

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[redacted]

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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]

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[redacted]

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From: [redacted] (OTD) (FBI)
Sent: Monday, December 08, 2008 11:52 AM
To: [redacted] (OTD) (FBI)
Subject: FW: Going Dark SAR

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[redacted]

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[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

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[redacted]

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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?

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Please advise.

Thanks,

[redacted]
DAIS Executive Administrative Assistant
Operational Technology Division
[redacted]

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From: [redacted] (OTD) (FBI)
Sent: Monday, December 08, 2008 9:24 AM
To: [redacted] (OTD) (FBI); [redacted] (OTD) (CON)
Subject: RE: Going Dark SAR

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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]
[redacted]

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They should say something like:

Coordinated with the CALEA Implementation Unit and resolved a noncompliance issue for [redacted]
[redacted]

They say:

- Participate in [redacted] via [redacted] Visits with [redacted] and Field Offices are also facilitated as needed.

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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

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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

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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,

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[Redacted]

DAIS Executive Administrative Assistant
Operational Technology Division

[Redacted]

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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.

[redacted]

Management & Program Analyst
Strategic Resources Unit
Operational Technology Division

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[redacted]

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From: [REDACTED] (AQ) (FBI)
Sent: Wednesday, February 04, 2009 8:13 AM
To: AQ EVERYONE
Subject: ELSUR survey request

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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 a 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

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]

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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.

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The strategy consists of five prongs:

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- 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
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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 >>

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Management & Program Analyst
Strategic Resources Unit
Operational Technology Division

[redacted] Voice
[redacted] Mobile

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Subject: (FBI)
FW: Advisory Board Files

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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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[redacted] (OTD) (FBI)

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From: [redacted] (CQ) (CON)
Sent: Monday, April 20, 2009 10:15 AM
To: [redacted] (OTD) (FBI)
Subject: RE: P10

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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

UNCLASSIFIED
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

UNCLASSIFIED
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

To: [redacted] (CO) (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!

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[redacted]
Operational Technology Division
Management and Program Analyst
TMSU
Quantico, VA
[redacted]

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[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

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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

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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

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[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.

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Thanks,

[redacted]

DAIS Executive Administrative Assistant
Operational Technology Division

[redacted]

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From: [redacted] (OTD) (FBI)
Sent: Friday, April 17, 2009 9:26 AM
To: [redacted] (OTD) (CON)
Subject: SMS Going Dark Initiative

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Hi [redacted] - Is Tony able to do the Going Dark Initiative in SMS or is he waiting for [redacted] to update it? Any idea?

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[redacted]
Operational Technology Division
Management and Program Analyst
TMSU
Quantico, VA
[redacted]

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[redacted] (OTD) (FBI)

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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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[redacted]

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]

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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

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[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

[redacted] (OTD) (FBI)

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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
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[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

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

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SENSITIVE BUT UNCLASSIFIED

[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

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[Redacted]

See attached for your two...



DRAFT Going Dark
DAB 20090316 ...



DRAFT Going Dark
DAB 20090316 ...

Thanks,
[Redacted]

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From: [Redacted] (OTD) (FBI)
Sent: Monday, March 16, 2009 8:45 AM
To: [Redacted] (CQ) (CON)
Subject: FW: Advisory Board Files

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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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What think of these slides?

<< File: DRAFT Going Dark DAB TLU 03122009.ppt >>

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[redacted] (OTD) (FBI)

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From: [redacted] (CQ) (CON)
Sent: Friday, March 13, 2009 3:01 PM
To: [redacted] (OTD) (FBI)
Subject: FW: Advisory Board Files

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[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

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[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

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[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

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[Redacted] (OTD) (FBI)

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From: [Redacted] (CQ) (CON)
Sent: Tuesday, March 10, 2009 3:53 PM
To: [Redacted] (OTD) (FBI)
Subject: Advisory Board Files

Attachments: Director's Advisory Board Agenda.doc; DRAFT Going Dark DAB 20090310.ppt

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[Redacted]

Here are the Agenda and Template files:



Director's Advisory Board Agen...



DRAFT Going Dark DAB 20090310....

Thanks,

[Redacted]

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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]

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[Redacted]

Operational Technology Division

[Redacted]

Blackberry
@ic.fbi.gov

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<< File: Questions for Case Agent Interviews 20090305 v2.doc >>

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[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

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Importance: High

Attachments: OTD-GoingDarkDoc 1_14_09 (3).doc

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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

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NON-RECORD

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

[redacted]
Executive Assistant
Operational Technology Division

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[redacted] Blackberry
@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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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.

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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]

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[redacted] (OTD) (FBI)

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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
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[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

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UNCLASSIFIED
NON-RECORD

Please note deadline.

[redacted]

Management Assistant for SRU
Room A-252
Phone: [redacted]
Fax: [redacted]

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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

b6
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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
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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

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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

[redacted] (OTD) (FBI)

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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

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UNCLASSIFIED
NON-RECORD

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

b2
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b7C

[redacted]
Executive Assistant
Operational Technology Division

[redacted] Blackberry
@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
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UNCLASSIFIED
NON-RECORD

Mr. Marcus,

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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.

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<< 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,

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

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UNCLASSIFIED

UNCLASSIFIED

[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

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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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NON-RECORD

Page [redacted] and advise that we need a draft by tomorrow.

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b7c

Marcus C. Thomas
Assistant Director,
Operational Technology Division

[redacted]

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

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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]

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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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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]

b2
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b7C

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]

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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]

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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

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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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UNCLASSIFIED

[redacted] (OTD) (FBI)

From: [redacted] (OTD) (FBI)
Sent: Thursday, May 21, 2009 1:49 PM
To: [redacted] (TD) (FBI)
Subject: Going Dark Initiative

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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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UNCLASSIFIED

UNCLASSIFIED

[redacted] (OTD) (FBI)

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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).

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

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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-September Accomplis...

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[redacted] (OTD) (FBI)

From: [redacted] (OTD) (FBI)
Sent: Wednesday, May 27, 2009 5:00 PM
To: [redacted] (OTD) (FBI)
Cc: [redacted] (OTD) (FBI); MOTTA, THOMAS GREGORY (OTD) (FBI); [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]

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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

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NON-RECORD

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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*

Tel: [Redacted]
Cell [Redacted]
Fax [Redacted]

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[Redacted] (OTD) (FBI)

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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
ark_052809.doc (63)

[Redacted]

Traditional Technology Section
Operational Technology Division
Quantico, Engineering Research Facility (ERF)
Room C-222a

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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

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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)

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.

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 - 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.
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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

[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]

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UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

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[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

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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.

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ETMU May 2009
Significant Acco...

[Redacted]

(OTD) (CON); [redacted] (OTD) (CON); [redacted] (OTD) (CON); [redacted] (OTD)
(CON); [redacted] (OTD) (CON); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted]
(OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted]

Subject: OTD Significant Activity Report for May 2009 - DEADLINE COB, WEDNESDAY, JUNE 3, 2009

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UNCLASSIFIED
NON-RECORD

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 May 2009 by **COB, Wednesday, June 3, 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).

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]

Management & Program Analyst
Strategic Resources Unit
Operational Technology Division

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[redacted]

Voice
Mobile
Fax

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UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

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]

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UNCLASSIFIED

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UNCLASSIFIED

UNCLASSIFIED

[Redacted] (OTD) (FBI)

b6
b7C

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

UNCLASSIFIED
NON-RECORD

[Redacted]

Attached is the information requested. If additional information is needed, please advise.

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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

[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)
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

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.
 - 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).
 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*

Tel: [Redacted]
Cell: [Redacted]
Fax: [Redacted]

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b2

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[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.

b6
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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[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.

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Thanks,
[Redacted]

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]
Management & Program Analyst
Strategic Resources Unit
Operational Technology Division

b6
b7C

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

b2

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~~DERIVED FROM: Multiple Sources
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~~DERIVED FROM: Multiple Sources
DECLASSIFY ON: 20340529
SECRET~~

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/JC, 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

[redacted] Voice
[redacted] Mobile

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Template Significant
Accomplis...

Reminder - "Going Dark" Initiative Added to Template:

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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.

[redacted]

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Management & Program Analyst
Strategic Resources Unit
Operational Technology Division

[redacted] Voice
[redacted] Mobile

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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/JC, CIU, [redacted]. Current and future accomplishments will be solicited along with your significant accomplishments on a monthly basis.

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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.

[redacted]

Management & Program Analyst
Strategic Resources Unit
Operational Technology Division

[redacted] Voice
[redacted] Mobile

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[redacted] (OTD) (FBI)

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b7C

From: [redacted] (CTD) (FBI)
Sent: Thursday, February 05, 2009 11:00 AM
To: [redacted] (OTD) (FBI)
Subject: RE: "Going Dark" briefing?

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);
D'CLEMENTE, ANTHONY P. (OTD) (FBI)
Subject: 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] (OTD) (FBI)
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.

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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?

b6
b7C

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

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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

UNCLASSIFIED
NON-RECORD

<< File: TechnologyImpact.wpd >>

[redacted]
SSA [redacted]
Data Intercept Technology Unit
Operational Technology Division
[redacted] Office

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[redacted] (OTD) (FBI)

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From: [redacted] (OTD) (FBI)
Sent: Friday, January 11, 2008 9:41 AM
To: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)
Subject: RE: Going Dark
Importance: High

UNCLASSIFIED
NON-RECORD

Thanks for your inputs. Before I launch this out to Tony today, please review it for sanity and technical accuracy. Added or better high-level case descriptions would be welcome as Tony emphasized that context. I plan to send it to him after lunch.

