# REPORT ON THE USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES BY THE LAW ENFORCEMENT AGENCIES/OFFICES OF THE DEPARTMENT OF JUSTICE FOR CALENDAR YEAR 2003

PEN REGISTERS	FBI	DEA	USMS	INSP GEN	BATFE <sup>3</sup>	TOTALS
Original Orders	2020	2976	922	4	xx	5922
Extensions	2473	302	34	1	xx	2810
Number of Investigations	1448	839	922	4	хх	3213
Number of Persons Whose Telephone	4493	2976	922	7	xx	8398

Facilities Were Affected

TRAP AND TRACE DEVICES	FBI	DEA	USMS	INSP GEN	BATFE	TOTALS
Original Orders	1128	207	**	1	xx	1336
Extensions	1312	23	**	0	xx	1335
Number of Investigations	814	105	**	1	xx	920
Number of Persons Whose Telephone Facilities Were Afr	2440 Eected	207	**	2	xx	•2649

<sup>&</sup>lt;sup>3</sup> With the passage of the Homeland Security Bill in early 2003, the Bureau of Alcohol, Tobacco, Firearms, and Explosives "BATFE") became a Department of Justice agency. BATFE has not yet provided their statistics for this report. At such time as they are received, we will supplement this report.

#### Memorandum



То

Assistant Attorney General

Date February 25, 2004

Criminal Division (Attention: Maureen Killion,

Director, Office of Enforcement Operations)

From:

Assistant Director X

Investigative Technology Division

Subject:

PEN REGISTER AND TRAP/TRACE DEVICES LEGISLATION AND REPORT REQUIREMENTS

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

In accordance with the referenced communication and the provisions of the Electronic Communications Privacy Act of 1986, the Federal Bureau of Investigation is providing the enclosed

As a point of clarification, the phrase, "number of persons whose telephone facilities were affected" was interpreted as the number of lines intercepted. The category "number of original applications and extensions for this violation" contains the number of original and extensions of lines for that violation.

Enclosure

## AGENCY: Federal Bureau of Investigation

Pen Register Applications - Calendar Year 2003 (January 1 - December 31, 2003)

Number of Original Orders

Number of Extensions

Number of Investigations Involved

Number of persons Whose Telephone

Facilities were Affected

2020

2473

1448

4493

## LIST OF THE VIOLATIONS FOR WHICH PEN REGISTERS WERE SOUGHT

Number of Original
Applications and
Extensions for this
Violation

•		Viola	tion		
Statutory Citation		Principal Violation		-	
1 (21 USC § 801 et sec	q.)	Organized Crime Drug Enforcement Task Force	(448)	(	465)
2 (18 USC § 1073	)	Unlawful Flight to Avoid Prosecution	( 54)	(	7)
3 (18 USC § 1005	)	Financial Institution	( 22)	(	12)
4 (18 USC Chap. 41 5 (18 USC § 2113 6 (26 USC § 5861 5871	. 1	Extortion Bank Robbery Actual and Attempted	( 15) ( 39)	(	, 2) , 2)
•	. ,	Bombing and Explosive Violence	( 18)	(	4)
7 (18 USC § 1343 8 (18 USC § 1201-1203 9 (18 USC § 2314-2315	)	Foreign Police Cooperation Kidnapping	/ 201	(	0) 1)
10 (18 USC § 1955	,	Interstate Transportation of Stolen Property	( 5)	(	7)
11 (18 USC § 1952	)	Illegal Gambling Business		(	5)
12 (18 USC § 32 (a) (1)	)	Interstate Transportation in Aid of Racketeering		(	208)
(a),371 13(18 USC 1951	)	International Terrorism - ( Other		(	95)
14 (18 USC § 1962, 1963		Hobbs Act - Commercial ( Institutions		( .	. Ó)
15 (18 USC § 2312	,	Investigation		( .	4)
16(18 USC § 3123	) Y	Interstate Transportation( of a Stolen Motor Vehicl	5) e	. (	1)
	,	Animal Enterprise ( Protection	1)	(	3)

3122, 3123	Theft from Interstate Shipment	( 1)	(, 0)	
18(18 USC Chap. 73 ) 19(18 USC § 115, 371, ) 844(F) 1361, 1871-72, 1958	Obstruction of Justice Acts of Terrorism in the United States -	(308)	( 8) (505)	
20(18 USC § 3123 )	International Terroris Acts of Terrorism in the United States- Domestic Terrorism	m (84)	(117)	•
21(18 USC § 2339 (a) ) 22(18 USC § 201, 371 ) 1001, 21 USC § 841, 846	Passport and Visa Matter	( 1) ( 16)	( 9) ( 18)	
23(18 USC § 1952, 1956,) 1957,3122	Money Laundering	( 34)	(40)	
21 USC § 841(a)(1), 843(d), 846				
24(18 USC § 1951, 1955) 1961, 3122, 3123	Organized Crime Drug Investigations	(368)	(496)	
21 USC § 841, 843, 846	•			
25(17 USC § 506 (a) )	Copyright	(2)	(4)	
26(18 USC § 1341, 1343,) 1344, 1832, 1951, 1956, 3122, 3123, 371	Other Wire & Mail Schemes	( 22)	(38)	
27(18 USC § 1343, 3121 ) 28(18 USC § 1958 )	Internet Fraud Domestic Police Cooperation/Fugutive Investigation -	( 4) ( 2)	(1)	٠
29(18 USC § 3121-3126, ) 2703(d)	Miscellaneous Other Neutrality Matters	( 0)	•( 2)	
30(18 USC § 1341, 1343 )	Securities and Commodities Fraud	(11).	(0)	
31(18 USC § 844(i) )	Conspiracy to Impede Or Injure a Federal Officer	( 3)	( 0)	
•	Fraud & Related Activity- Ident Documents	( 2)	(1)	
33(21 USC § 846 ) 34(18 USC § 1029, 1030,) 2511, 2701, 3122, 3123	Drug Related Homicide Computer Intrusion	( 1) ( 6)	(0)	
35(18 USC § 666, 1341 ) 1343, 841 (a)(1), 846, 503, 3122	Health Care Fraud	( 4)	(44)	
36(18 USC § 241, 242 ) 37(18 USC § 2113 ) 38(18 USC § 3123, 3124 ) 39(18 USC § 2, 2251, ) 2252	Civil Rights-Color of Law Bank Burglary White Slave Traffic Act Innocent Images National	( 3) ( 2) ·	( 0) ( 3) ( 4) ( 4)	٠.
40(18 USC § 1117, 1951,) 1952, 2384	Initiative Terrorism Enterprise Investigations	( 10)	( 19)	•

41(18	USC	§	3122	)	Involuntary Servitude and Slavery	(	20)		(	0).	
42(18	USC	§	2332 (a)	)	Use, Possession, Transfer, Production, Transport of WMD	(	6)	(	1	.9)	
43(18	USC :	§	186, 1962	: )	Corruption of State and Local Public Officials	(:	121)	(	31	.4-)	
44(18	USC !	Ş	3123, 924	. )	Usama Bin Laden/Al Qaeda	(	6)	(		2)	
			111, 115, 4, 751	)	Assaulting or Killing a Federal Officer		3)	į		6).	
46(18	USC S	3	1951, 312	4)	CT Preparedness	(	4)	(		0-)	•
			1343, 2	)	Other Security/ Commodities Fraud Matters	į	1)	į		o)	•
48(18	USC 5	3	245, 247	)	Racial Discrimination	(	0)	(		1)	
49(18				)	Corruption Federal Public Officials - Judicial Branch	(	1)	(		0)	·
			1343, 270	3 )	Antitrust	(	20)	(		0)	·
51(18				)	Espionage	(	.1)	(		0)	
52 (18	USC §	}	1961	)	Tampering with Consumer Products	(	14)	(		0)	

### AGENCY: Federal Bureau of Investigation

# Trap and Trace Applications - Calendar Year 2003 (January 1 - December 31, 2003)

Number of	Original Orders	1128
	Extensions	1312
Number of	Investigations Involved	814
Number of	Persons Whose Telephone	2440
Dialing	were Affected	2110