From: [redacted] (OTD) (FBI)
Sent: Thursday, January 10, 2008 3:05 PM
To: [redacted] (OTD) (FBI)
Subject: RE: Going Dark

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UNCLASSIFIED
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<< File: TechnologyImpact DITU 01092008v1.wpd >>

[redacted]

I entered some case reference for the Wireless. I also put in a Blackberry reference that [redacted] provided, but not quite sure if that is part of the DITU response.

b6
b7C

[redacted]

SSA [redacted]
Data Intercept Technology Unit
Operational Technology Division
[redacted] Office

b2

From: [redacted] (OTD) (FBI)
Sent: Thursday, January 10, 2008 9:00 AM
To: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)
Subject: FW: Going Dark
Importance: High

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I realize the directions for this task got mixed up within the unit, but please go back to your portion of the narrative (file's embedded below) and add case references and anecdotes as Tony cites below. Sorry, I need it today.

~~SECRET~~
~~RECORD BAIS~~

[redacted] (OTD) (FBI)

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

[redacted]
My findings are as follows:

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1. [redacted] seems to be

From: [redacted] (OTD) (FBI)
Sent: Monday, January 07, 2008 8:15 AM
To: [redacted] (OTD) (FBI)
Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)
Subject: RE: Going Dark Initiative

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Sure,

[redacted]

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b7E

Not sure what kind of write up they want so we will try this

From: [redacted] (OTD) (FBI)
Sent: Monday, January 07, 2008 7:53 AM
To: [redacted] (OTD) (FBI)
Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)
Subject: RE: Going Dark Initiative

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[redacted] I'll do [redacted] and [redacted] will hit [redacted]. Can you write a short example about [redacted]?

b2
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From: [redacted] (OTD) (FBI)
Sent: Thursday, January 03, 2008 2:33 PM
To: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)
Subject: RE: Going Dark Initiative

UNCLASSIFIED
NON-RECORD

[redacted] Just a few thoughts. Not sure how much detail we need. I think they want either case examples with file numbers or a couple sentences explaining what the issue is.

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b7E

Let me know if you want me to write to any of these

broken down by 1) changes to existing Federal ELSUR assistance mandates (CALEA) and 2) Revising and enhancing certain Federal statutory authorities (protection sensitive industry information, changes to pen register law, etc)

Tony DiClemente - list of case examples where [redacted] as well as case example re [redacted] Case and [redacted] Case, etc).

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[redacted] - Budget write-ups for DCAC, and others (if any).

Please advise time estimates when you will have this information to give to [redacted] so I can tell [redacted] as he is working on the report/talking points as we speak.

Thanks

Barry

Charles Barry Smith
Supervisory Special Agent
Section Chief
Technical Programs Section
Operational Technology Division

[redacted]

b2

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UNCLASSIFIED

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UNCLASSIFIED

[Redacted] (OTD) (FBI)

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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); [Redacted] (OTD) (FBI)
Subject: Going Dark
Attachments: TechnologyImpact.wpd

UNCLASSIFIED
NON-RECORD



TechnologyImpact.
wpd (12 KB)

[Redacted]

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SSA [Redacted]
Data Intercept Technology Unit
Operational Technology Division
[Redacted] Office

b2

UNCLASSIFIED

[redacted] (OTD) (FBI)

b6
b7c

From: [redacted] (OTD) (FBI)
Sent: Wednesday, April 23, 2008 10:48 AM
To: [redacted] (OTD) (FBI)
Subject: FW: Going Dark Initiative

Attachments: Going Dark Talking Points 20080118.doc

UNCLASSIFIED
NON-RECORD

[redacted]
Here is the Q & A for the Director that I told you about yesterday. It gives you the concept of Going Dark, DCAC, and the 5 Prong strategy in a nutshell.
Mb

From: [redacted] (CO) (CON)
Sent: Friday, January 18, 2008 1:45 PM
To: DICLEMENTE, ANTHONY P. (OTD) (FBI)
Cc: [redacted] (OTD) (FBI); SMITH, CHARLES BARRY (OTD) (FBI)
Subject: Going Dark Initiative

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Tony,

See attached for draft Q&A discussed on Wednesday.

Let me know if there is anything else you need.

Thanks,

[redacted]



Going Dark Talking
Points 2008...

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[redacted] (OTD) (FBI)

From: [redacted] (OTD) (FBI)
Sent: Friday, July 25, 2008 2:09 PM
To: [redacted] (OTD) (FBI)
Cc: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [redacted]
[redacted] (OTD) (FBI)
Subject: RE: Issue papers - Deadline COB Tuesday, 29 July 2008
Attachments: Going Dark Transition Issue Paper 20080725[1].doc

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[redacted]

Here is the Going Dark issue paper. Barry OK'd it.

Mb



Going Dark
Transition Issue Pa..

From: [redacted] (OTD) (FBI)
Sent: Tuesday, July 22, 2008 7:42 AM
To: [redacted] (OTD) (FBI)
Cc: SMITH, CHARLES BARRY (OTD) (FBI)
Subject: RE: Issue papers - Deadline COB Tuesday, 29 July 2008

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Greetings,

Since CBS will be back on Friday, 25 July 2008, and gone next week. Let's have him approve the issue paper this Friday. Does that work for you? Thanks.

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[redacted]

From: [redacted] (OTD) (FBI)
Sent: Monday, July 21, 2008 4:42 PM
To: [redacted] (OTD) (FBI)
Cc: SMITH, CHARLES BARRY (OTD) (FBI)
Subject: RE: Issue papers - Deadline COB Tuesday, 29 July 2008

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NON-RECORD

[redacted]

When would you like it?

From: SMITH, CHARLES BARRY (OTD) (FBI)

Sent: Monday, July 21, 2008 4:39 PM
To: [redacted] (OTD) (FBI)
Cc: PAGLINO, MARYBETH (OTD) (FBI)
Subject: RE: Issue papers - Deadline COB Tuesday, 29 July 2008

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NON-RECORD

[redacted] is working on the paper as we speak. I will not be back in the office until this Friday and then I'm on vacation next week.

Barry

From: [redacted] (OTD) (FBI)
Sent: Monday, July 21, 2008 4:03 PM
To: SMITH, CHARLES BARRY (OTD) (FBI)
Subject: RE: Issue papers - Deadline COB Tuesday, 29 July 2008

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UNCLASSIFIED
NON-RECORD

Greetings,

[redacted] usually adds the [redacted] piece into the Going Dark.

Sounds like this tasking will not be so bad, since you just did one for the DD. Could I get the paper sooner than the deadline? Please advise.

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[redacted]

From: SMITH, CHARLES BARRY (OTD) (FBI)
Sent: Monday, July 21, 2008 1:55 PM
To: [redacted] (OTD) (FBI)
Cc: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)
Subject: RE: Issue papers - Deadline COB Tuesday, 29 July 2008

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NON-RECORD

[redacted]

I don't understand [redacted] role in the "Going Dark" write-up. Can you enlighten?

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I have tasked [redacted] to hand this using our one page "Going Dark" briefing paper we provided to the DD last week re this matter at Louis' request.

Barry

Charles Barry Smith
Supervisory Special Agent
Section Chief
Technical Programs Section
Operational Technology Division

[redacted]
b2

From: [redacted] (OTD) (FBI)

b6
b7C

Sent: Monday, July 21, 2008 10:23 AM
To: MOTTA, THOMAS GREGORY (OTD) (FBI); [redacted] (OTD) (FBI); SMITH, CHARLES BARRY (OTD) (FBI);
Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI);
[redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (CON); [redacted] (OTD) (FBI);
[redacted] (OTD) (FBI); [redacted] (CO) (CON); [redacted] (OTD) (CON); [redacted] (OTD) (CON); [redacted] (OTD) (CON);
Subject: Issue papers - Deadline COB Tuesday, 29 July 2008

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NON-RECORD

Greetings,

OTD has been requested by the Deputy Director's Office to prepare three issue papers (see topics and template below). AD Thomas has determined the following three areas for issue papers:

1. [redacted] - FAVIAU b2
b6
2. Going Dark - CIU and [redacted] b7C
b7E
3. [redacted] - SC Motta

The format/template for these issue papers can be found in the first attachment (DO NOT change the format). I have also provided an example for you. The format requests responses in the following areas:

- I. Issue
- II. Background
- III. Legal / Authorities
- IV. Budget
- V. Recommendations / Actions
- VI. Point of contact

Deadline is COB, Tuesday, 29 July 2008.

[redacted]

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<< File: DRG Template for transition issue papers.doc >> << File: PONY-CJIS Biometric Database.doc >>

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UNCLASSIFIED



Voice
Mobile
Fax

b2

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

b6
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NON-RECORD



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 >>

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[redacted]
Resource Planning Office
Director's Office



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[redacted] (OTD) (FBI)

From: [redacted] (OTD) (FBI)
Sent: Friday, September 05, 2008 4:15 PM
To: [redacted] (OTD) (FBI)
Subject: RE: Going Dark

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Attachments: Revised Going Dark Slide for RPO 20080905 v2.ppt

UNCLASSIFIED
NON-RECORD

Here is the revised revised version.



Revised Going Dark
Slide for R...

From: [redacted] (OTD) (FBI)
Sent: Friday, September 05, 2008 3:57 PM
To: [redacted] (OTD) (FBI)
Cc: [redacted] (OTD) (FBI)
Subject: FW: Going Dark
Importance: High

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[redacted] Marcus has just reviewed these slides and he wants to make sure that the time line is correct and asked that you look at them. Please get with [redacted] and advise if changes need to be made.

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[redacted]
Executive Assistant
Operational Technology Division

[redacted] Blackberry
@ic.fbi.gov

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

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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
Mobile
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

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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
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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

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[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 >>


Resource Planning Office
Director's Office



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[Redacted] (OTD) (FBI)

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From: [Redacted] (OTD) (FBI)
Sent: Friday, October 17, 2008 3:58 PM
To: [Redacted] (OTD) (FBI)
Subject: RE: Going Dark accomplishments

UNCLASSIFIED
NON-RECORD

Thanks.

From: [Redacted] (OTD) (FBI)
Sent: Friday, October 17, 2008 3:44 PM
To: [Redacted] (OTD) (FBI)
Cc: [Redacted] (OTD) (FBI)
Subject: FW: Going Dark accomplishments

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[Redacted]

See list below.

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[Redacted]

[Redacted]

Supervisory Special Agent
Data Intercept Technology Unit

[Redacted]

b2

From: [Redacted] (OTD) (FBI)
Sent: Friday, October 17, 2008 3:40 PM
To: [Redacted] (OTD) (FBI)
Cc: [Redacted] (OTD) (FBI)
Subject: RE: Going Dark accomplishments

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NON-RECORD

Let me know if this looks ok.

[Redacted]

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[Redacted]

b7D

[Redacted]

b2
b7E

[Redacted]

b2
b7D
b7E

From: [Redacted] (OTD) (FBI)
Sent: Wednesday, October 15, 2008 4:04 PM
To: [Redacted] (OTD) (FBI)
Cc: [Redacted] (OTD) (FBI)
Subject: FW: Going Dark accomplishments

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[Redacted]

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b7E

Can you give me a list of everyone we've given [Redacted] to?

[Redacted]

[Redacted]
Supervisory Special Agent
Data Intercept Technology Unit
[Redacted]

b2

From: [Redacted] (OTD) (FBI)
Sent: Wednesday, October 15, 2008 4:02 PM
To: [Redacted] (OTD) (FBI)
Cc: [Redacted] (OTD) (FBI)
Subject: FW: Going Dark accomplishments

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NON-RECORD

SSA [Redacted]
Unit Chief
Data Intercept Technology Unit
O: [Redacted]
C: [Redacted]

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b2

From: [Redacted] (OTD) (FBI)
Sent: Wednesday, October 15, 2008 2:44 PM
To: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)
Subject: Going Dark accomplishments

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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.

Thanks,
[Redacted]

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[redacted] (OTD) (FBI)

b6
b7c

From: [redacted] (OTD) (FBI)
Sent: Wednesday, November 05, 2008 5:13 PM
To: SMITH, CHARLES BARRY (OTD) (FBI)
Subject: FW: OTD SMS Initiative #16: Going Dark (Milestone Update Request)

Attachments: Going Dark SMS update 20081105.doc

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Barry,

[redacted] worked on this while I was in the meetings since it had a deadline of this afternoon. I reviewed it and it looks good. It is consistent with everything else.

Mb

From: [redacted] (CQ) (CON)
Sent: Wednesday, November 05, 2008 3:21 PM
To: [redacted] (OTD) (FBI); [redacted] (OTD) (CON); [redacted] (OTD) (FBI)
Subject: RE: OTD SMS Initiative #16: Going Dark (Milestone Update Request)

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

All,

Please see attached for requested info.

[redacted]

[redacted] has not had the opportunity to review this as she has been tied up with other things.

Thanks,

[redacted]



Going Dark SMS
update 20081105...

From: [redacted] (OTD) (FBI)
Sent: Wednesday, November 05, 2008 1:26 PM
To: [redacted] (CQ) (CON)
Subject: FW: OTD SMS Initiative #16: Going Dark (Milestone Update Request)
Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

From: SMITH, CHARLES BARRY (OTD) (FBI)
Sent: Wednesday, November 05, 2008 12:19 PM
To: [redacted] (OTD) (FBI)
Cc: DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [redacted] (OTD) (CON); [redacted] (OTD) (FBI)
Subject: FW: OTD SMS Initiative #16: Going Dark (Milestone Update Request)
Importance: High

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

Please work with [redacted] to put together a response to the below request re "Going Dark". Thanks

Barry

Charles Barry Smith
Supervisory Special Agent
Section Chief
Technical Programs Section
Operational Technology Division

[redacted]

b2

From: [redacted] (OTD) (CON)
Sent: Wednesday, November 05, 2008 11:47 AM
To: COOK, PATRICK B. (OTD) (FBI); SMITH, CHARLES BARRY (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI)
Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (CON)
Subject: OTD SMS Initiative #16: Going Dark (Milestone Update Request)
Importance: High

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

This message sent on behalf of [redacted] Unit Chief Technical Management Services Unit

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We are on a short time-line to provide a status of 4 SMS Initiatives and need your help. The 4 Initiatives are:

[redacted]

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"Going Dark"

Attached is the Initiative descriptions that you should have seen before. It includes several milestones with start and end dates. For this report we need the status and any comments on each milestone.

<<.File: #16- Going Dark.ppt >>

Progress status / Comments

Milestone 1:

Milestone 2:

Milestone 3:

Milestone 4:

Also for the Initiative as a whole we need...
Costs or Funding Needs comments:

Scheduled Activities (reasons ahead or behind) comments:

Any Issues (Risks / Lessons Learned) or General comments:

Please email me with your responses by Wednesday (11/5) Afternoon. [redacted] will be contacting you today to help you with the response.

Thanks,

[redacted]

b6
b7C

[redacted]

Unit Chief
Technical Management Services Unit
Operational Technology Division
Phone: [redacted]
Cell: [redacted]
Fax: [redacted]

b2

Click this link to visit PAMS now: <http://otd.fbinet.fbi/PAMS/>

[redacted]

b6
b7C

Program Management Office
Technical Management Services Unit
Operational Technology Division
Phone: [redacted]
Fax: [redacted]

b2

Click this link to visit PAMS now: <http://otd.fbinet.fbi/PAMS/>

[redacted]

b6
b7C

Program Management Office
Technical Management Services Unit
Operational Technology Division
Phone: [redacted]
Fax: [redacted]

b2

SENSITIVE BUT UNCLASSIFIED

[redacted] (OTD) (FBI)

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From: [redacted] (OTD) (FBI)
Sent: Thursday, October 23, 2008 4:57 PM
To: [redacted] (OTD) (FBI); [redacted] (OTD) (CON)
Subject: FW: Presentation

Attachments: Going Dark_ARM_10-23-08.ppt

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]
Here's the presentation for the ODNI.

[redacted]
The supersedes Going Dark ARM 6-03-08 ppt. I'll send it to you on the low side.

Mb

From: [redacted] (OTD) (CON)
Sent: Thursday, October 23, 2008 4:45 PM
To: [redacted] (OTD) (FBI)
Subject: Presentation

SENSITIVE BUT UNCLASSIFIED
NON-RECORD



Going
_ARM_10-23-08.ppt

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

[redacted] (OTD) (FBI)

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From: [redacted] (OTD) (FBI)
Sent: Tuesday, November 25, 2008 10:38 AM
To: [redacted] (OTD) (FBI)
Subject: RE: [redacted]

UNCLASSIFIED
NON-RECORD

Thanks

From: [redacted] (OTD) (FBI)
Sent: Tuesday, November 25, 2008 10:37 AM
To: [redacted] (OTD) (FBI)
Subject: FW: [redacted]

UNCLASSIFIED
NON-RECORD

It's a done deal.....

From: [redacted] (OTD) (FBI)
Sent: Tuesday, November 25, 2008 9:58 AM
To: [redacted] (OTD) (FBI)
Subject: RE: [redacted]

UNCLASSIFIED
NON-RECORD

[redacted]

Yes, its alright to have [redacted] charge to for this if needed.

[redacted]

From: [redacted] (OTD) (FBI)
Sent: Tuesday, November 25, 2008 9:29 AM
To: [redacted] (OTD) (FBI)
Cc: DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OTD) (FBI); SMITH, CHARLES BARRY (OTD) (FBI)
Subject: [redacted]

UNCLASSIFIED
NON-RECORD

[redacted]

The next edition of the ETR Bulletin is planned as a SPECIAL EDITION: Going Dark. Since I am not responsible for managing this program, and want to be consistent with the message being developed by the FO, I would like to use [redacted] as a 'bridge' to the Going Dark work in progress. I need this to be assured that the Bulletin content is on message with the work already done.

I know [redacted] is under a BAH contract that you manage. I would expect to use him about 3 - 4 hours per month, just as a sounding board so we don't go astray.

Is this acceptable to you to utilize his time in this manner?

b6
b7c

DAIS

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[redacted] (OTD) (FBI)

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From: [redacted] (OTD) (FBI)
Sent: Tuesday, November 25, 2008 3:07 PM
To: SMITH, CHARLES BARRY (OTD) (FBI)
Subject: RE: [redacted]

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Yes. We are putting an outline together after this meeting to show you and Marcus before we set sail on creating the bulletin. [redacted] is being brought in to ensure consistency with what has already been put together for Going Dark.

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From: SMITH, CHARLES BARRY (OTD) (FBI)
Sent: Tuesday, November 25, 2008 3:04 PM
To: [redacted] (OTD) (FBI)
Subject: FW: [redacted]

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NON-RECORD

[redacted]

b6
b7C

See below. Were you aware of this?