## LIST OF THE VIOLATIONS FOR WHICH TRAP AND TRACE WERE SOUGHT

Number of Original Applications and Extensions for this Violation

Statutory Citation	Principal Violation		
1 (21 USC § 801 et seq.)	Organized Crime Drug Enforcement Task Force	(267)	(260)
2 (18 USC § 1073 )	Unlawful Flight to Avoid Prosecution	(42)	( 18)
3 (18 USC Chap. 41 ) 4 (18 USC § 2113 )	Extortion	( 15)	
F (10 USC 9 2113	Bank Robbery	(32)	(2)
5 (18 USC § 1117, 1951,)	Terrorism Enterprise	(7)	(19)
1952, 2384	Investigations		,,
6 (18 USC § 1201-1203 )	Kidnaping	(19)	(2)
7 (18 USC § 2314-2315 )	Interstate Transportation	( 2)	( 2)
	of Stolen Property	( 2).	( 4)
8 (18 USC § 1952 )	Interstate Transportation	( ċo)	
,	in Aid of Packatania	( 60)	(102)
9 (18 USC § 115 )	in Aid of Racketeering		
,		(8)	(2)
10(18 USC 1341, 1343, )	Federal Officer		•
1244 1022 2052		(9)	(26)
1344, 1832, 1951,	Fraud Schemes	•	
1956, 3122, 3123, 371			
11(18 USC § 1955 )	Illegal Gambling	(5)	( 4).
<u></u>	Business	( 5)	(4)
12(18 USC § 3123 )		( ,,,,,,,	
	United States -	( TTT)	(85)
·		•	•
13 (18 USC § 1005 )	Domestic Terrorism	•	•
1003	Financial Institution	( 12)	(0)
14/10 HCC & CEO 000= 1	Frand .		•
14(16 OSC § 659, 2315, )	Theft from Interstate	( 1)	.( 0)
3122, 3 <u>1</u> 23	Shipment	,	
15(26 USC § 5861, 5871 )	Actual and Attempted	( 16)	· ( 2)
	Bombing and Explosives	. 10)	( 2)
	Violence		
• •			

			•
044(1) 1301, 18/1-/2	ts of Terrorism in the United States -	( 138)	(271)
17(18 USC § 2312 ) In	International Terrorism terstate Transportation of of Stolen Motor Vehicle	1)	( 0)
1957, 3122	nev Inundomina	10)	(10)
21 USC § 841(a)(1), 843(d), 846		•	
19(18 USC § 1951, ) Org 1955, 1961, 3122, 3123	ganized Crime Drug ( Investigations	141)	(201)
21 USC § 841, 843, 846			
Į-	ublic Officials -	9)	( 12)
21118 USC Chap. 73 ) Obs	xecutive Branch truction of Justice (	- •	
77/70 7700 8 70.50	keteering Enterprise (	2)	(4)
22/20	nvestigation	17)	(1)
3121-3123	ernet Fraud (	4)	( 1)
24(18 USC § 3123, 924 ) Usa 25(18 USC § 2703(d), ) Neu	ma Bin Laden/Al Qaeda (	4)	(2)
3121-3126	trality Matters (	0)	(2)
C	urities and ( ommodities Fraud	9)	( 0)
2/(10 USC § 1961 ) Tamp	Dering with Consumer (	14)	(· o)
28(18 USC § 1512, 242 ) Civi	l Rights Color of Law /	1)	( 0)
841 (a) (1), 846,	th Care Fraud (	2)	( 0)
503, 3122 30(18 USC § 1029, 1030,) Comp			
2511, 2701, 3122, 3123	outer Intrusion (	5)	( 1)
(5), 371 Ot	ernational Terrorism - (	40)	(72)
22/10 2700 0 0 0 0	al Discrimination (	1)	(2)
34 (18 USC § 2113 ) Bank	e Slave Traffic Act ( Burglary	2)	(4)
35(18 USC § 186, 1962 ) Corr	uption of State and (	2)	
26/20 1700 P 010	cal Public Officials	00)	(193)
875, 924	Act Violations (	13)	( 0)
37(26 USC § 5861, 5871 ) CT P	reparedness - Special (	6)	( 0)
38 (18 USC § 2, 2251, ) Innoc	ents cent Images National (	8)	( 0)
39(18 USC § 1029, 2512 ) TPR (	itiative Copyright Infringement(	2)	-
40(18 USC § 1546, 3123 ) Passi	PORT & Visa Matter (	2) 0)	(3)
42/19 HGG B 2222 ) Relig	Hous Discrimination /	1)	( 0)
047/-)/2	untary Servitude ( Slavery	1)	( 0)
•			