Barry

Charles Barry Smith
Supervisory Special Agent
Section Chief
Technical Programs Section
Operational Technology Division

[redacted]

b2

From: [redacted] (OTD) (FBI)
Sent: Tuesday, November 25, 2008 9:29 AM
To: [redacted] (OTD) (FBI)
Cc: DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OTD) (FBI); SMITH, CHARLES BARRY (OTD) (FBI)
Subject: [redacted]

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UNCLASSIFIED
NON-RECORD

[redacted]

The next edition of the ETR Bulletin is planned as a SPECIAL EDITION: Going Dark. Since I am not responsible for managing this program, and want to be consistent with the message being developed by the FO, I would like to use [redacted] as a 'bridge' to the Going Dark work in progress. I need this to be assured that the Bulletin content is on message with the work already done.

I know [redacted] is under a BAH contract that you manage. I would expect to use him about 3 - 4 hours per month, just as a sounding board so we don't go astray.

Is this acceptable to you to utilize his time in this manner?

DAIS

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UNCLASSIFIED

[redacted] (OTD) (FBI)

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From: [redacted] (OTD) (FBI)
Sent: Friday, December 19, 2008 1:21 PM
To: [redacted] (CTD) (FBI)
Subject: RE: CALEA and VoIP

UNCLASSIFIED
NON-RECORD

Do you have an outside email so I can send you the one page summary?

From: [redacted] (CTD) (FBI)
Sent: Wednesday, December 17, 2008 11:12 AM
To: [redacted] (OTD) (FBI)
Subject: CALEA and VoIP

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NON-RECORD

UC [redacted]

Hello, my name is [redacted] and I am an IA at the Communications Analysis Unit. Currently, the unit is working on an assessment about VoIP. We are interested in including some value-added analysis about VoIP, LI, and CALEA. Would you be available for a meeting sometime early next week in order to discuss these issues? Additionally, do you have any recommendations for other people or resources I can look into for more information about this topic? Any suggestion would be appreciated. Thanks for your time.

[redacted]
Intelligence Analyst
CTD/CXS/CAU
FBIHQ Room 4512
[redacted]

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b2

From: [redacted] (OTD) (FBI)
Sent: Wednesday, December 17, 2008 8:09 AM
To: [redacted] (CTD) (FBI)
Subject: FW: Going Dark White Paper

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NON-RECORD

[redacted]

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Here is more info on the "Going Dark" initiative:

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

Also, you can contact [redacted] Acting Unit Chief for CALEA Implementation Unit, for additional info.

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Hope this helps.

[Redacted]

b6
b7C

SSA [Redacted]
Unit Chief
Data Intercept Technology Unit
O: [Redacted]
C: [Redacted]

b2

From: [Redacted] (OTD) (FBI)
Sent: Monday, December 15, 2008 10:32 AM
To: [Redacted] (CTD) (FBI)
Cc: [Redacted] (OTD) (CON)
Subject: FW: Going Dark White Paper

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[Redacted]

We are looking for a copy of the white paper however, we were told it may not be ready for dissemination yet. Meanwhile, here is a link to our EAD's testimony to Congress a few years ago.

Hope this helps.

[Redacted]

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http://ciu.fbinet.fbi/etr/V2i1/Congressional_Testimony.pdf

SSA [Redacted]
Unit Chief
Data Intercept Technology Unit
O: [Redacted]
C: [Redacted]

b2

Hi [Redacted]

I am looking for a white paper that was written on Going Dark for an upcoming assessment. I found out about it this morning during an All-Hands meeting that UC [Redacted] spoke at. Would you by any chance know where I could find this? Any assistance would be appreciated.

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Thanks for your time. I look forward to hearing from you soon.

[Redacted]
Intelligence Analyst
Communications Analysis Unit
FBIHQ Room 4512
[Redacted]

b2

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[redacted] (OTD) (FBI)

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From: [redacted] (OTD) (FBI)
Sent: Friday, January 09, 2009 10:58 AM
To: COOK, PATRICK B. (OTD) (FBI); [redacted] (OTD) (FBI)
Subject: RE: Notes from 1/9/09 briefing

UNCLASSIFIED
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Do you want me to put together a starting point? Or will we just kick it off at that meeting?

From: COOK, PATRICK B. (OTD) (FBI)
Sent: Friday, January 09, 2009 8:48 AM
To: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)
Subject: FW: Notes from 1/9/09 briefing

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NON-RECORD

FYI

From: [redacted] (OTD) (FBI)
Sent: Friday, January 09, 2009 8:43 AM
To: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)
Subject: Notes from 1/9/09 briefing

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NON-RECORD

Marcus and Pat,

Below are the notes/comments I captured re: the Going Dark initiative during yesterday's briefing.

The Director asked for a 3-5 slide deck that can be used as a standard deck and common language throughout the Bureau when talking about Going Dark.

The deck should be visual and include:

1. The problem
 - Technology convergence in lay terms – Where we were, where we are, [redacted]
 - The difference between the challenges in the domestic context [redacted]
2. The solution
 - What is the solution?
 - Who do we need help from? (OMB, Congress)
 - What kind of help do we need? (Money, legislation etc)

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Audience for the deck includes Congress, and high-level executive branch leaders.

[redacted]
Special Advisor
[redacted] Desk
[redacted] Blackberry
[redacted] @ic.fbi.gov

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[redacted] (OTD) (FBI)

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b7c

From: [redacted] (OTD) (FBI)
Sent: Thursday, January 15, 2009 4:22 PM
To: [redacted] (DO) (FBI)
Subject: RE: Draft Update

UNCLASSIFIED
NON-RECORD

That's just fine. I have to coordinate it with our ADs schedule anyway so just let me know when we can look at calendars.

Thanks

From: [redacted] (DO) (FBI)
Sent: Thursday, January 15, 2009 1:50 PM
To: [redacted] (OTD) (FBI); [redacted] (DO) (FBI)
Subject: RE: Draft Update

UNCLASSIFIED
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Thanks [redacted], this looks good but of course I'm not the final word on this. Officially, [redacted] will report on the Feb. 9. But his schedule is really not set yet so no plans for any briefings have not been done. I have a list of things to go over with him upon his arrival and I will definitely let him know about you wanting to meet with him. That is the best I can do for now. Hope that helps.
Thanks again.

From: [redacted] (OTD) (FBI)
Sent: Thursday, January 15, 2009 10:56 AM
To: [redacted] (DO) (FBI)
Cc: [redacted] (DO) (FBI)
Subject: FW: Draft Update

UNCLASSIFIED
NON-RECORD

[redacted]
Here is the CALEA update you requested. I also included the Going Dark Initiative as this is a big concern for state and locals. They should be bringing it up with the D.

[redacted]
P.S. Can you advise me when AD Ruecker will be reporting? It will probably be good if we set up a meeting so we can give him the Going Dark presentation as we did with AD Quijas.
<< File: Director's CALEA and GD Update 20090114[1].doc >>

[redacted] (OTD) (FBI)

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From: [redacted] (OTD) (FBI)
Sent: Thursday, January 15, 2009 4:26 PM
To: [redacted] (OTD) (FBI)
Subject: FW: Draft Update

Attachments: Director's CALEA and GD Update 20090114[1].doc

UNCLASSIFIED
NON-RECORD

[redacted]
Here is what I sent over to the DO. It was approved by Pat.

From: [redacted] (OTD) (FBI)
Sent: Thursday, January 15, 2009 10:56 AM
To: [redacted] (DO) (FBI)
Cc: [redacted] (DO) (FBI)
Subject: FW: Draft Update

UNCLASSIFIED
NON-RECORD

[redacted]
Here is the CALEA update you requested. I also included the Going Dark Initiative as this is a big concern for state and locals. They should be bringing it up with the D.

[redacted]
P.S. Can you advise me when AD Ruecker will be reporting? It will probably be good if we set up a meeting so we can give him the Going Dark presentation as we did with AD Quijas.



Director's CALEA
and GD Update...

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UNCLASSIFIED

[redacted] (OTD) (FBI)

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b7C

From: [redacted] (OTD) (FBI)
Sent: Friday, January 23, 2009 8:50 AM
To: [redacted] (OTD) (FBI)
Subject: RE: ETR - Going Dark Bulletin

UNCLASSIFIED
NON-RECORD

Definitely! Call me when your available. FYI It's going to take more than 5 mins.

From: [redacted] (OTD) (FBI)
Sent: Thursday, January 22, 2009 5:46 PM
To: [redacted] (OTD) (FBI)
Subject: RE: ETR - Going Dark Bulletin

UNCLASSIFIED
NON-RECORD

Tomorrow?

From: [redacted] (OTD) (FBI)
Sent: Thursday, January 22, 2009 8:36 AM
To: [redacted] (OTD) (FBI)
Subject: FW: ETR - Going Dark Bulletin

UNCLASSIFIED
NON-RECORD

When you get a chance, we should talk about this.

From: [redacted] (OTD) (FBI)
Sent: Wednesday, January 21, 2009 3:55 PM
To: [redacted] (OTD) (FBI)
Cc: DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OTD) (CON)
Subject: ETR - Going Dark Bulletin

UNCLASSIFIED
NON-RECORD

[redacted]

Tony asked (me) e.g. [redacted] to set up a meeting with you, me, Tony, Pat and [redacted] to come to an agreement how we will support the next Bulletin. I have some idea of my Fellowship commitment, but I may be taking on more of [redacted] I'd like to reach an understanding soon because we only have about 3 1/2 months.

I'll have [redacted] set this up for us.

[redacted]

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From: THOMAS, MARCUS C. (OTD) (FBI)
Sent: Wednesday, January 28, 2009 10:12 AM
To: GREVER, LOUIS E. (DO) (FBI)
Subject: FW: Director's Presentation with Talking Points

UNCLASSIFIED
NON-RECORD

Louis,

Please review this. This is intended for you, the DD, and the D to have to discuss Going Dark when the opportunity arises.

Marcus

From: [REDACTED] (OTD) (FBI)
Sent: Tuesday, January 27, 2009 9:15 AM
To: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)
Subject: Director's Presentation with Talking Points

UNCLASSIFIED
NON-RECORD

Let me know if you have changes.
Mb
<< File: DRAFT Going Dark 20090122 v5.ppt >>

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UNCLASSIFIED

[redacted] (OTD) (FBI)

b6
b7C

From: [redacted] (OTD) (FBI)
Sent: Wednesday, January 28, 2009 2:34 PM
To: THOMAS, MARCUS C. (OTD) (FBI)
Subject: RE: Director's Presentation with Talking Points

UNCLASSIFIED
NON-RECORD

I sent it to both you and Lou.

From: THOMAS, MARCUS C. (OTD) (FBI)
Sent: Wednesday, January 28, 2009 2:33 PM
To: [redacted] (OTD) (FBI)
Subject: RE: Director's Presentation with Talking Points

UNCLASSIFIED
NON-RECORD

sure

From: [redacted] (OTD) (FBI)
Sent: Wednesday, January 28, 2009 12:53 PM
To: THOMAS, MARCUS C. (OTD) (FBI)
Subject: RE: Director's Presentation with Talking Points

UNCLASSIFIED
NON-RECORD

I'm sorry Marcus. I didn't realize you already forwarded this on. I thought you and Pat were still looking at it internally. Until we get it fixed here do you want me to sent it over ic.

From: THOMAS, MARCUS C. (OTD) (FBI)
Sent: Wednesday, January 28, 2009 12:50 PM
To: GREVER, LOUIS E. (DO) (FBI)
Cc: [redacted] (OTD) (FBI)
Subject: RE: Director's Presentation with Talking Points

UNCLASSIFIED
NON-RECORD

Yep, we are working on it.

mct

From: GREVER, LOUIS E. (DO) (FBI)
Sent: Wednesday, January 28, 2009 12:02 PM
To: THOMAS, MARCUS C. (OTD) (FBI)
Subject: RE: Director's Presentation with Talking Points

UNCLASSIFIED
NON-RECORD

Can you have some check the last slide (Five Prong Strategy)? That slide is not presenting correctly.

[Redacted] (OTD) (FBI)

b6
b7c

From: [Redacted] (OTD) (FBI)
Sent: Friday, January 30, 2009 10:11 AM
To: DICLEMENTE, ANTHONY P. (OTD) (FBI)
Subject: RE: Going Dark Bulletin

UNCLASSIFIED
NON-RECORD

Will do. Thanks

From: DICLEMENTE, ANTHONY P. (OTD) (FBI)
Sent: Friday, January 30, 2009 10:07 AM
To: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)
Cc: [Redacted] (OTD) (FBI)
Subject: Going Dark Bulletin

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NON-RECORD

AD Thomas has advised that 6/15/2009 is an acceptable date for completion of the *Going Dark Bulletin*.

[Redacted]

Pls include this item on the agenda for our next ELSUR strategy meeting.

b6
b7c

Thanks,

Anthony P. DiClemente
Chief, Data Acquisition / Intercept Section
Operational Technology Division

[Redacted]

b2

UNCLASSIFIED

UNCLASSIFIED

[redacted] (OTD) (FBI)

b6
b7C

From: [redacted] (OTD) (FBI)
Sent: Monday, February 09, 2009 1:20 PM
To: [redacted] (OTD) (FBI)
Subject: RE: Going Dark - Statement of the Problem Section - Draft Ideas

UNCLASSIFIED
NON-RECORD

That's fine, my mistake...

From: [redacted] (OTD) (FBI)
Sent: Monday, February 09, 2009 12:55 PM
To: [redacted] (OTD) (FBI); [redacted] (OTD) (CON); [redacted] (CQ) (CON)
Cc: DICLEMENTE, ANTHONY P. (OTD) (FBI)
Subject: RE: Going Dark - Statement of the Problem Section - Draft Ideas

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UNCLASSIFIED
NON-RECORD

This bulletin cannot be FBI centric. The Defn should read 'Law Enforcement cannot' and 'to support... law enforcement's operations'.

From: [redacted] (OTD) (FBI)
Sent: Monday, February 09, 2009 12:50 PM
To: [redacted] (OTD) (CON); [redacted] (CQ) (CON)
Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI)
Subject: Going Dark - Statement of the Problem Section - Draft Ideas

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NON-RECORD

[redacted]

Here is a draft outline for the Problem Statement Section for the Bulletin.

I included a definition which can be modified or replaced with one that has already been developed.

This is the section that sets up the reader to see why the program is important. We should be able to have pointers between the Statement of Problem and the 5 Prong Strategy that attempts to address the problem. We must make sure this relationship exists, otherwise the strategy is not appropriate.

Let's meet to go over this, and fine tune it.

[redacted]

b6
b7C

Going Dark Bulletin - Special Edition

STATEMENT OF THE PROBLEM

Defn: [redacted]

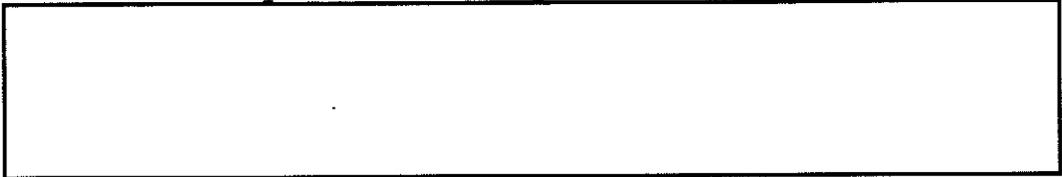
b2
b7E



b2
b7E

- TECHNOLOGY

- LE:
- ELSUR Technology is not developed (keeping pace with rapid industry changes)
- Economic and human resource shortfalls; people, training, solutions analysis and development



- LE: Difficult and/or impossible to develop effective solutions using current operations model
- Too costly to operate, store information, process and analyze
- Time delay in developing state of the art solutions
- Ever increasing resources required to cover growing technologies and providers
- Human resources must remain current with technology training at great expense and impact on work requirements

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UNCLASSIFIED

UNCLASSIFIED

[redacted] (OTD) (FBI)

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b7C

From: [redacted] (OTD) (FBI)
Sent: Tuesday, February 10, 2009 9:00 AM
To: COOK, PATRICK B. (OTD) (FBI); THOMAS, MARCUS C. (OTD) (FBI); [redacted]
[redacted] (OTD) (FBI); MOTTA, THOMAS GREGORY (OTD) (FBI); DICLEMENTE, ANTHONY P.
(OTD) (FBI)
Subject: RE: ELSUR Mfg

UNCLASSIFIED
NON-RECORD

Does anyone have any agenda items for tomorrow's meeting?

Also, as a follow-up: are there any comments to the Going Dark ETR Bulletin outline?

UNCLASSIFIED

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[redacted] (OTD) (FBI)

b6
b7C

From: [redacted] (OTD) (FBI)
Sent: Thursday, February 19, 2009 8:00 AM
To: THOMAS, MARCUS C. (OTD) (FBI)

UNCLASSIFIED
NON-RECORD

Marcus,

I saw [redacted] when I was at HQ yesterday. She has a great idea: For us and OGC to brief the DAG regarding Going Dark and changes needed in CALEA. We could then take the opportunity to address the deficiency petition that still hasn't gone to the FCC. [redacted] will be calling you about this in hopes that you can talk to Valerie C. about it.

Mb

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[redacted] (OTD) (FBI)

From: [redacted] (OTD) (FBI)
Sent: Thursday, February 26, 2009 1:52 PM
To: [redacted] (DO) (FBI)
Subject: RE: Going Dark Initiative

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b7c

UNCLASSIFIED
NON-RECORD

[redacted]

I am on inspection and will return to office on Monday. Can I get with you then? I also have to coordinate this with our AD who would like to be there.

From: [redacted] (DO) (FBI)
Sent: Thursday, February 26, 2009 1:37 PM
To: [redacted] (OTD) (FBI)
Cc: [redacted] (DO) (FBI)
Subject: Going Dark Initiative

b6
b7c

UNCLASSIFIED
NON-RECORD

[redacted] please call me to schedule a meeting with AD Ronald Ruecker, Office of Law Enforcement Coordination regarding the Going Dark Initiative. I left you a voicemail yesterday.

Thanks for your help,

[redacted]
*Executive Assistant to
the AD of OLEC*

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[REDACTED] (OTD) (FBI)

b6
b7c

From: [REDACTED] (OTD) (FBI)
Sent: Friday, March 06, 2009 8:55 AM
To: DEMAREST, JOSEPH M. (NY) (FBI)
Subject: Going Dark

UNCLASSIFIED
NON-RECORD

Hi Joe,

Can you give me a POC to coordinate with regarding the Going Dark info collection effort?

Hope all's well!
Thx,
Mb

UNCLASSIFIED

[redacted] (OTD) (FBI)

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b7C

From: [redacted] (OTD) (FBI)
Sent: Wednesday, March 11, 2009 8:43 AM
To: [redacted] (OTD)(FBI)
Subject: RE: Going Dark

UNCLASSIFIED
NON-RECORD

That is awesome! Thanks

From: [redacted] (OTD)(FBI)
Sent: Tuesday, March 10, 2009 5:16 PM
To: [redacted] (OTD) (FBI)
Subject: Going Dark

b6
b7C

UNCLASSIFIED
NON-RECORD

[redacted]

I have identified two field agents, one computer scientist, and one AUSA who are going to jot notes for us on your survey regarding "quality of life" related to data pens and Title III/FISA. I gave them a few weeks to gather their thoughts, and then we can hit them with an email survey or interview as you wish.

- 1. SA [redacted] (WF)
- 2. SA [redacted] (SD)
- 3. [redacted] (Mitre-RH)
- 4. AUSA [redacted] (EDPA)

b6
b7C

SSA [redacted]
Operational Technology Division/Technical Programs Section/Technical Liaison Unit
Engineering Research Facility- Building 27958A
Room A214
Quantico, Virginia 22135-0001
Desk [redacted]
Fax [redacted]
Cell [redacted]
Email: [redacted]@ic.fbi.gov
Unit Website: <http://otd.fbinet.fbi/thu>

b2
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b7C

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[REDACTED] (OTD) (FBI)

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From: [REDACTED] (OTD) (FBI)
Sent: Monday, March 16, 2009 5:05 PM
To: THOMAS, MARCUS C. (OTD) (FBI)
Subject: DAB Going Dark presentation

Attachments: Going Dark No survey 01162009.ppt

UNCLASSIFIED
NON-RECORD



Going Dark No
survey 01162009....

Is this the presentation you want to use for the DAB mtg?

UNCLASSIFIED

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?

b6
b7C

Thanks,

<< File: DRAFT Going Dark DAB 20090310.ppt >> << File: Director's Advisory Board Agenda.doc >>

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[redacted] (OTD) (FBI)

From: [redacted] (CQ) (CON)
Sent: Tuesday, March 17, 2009 8:53 AM
To: [redacted] (OTD) (FBI)
Subject: RE: Advisory Board Files

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Attachments: DRAFT Going Dark DAB 20090316 CALEA v2.ppt; DRAFT Going Dark DAB 20090316 LE Coord v2.ppt

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NON-RECORD

[redacted]

See attached for updated slides.

b6
b7C

Thanks,

[redacted]



DRAFT Going Dark
DAB 20090316 ...



DRAFT Going Dark
DAB 20090316 ...

From: [redacted] (OTD) (FBI)
Sent: Monday, March 16, 2009 8:45 AM
To: [redacted] (CQ) (CON)
Subject: FW: Advisory Board Files

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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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NON-RECORD

What think of these slides?

<< File: DRAFT Going Dark DAB TLU 03122009.ppt >>

[redacted]

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[REDACTED] (OTD) (FBI)

b6
b7c

From: [REDACTED] (OTD) (FBI)
Sent: Tuesday, March 17, 2009 10:32 AM
To: THOMAS, MARCUS C. (OTD) (FBI)
Subject: DAB meeting

UNCLASSIFIED
NON-RECORD

What do you think of these questions for the DAB:

Have we made the case for the Going Dark Initiative? Is it compelling enough?

Is the Going Dark Initiative too ambitious? Not ambitious enough?

What are the strengths and weaknesses of the strategy? Have we covered everything?

What are potential pitfalls? What can be done to prevent them?

Where should OTD focus its attention? Any ideas for next steps?

Mb

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Subject: FW: Advisory Board Files

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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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[redacted] (OTD) (FBI)

b6
b7C

From: [redacted] (OTD) (FBI)
Sent: Wednesday, May 13, 2009 4:32 PM
To: [redacted] (OTD) (FBI)
Subject: RE: Going Dark Bulletin

UNCLASSIFIED
NON-RECORD

[redacted] Tell him I told you to call him.

b2

Mb

From: [redacted] (OTD) (FBI)
Sent: Wednesday, May 13, 2009 3:12 PM
To: [redacted] (OTD) (FBI)
Subject: RE: Going Dark Bulletin

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b7C

UNCLASSIFIED
NON-RECORD

No. Give me his contact information and I'll call him.

From: [redacted] (OTD) (FBI)
Sent: Wednesday, May 13, 2009 2:31 PM
To: [redacted] (OTD) (FBI)
Subject: RE: Going Dark Bulletin

b6
b7C

UNCLASSIFIED
NON-RECORD

[redacted]

Have you spoken to [redacted] about the state and local article?

b6
b7C

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.

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b7C

[redacted]

UNCLASSIFIED

[redacted] (OTD) (FBI)

b6
b7C

From: VENIZELOS, GEORGE C. (NY) (FBI)
Sent: Wednesday, May 13, 2009 9:29 AM
To: [redacted] (OTD) (FBI); [redacted] (NY) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (CON)
Cc: DEMAREST, JOSEPH M. (NY) (FBI); THOMAS, MARCUS C. (OTD) (FBI)
Subject: RE: Going Dark Roundtable May 21st 10AM

UNCLASSIFIED
NON-RECORD

The meeting will be in the ADIC conference room. Thanks GV

b6
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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

UNCLASSIFIED
NON-RECORD

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. 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. [redacted] is the first field office to participate in this project. [redacted] 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.

b2
b7E

Thanks again,

[redacted]

[redacted]
Chief, CALEA Implementation Unit
Operational Technology Division

b2
b6
b7C

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

<< File: Questions for Case Agent Interviews 20090305 v2.doc >>

[redacted] (OTD) (FBI)

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b7C

From: [redacted] (OTD) (FBI)
Sent: Tuesday, April 28, 2009 5:54 PM
To: [redacted] (DO) (FBI)
Subject: RE: Going Dark update

UNCLASSIFIED
NON-RECORD

Marcus reviewed this and believes Louis will probably call him.

From: [redacted] (DO) (FBI)
Sent: Tuesday, April 28, 2009 5:52 PM
To: [redacted] (OTD) (FBI)
Subject: RE: Going Dark update

UNCLASSIFIED
NON-RECORD

Thanks for the quick turnaround [redacted]. This update definitely has more detail.

You might want to let Marcus and Pat know about the presentation in the event Louis calls over with additional questions tomorrow.

Again, I appreciate the help with this.

[redacted]

From: [redacted] (OTD) (FBI)
Sent: Tuesday, April 28, 2009 5:08 PM
To: [redacted] (DO) (FBI)
Subject: RE: Going Dark update

UNCLASSIFIED
NON-RECORD

Here is an updated version. Let me know if I need to make any other changes.

<< File: Goingdark 04 28 v3.ppt >>

From: [redacted] (DO) (FBI)
Sent: Tuesday, April 28, 2009 2:26 PM
To: [redacted] (OTD) (FBI)
Subject: Going Dark update

UNCLASSIFIED
NON-RECORD

[redacted]

I highlighted some of the comments received and would ask that if possible, you provide a little more detail. I don't think it will take too much more effort to fill in the holes. I know I said we were trying to get it finalized today but let me know if that is a problem. I can buy a little more time if you need it. Thanks again.

[redacted]

[redacted] (OTD) (FBI)

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From: [redacted] (OTD) (FBI)
Sent: Tuesday, April 21, 2009 5:25 PM
To: [redacted] (OTD) (FBI)
Subject: RE: Going Dark Support Contract (formerly with Rand)

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

We were planning on discussing this at the next ELSUR Strategy Meeting which is next Wednesday. Can you wait until then?

From: [redacted] (OTD) (FBI)
Sent: Tuesday, April 21, 2009 2:43 PM
To: [redacted] (OTD) (FBI)
Subject: Going Dark Support Contract (formerly with Rand)

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b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

I have included the support for Going Dark in the OTD Mission Planning contract request I submitted last week. This contract provide mission planning, organizational studies, and planning support to the OTD Front Office, Sections, and Units. It should provide the support that needs to be completed from the work Rand Corp started last year. This contract has been previously conducted with Booz, Allen - Hamilton (BAH), however, it will be completed with BAH and others. In planning the contract I included an estimate of \$ [redacted] for continued support of the Going Dark work that was started by Rand. This is in addition to the Going Dark support that has been provided by [redacted] (BAH) under the current Mission Planning support contract and is included in my estimated needs for general OTD support in the new contract.

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If you have specific funding to support this "Rand type" work it could be added to this contract funding now (FY09 funding) or during FY2010.

Let me know what you plan to do. I will keep you updated on the progress of the new contract which has been requested to start in August 2009.

[redacted]

b6
b7C

[redacted]
Unit Chief
Technical Management Services Unit
Operational Technology Division
Phone: [redacted]
Cell: [redacted]
Fax: [redacted]

b2

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

[redacted] (OTD) (FBI)

b6
b7c

From: [redacted] (OTD) (FBI)
Sent: Tuesday, April 07, 2009 9:10 AM
To: [redacted] (OTD) (FBI)
Subject: RE: SMS Initiative Update for Spend Plan - Deadline COB Friday April 3rd

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Yellow status is based on new Administration personnel not being in place for briefings and the expiration of the RAND contract prior to completion of the study.

From: [redacted] (OTD) (FBI)
Sent: Tuesday, April 07, 2009 9:02 AM
To: [redacted] (OTD) (FBI)
Subject: RE: SMS Initiative Update for Spend Plan - Deadline COB Friday April 3rd

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Could you give me a sentence as to why we are Yellow and not green ?

From: [redacted] (OTD) (FBI)
Sent: Tuesday, April 07, 2009 8:43 AM
To: [redacted] (OTD) (FBI)
Subject: RE: SMS Initiative Update for Spend Plan - Deadline COB Friday April 3rd

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

\$0
FTE 107
Stoplight- yellow

From: [redacted] (OTD) (FBI)
Sent: Tuesday, April 07, 2009 8:11 AM
To: [redacted] (OTD) (FBI)
Subject: FW: SMS Initiative Update for Spend Plan - Deadline COB Friday April 3rd

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

From: [redacted] (OTD) (FBI)
Sent: Monday, April 06, 2009 9:13 AM
To: [redacted] (OTD) (FBI)
Subject: FW: SMS Initiative Update for Spend Plan - Deadline COB Friday April 3rd

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

I need an answer on this one.

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

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[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

[redacted] (OTD) (FBI)

b6
b7C

From: [redacted] (OTD) (FBI)
Sent: Thursday, March 26, 2009 6:39 PM
To: COOK, PATRICK B. (OTD) (FBI)
Subject: RE: Going Dark presentation

UNCLASSIFIED
NON-RECORD

Do you remember which one you used?

From: COOK, PATRICK B. (OTD) (FBI)
Sent: Thursday, March 26, 2009 8:36 AM
To: [redacted] (OTD) (FBI)
Subject: RE: Going Dark presentation

b6
b7C

UNCLASSIFIED
NON-RECORD

Sure send it to her

From: [redacted] (OTD) (FBI)
Sent: Wednesday, March 25, 2009 5:34 PM
To: COOK, PATRICK B. (OTD) (FBI)
Subject: FW: Going Dark presentation

b6
b7C

UNCLASSIFIED
NON-RECORD

Pat,

Do you want to send her the presentation?

From: [redacted] (CTD) (FBI)
Sent: Tuesday, March 24, 2009 7:53 PM
To: [redacted] (OTD) (FBI)
Subject: Going Dark presentation

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b7C

UNCLASSIFIED
NON-RECORD

[redacted]

On 3/13/2009, yourself and DAD Cook gave a presentation to the Communications Analysis Unit regarding the Going Dark strategy. We considered it to be very eye opening especially for the type of work that we do in our unit. Is there any way that we could get a copy of that presentation or have access to it in order to make it accessible to those that were not able to attend?

Thank you in advance....

SSA [redacted]
CTD/CXS/CAU
FBIHQ - Room 4512
[redacted] desk
[redacted] fax

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[redacted] (OTD) (FBI)

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b7C

From: [redacted] (OTD) (FBI)
Sent: Monday, March 23, 2009 5:43 PM
To: [redacted] (OTD) (CON)
Subject: RE: LETF

UNCLASSIFIED
NON-RECORD

He'll be talking about progress we've made on Going Dark in the past year. We'll put together a presentation.

From: [redacted] (OTD) (CON)
Sent: Monday, March 23, 2009 3:18 PM
To: [redacted] (OTD) (FBI)
Subject: RE: LETF

UNCLASSIFIED
NON-RECORD

b6
b7C

[redacted]

I have added to his calendar. If there is any info he needs, please provide.

Thanks,

[redacted]
DAIS Executive Administrative Assistant
Operational Technology Division
[redacted]

b2
b6
b7C

From: DICLEMENTE, ANTHONY P. (OTD) (FBI)
Sent: Monday, March 23, 2009 1:14 PM
To: [redacted] (OTD) (FBI)
Cc: [redacted] (OTD) (CON)
Subject: RE: LETF

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UNCLASSIFIED
NON-RECORD

I'm available.

Anthony P. DiClemente
Chief, Data Acquisition / Intercept Section
Operational Technology Division
[redacted]

b2

From: [redacted] (OTD) (FBI)
Sent: Monday, March 23, 2009 10:04 AM
To: DICLEMENTE, ANTHONY P. (OTD) (FBI)
Subject: FW: LETF

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Tony are you interested in doing this?

From: [REDACTED] (OTD) (FBI) On Behalf Of THOMAS, MARCUS C. (OTD) (FBI)
Sent: Monday, March 23, 2009 10:02 AM
To: [REDACTED] (OTD) (FBI)
Subject: Declined: LETF
When: Thursday, March 26, 2009 9:00 AM-10:30 AM (GMT-05:00) Eastern Time (US & Canada).
Where: Hospitality House, Fredericksburg, VA

[REDACTED]: Marcus and Pat both can not make this meeting. Marcus has asked that you get with Tony D. and have him attend.

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UNCLASSIFIED

Folks,

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[redacted] stopped by today to see me as a follow up to our meeting before the holidays regarding the GOING DARK INITIATIVE briefing material that BAH is putting together for us. As you recall, we discussed the need to get several items from you to provide to [redacted]. Please see below:

Greg Motta - 1) Overview of [redacted] issue and our recommendation as to what US law enforcement needs in this area, plus any case examples.

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2) list of the legislative issues (not bill language but categorized by topic) related to our 5 prong strategy broken down by 1) changes to existing Federal ELSUR assistance mandates (CALEA) and 2) Revising and enhancing certain Federal statutory authorities (protection sensitive industry information, changes to pen register law, etc)

Tony DiClemente - list of case examples where [redacted] as well as case example re [redacted] Case and [redacted] Case, etc).

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[redacted] - Budget write-ups for DCAC, and others (if any).

Please advise time estimates when you will have this information to give to [redacted] so I can tell [redacted] as he is working on the report/talking points as we speak.

Thanks

Barry

Charles Barry Smith
Supervisory Special Agent
Section Chief
Technical Programs Section
Operational Technology Division

[redacted]

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UNCLASSIFIED

UNCLASSIFIED

[redacted] (OTD) (FBI)

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From: [redacted] (OTD) (FBI)
Sent: Tuesday, May 19, 2009 3:17 PM
To: [redacted] (OTD) (FBI)
Subject: RE: Tasking of field POC

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This is a good idea. Before you send it, let's talk about this when I get back from NY. We may get some information to add to this.

Mb

From: [redacted] (OTD) (FBI)
Sent: Monday, May 18, 2009 4:34 PM
To: [redacted] (OTD) (FBI)
Subject: Tasking of field POC

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I have written this email in hopes of getting responses to the survey from Case Agents in the field that may have decided not to use ELSUR as a result of a "Going Dark" issue.

Please advise.

Per EC dated 01/09/2009 (269-HQ-C1584700 Serial 6), as part of the Going Dark Initiative; OTD, CALEA Implementation Unit (CIU) launched the ELSUR Non-compliance Survey in order document examples where we are "in the dark" by the loss of evidence, that we would be lawfully entitled to, due to advances in technology, antiquated ELSUR laws, and or lack of resources, training, personnel.

The concept of "going dark" is that these instances of lost ELSUR evidence will increase and therefore we must react to counter this trend.

To highlight some of the examples the ELSUR Non-compliant Survey is attempting to capture - please read the following -

As Case Agents, you may decide to not use ELSUR (pen registers, Title III, FISA) for one (but not limited to) of the following reasons:

1. [redacted]

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2. [redacted]

3. You know the cost imposed by the telecom, to conduct ELSUR, is prohibitive and therefore you decide not to go up on that target line.

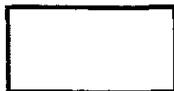
4. Your knowledge that the telecom's lack of a CALEA solution prevents your pen register, Title III, etc from going up and collecting ELSUR evidence - you decide not to go up on that target line.

If any of these examples apply, or any examples that you think apply, to any of your cases since January 2009, please visit, <http://otdsurvey.fbinet.fbi> and provide your example. These examples will help to document instances of "going dark"

and technology trends, identify non-compliant telecommunication carriers and determine our need in terms of training, funding and legislation.

Any questions, please call:

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(cell)
(office)

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[redacted] (OTD) (FBI)

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From: [redacted] (OTD) (FBI)
Sent: Wednesday, January 02, 2008 4:41 PM
To: SMITH, CHARLES BARRY (OTD) (FBI); MOTTA, THOMAS GREGORY (OTD) (FBI);
DICLEMENTE, ANTHONY P. (OTD) (FBI)
Cc: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)
Subject: RE: Going Dark Initiative

Attachments: FW: FY09 National Electronic Surveillance Strategy Write Up and Charts (Domestic Communications Assistance Center D-CAC); FW: DCAC Exec summary; VoIP Presentation

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FW: FY09 National Electronic S...
FW: DCAC Exec summary
VoIP Presentation

Barry, I think this should do it.

From: SMITH, CHARLES BARRY (OTD) (FBI)
Sent: Wednesday, January 02, 2008 4:24 PM
To: MOTTA, THOMAS GREGORY (OTD) (FBI); [redacted] (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI)
Cc: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)
Subject: Going Dark Initiative

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NON-RECORD

Folks,

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[redacted] stopped by today to see me as a follow up to our meeting before the holidays regarding the GOING DARK INITIATIVE briefing material that BAH is putting together for us. As you recall, we discussed the need to get several items from you to provide to [redacted]. Please see below:

Greg Motta - 1) Overview of [redacted] and our recommendation as to what US law enforcement needs in this area, plus any case examples.

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2) list of the legislative issues (not bill language but categorized by topic) related to our 5 prong strategy broken down by 1) changes to existing Federal ELSUR assistance mandates (CALEA) and 2) Revising and enhancing certain Federal statutory authorities (protection sensitive industry information, changes to pen register law, etc)

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Tony DiClemente - list of case examples where [redacted] as well as case example re [redacted] Case and [redacted] Case, etc).

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[redacted] - Budget write-ups for DCAC, and others (if any).

b6

Please advise time estimates when you will have this information to give to [redacted] so I can tell [redacted] as he is working on the report/talking points as we speak.

b7C

Thanks

Barry

Charles Barry Smith

[redacted] (OTD) (FBI)

From: [redacted] (CQ) (CON)
Sent: Monday, March 16, 2009 9:10 AM
To: [redacted] (OTD) (FBI)
Cc: [redacted] (OTD) (FBI)
Subject: Presentation

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Attachments: DRAFT Going Dark DAB 20090316 CALEA.ppt

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[redacted]

[redacted] requested I forward you the attached file.

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In addition, some of the new authorities the Going Dark initiative is seeking to implement include:

- [redacted]
- [redacted]
- [redacted]
- [redacted]

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DRAFT Going Dark
DAB 20090316 ...

Thanks,
[redacted]

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b7C

UNCLASSIFIED

[redacted] (OTD) (FBI)

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b7C

From: [redacted] (CQ) (CON)
Sent: Thursday, April 23, 2009 11:17 AM
To: [redacted] (OTD) (FBI)
Subject: RE: Update on "Going Dark" Initiative

Attachments: Going Dark updated 20090423.ppt

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[redacted]

See attached.

Thanks,

[redacted]



Going Dark updated
20090423.pp...

From: [redacted] (OTD) (FBI)
Sent: Thursday, April 23, 2009 9:46 AM
To: [redacted] (CQ) (CON)
Subject: FW: Update on "Going Dark" Initiative

UNCLASSIFIED
NON-RECORD

Any ETA?

From: [redacted] (OTD) (FBI)
Sent: Thursday, April 23, 2009 8:36 AM
To: [redacted] (OTD) (FBI)
Subject: FW: Update on "Going Dark" Initiative

UNCLASSIFIED
NON-RECORD

[redacted]

I am getting pushed for this report update. Any progress?

[redacted]

From: [redacted] (DO) (FBI)
Sent: Wednesday, April 22, 2009 6:05 PM
To: [redacted] (OTD) (FBI)
Cc: [redacted] (DO) (FBI)
Subject: FW: Update on "Going Dark" Initiative

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NON-RECORD

[redacted]

[redacted] asked me to following with you regarding the Going Dark initiative update. Please give me a call regarding the status.

Thanks,

b6
b7c

[redacted]

SSA [redacted]
Resource Planning Office
Strategy Management Office
J.E.H. Building, Room 6220
Telephone: [redacted]

b2

From: [redacted] (DO) (FBI)
Sent: Thursday, April 16, 2009 12:02 PM
To: [redacted] (OTD) (FBI)
Cc: [redacted] (DO) (FBI); [redacted] (OIPP) (FBI)
Subject: Update on "Going Dark" Initiative

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[redacted]

As I mentioned to you, an update on "Going Dark" is going to be presented at the upcoming Enterprise SMS Quarterly Meeting or at an Executive Board meeting in the next several weeks. In either case, we need information to include with recent progress, any new issues impacting this initiative, an assessment of "overall health", and changes to the timeline.

Attached is the last update done around September 2008. If you would, please update the standard initiative template we use. I will be out next week so please cc [redacted] and [redacted]. Thanks for the help with this.

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b7c

[redacted]
Strategy Management Office
[redacted]

b2

<< File: Going Dark 9-08.ppt >>

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[redacted] (OTD) (FBI)

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From: [redacted] (CQ) (CON)
Sent: Thursday, April 23, 2009 2:22 PM
To: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)
Cc: [redacted] (OTD) (CON)
Subject: RE: P10 - Going Dark

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NON-RECORD

[redacted]

I updated the Initiative in SMS. However, I was under the impression the percentage-based measurements were to be deleted. I'll defer to [redacted] on that one.

Thanks,
[redacted]

b6
b7C

From: [redacted] (OTD) (FBI)
Sent: Thursday, April 23, 2009 2:03 PM
To: [redacted] (CQ) (CON); [redacted] (OTD) (FBI)
Cc: [redacted] (OTD) (CON)
Subject: FW: P10 - Going Dark

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NON-RECORD

Greetings all - Email wasn't working well yesterday, so just wanted to send out another email asking for:

Some info to be emailed to me regarding P10 - the first measure for that was not addressed and it has been submitted already, so I will need to put the rest in for you - so you can email me and I will plug it in.

Also, the Going Dark Initiative hasn't been updated in SMS. I'll need one of you to please update that and all will be complete. Thank you.

[redacted]
Operational Technology Division
Management and Program Analyst
TMSU
Quantico, VA

b6
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b2

From: [redacted] (OTD) (FBI)
Sent: Wednesday, April 22, 2009 8:18 AM
To: [redacted] (CO) (CON)
Cc: [redacted] (OTD) (FBI)
Subject: P10 - Going Dark

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Greetings - P10 has already been submitted (I believe you submitted 4/17) but the first measure which is "% of Progress against "going dark" campaign - measurements including % improving, % no progress, % lagging. Could you or [redacted] provide percentages to me for those, and I can plug them in. (You won't have access since it's been submitted). Thanks very much.

b6
b7c

[redacted]
Operational Technology Division
Management and Program Analyst
TMSU
Quantico, VA

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"Going Dark"

Law Enforcement's Need to Preserve Lawful Intercept Capabilities

- I. **Issue:** Court-authorized lawful interception 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. [redacted]

[redacted] Practically speaking, failing to maintain lawful intercept technical capabilities effectively repeals the lawful authority created by the Congress to conduct lawful interception. Lawful interception capabilities must be maintained.

- A. [redacted] and evidence in criminal and

- B. 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.

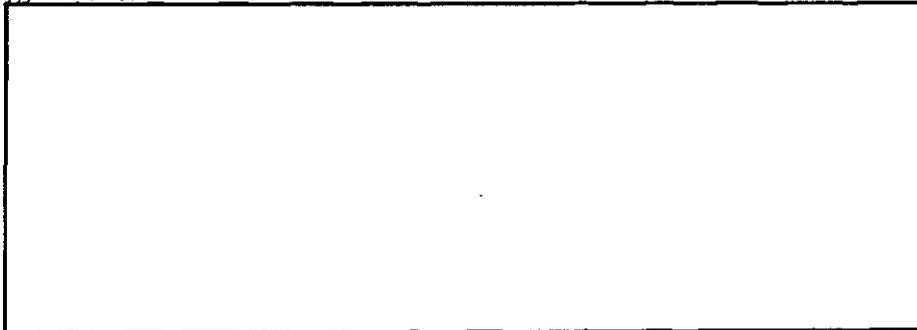
- [redacted]
- [redacted]
- [redacted]
- The costs of conducting lawful intercepts are increasing daily. State and locale law enforcement agencies are being shut out; and the FBI is barely keeping its head above water. All law enforcement agencies are in imminent danger of "Going Dark."
- Working with industry to ensure effective service provider lawful intercept target identifiers and [redacted] exist is

becoming more difficult as the industry expands to include new entrants never before responsible for facilitating any form of lawful interception.

- Finding the substantial technical resources, personnel, and funding required to field and operate complex and costly systems to "collect," "process," "decrypt," "view," "analyze," and "share" lawful intercept information.

II. **Background:** Key law enforcement and industry representatives have devised a comprehensive five-pronged National Lawful Intercept Strategy to meet the serious threats to lawful intercept. While self-help has always been a first instinct for law enforcement agencies, we are at a point where additional funding and continued, enhanced, outside help is required. The five prongs of the National Lawful Intercept Strategy include:

A.



B.

C. **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.

D. **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.

E. **Resources:** To accomplish the above four prongs of the National Lawful Intercept Strategy, additional resources are required.

III. **Legal Authorities:** The legal authorities under which lawful intercept takes place include, but are not limited to Title III of the Omnibus Crime Control and Safe Streets Act, the Electronic Communications Privacy Act (ECPA), and the Foreign Intelligence Surveillance Act (FISA). Further, much of the interaction between law enforcement and the communications industry, particularly the mandate for telecommunications carriers to design into their networks capabilities to perform

lawful intercept, is based on the Communications Assistance for Law Enforcement Act [CALEA]).

IV. **Budget:** There is no current budget allocated for the Going Dark Initiative. The

[REDACTED] would support the expansion of capacity of certain critical lawful intercept collection tools.

V. **Recommendations / Actions:** 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.

- A. 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. The FBI will finalize the five-pronged National Lawful Intercept Strategy based on the above described continuing dialog.
- B. 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.
- C. Socialize the Strategy with key Congressional members and staff (e.g., Judiciary, Intelligence, Appropriations) as appropriate.
- D. 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.

VI. **Point(s) of Contact:**

- A. Marcus Thomas, Assistant Director, OTD
[REDACTED]
- B. Patrick Cook, Deputy Assistant Director, OTD
[REDACTED]
- C. Barry Smith, Chief, Technical Programs Section (TPS), OTD
[REDACTED]
- D. [REDACTED] Acting Chief, CALEA Implementation Unit (CIU), OTD
[REDACTED]@askcalea.net

Information provided by: Section Chief Barry Smith
Information Approved by: AD Marcus Thomas
Dated: 07/30/2008

MS



GOING DARK

What is "Going Dark"?

Response:

- The term "Going Dark," is used to refer to constriction of the law enforcement's ability to comprehensively and lawfully collect data and information, conduct electronic surveillance and analyze the raw data [REDACTED]
- The challenge is due to two factors:
 - the rapid evolution of telecommunications and data collection technology and services; and,
 - Law enforcement's inability to quickly develop and deploy robust surveillance, intercept/collection, and analytical capabilities.
- These circumstances reflect an emerging "capability gap" for the FBI and other law enforcement. [REDACTED]

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.
- I will be happy to work further on this matter with you and the Committee.

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

Response:

[REDACTED]

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.

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

Response:

- The FBI is well suited to gain consensus regarding advanced methods of electronic surveillance and to ensure comprehensive understanding of the challenges faced by law enforcement and help devise and implement solutions. The FBI routinely works with the communications industry to develop intercept capabilities for the law enforcement community, as industry is comfortable working with the FBI under its domestic authority. In addition, the FBI has long assisted other federal, state, and local law enforcement effect criminal and Cyber-based electronic surveillance and provides vital support in national security matters.

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



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, [REDACTED] law enforcement community are experiencing significantly reduced collection capabilities. [REDACTED]

Did not 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]