										•
42/10	1100 0	1242 000	,			,		•		
43 (18	USC	1343, 2703				(	19)	(	0)	
44 (18	USC §	844(i)	)	Conspiracy to Impede Or Injure a	-	(	3)	(	0)	
				Federal Officer	• •					
45 (18	USC §	111(a)(1)	)	Crimes Against Family Members		(	1)	(	0)	

•

AGE	ENCY	Drug Enforcement Administration
Pen Register Applications -	Calendar Year	2003
	(January 1 – Do	ecember 31, 2003)
Number of Original Orders	2976_	
Number of Extensions	302_	
Number of Investigations Involved	839	
Number of Persons Whose Telephone Dialings Were Affected	2976	

## LIST OF THE VIOLATIONS FOR WHICH PEN REGISTERS WERE SOUGHT

Statutory Citation	Principal Violation	Number of Original Applications & Extensions
1 (21 USC 841 ) 2 (21 USC 846 ) 3 (21 USC 952 ) 4 (18 USC 1956)	Distribution of Narcotics Conspiracy to Distribute Importation of Narcotics Money laundering	(1919) (309) (567) (175) (135) (41) (92) (40)

*		
Trap & Trace Applications -	Calendar Year 2003	
	(January 1 – December 31, 2003)	
Number of Original Orders	207	
Number of Extensions	23	-
Number of Investigations Involved	105	
Number of Persons Whose Telephone Dialings Were Affected	207	

AGENCY Drug Enforcement Administration

## LIST OF THE VIOLATIONS FOR WHICH PEN REGISTERS WERE SOUGHT

Statutory Citation,	Principal Violation	Number of Original Applications & Extensions	
1 (21 USC 841 )	Distribution of Narcotics	(112) (21)	
2 (21 USC 846 )	Conspiracy to Distribute	(46) (19)	
3 (21 USC 1956)	Money laundering	(21) $(11)$	

### Agency: United States Marshall Service

Pen Register Applications	Calendar Year 2003 January 1 – December 31, 2003
Number of Original Orders	922
Number of Extensions	34
Number of Investigation Involved	922
Number of Persons Whose Telephone Dialings were affected	922

### List of the Violations for Which Pen Registers were sought

Statutory Citation	Principal Violation	Number of Original Applications & Extens	ions
(18 USC 0902)	Homicide-Willful Kill-FamilyWeap	(4)	
(18 USC 0903)	Homicide-Willful Kill-NonfamGun	(0.00)	(1)
(18 USC 0904)	Homicide-Willful Kill-NonfamWeap	(12)	(*)
(18 USC 0907)	Homicide-Willful Kill-Pol Off-Weap	(9)	,
(18 USC 0911)	Willful Kill- Gun	(19)	
(18 USC 0912)	Willful Kill-Weapon	(2)	
(18 USC 0999)	Homicide	,	(4)
(18 USC 1002)	Kidnap Adult for Ransom	(2)	( <del>~</del> )
(18 USC 1004)	Kidnap Adult to Sexually Assit	(5)	
(18 USC 1005)	Kidnap Minor	(2)	
(18 USC 1006)	Sex Asslt - Sodomy-Girl-Gun	(14)	
(18 USC 1010)	Sex Assit-Sodomy-Girl-Weapon	(0)	31
(18 USC 1011)	Kidnap Minor-Nonparental	(2)	1)
(18 USC 1099)	Kidnapping	(2)	
(18 USC 1101)	Rape-Gun	(2)	
(18 USC 1102)	Rape with Weapon		
(18 USC 1103)	Rape-Strongarm	(3)	<b>~</b> \
(18 USC 1112)	Sex Asslt-Sodomy-Boy-Strongarm		6)
(18 USC 1114)	Sex Asslt-Sodomy-Girl-Stgarm	(2)	
(18 USC 1199)	Sex Assault	(10)	
(18 USC 1201)	Robbery- Business-Gun	(2)	
(18 USC 1202)	Robbery-Business-Weapon	(13)	
(18 USC 1209)	Robbery-Resid-Strongarm	(2)	
(18 USC 1211)	Robbery-Banking-Type Inst	(1)	•
,	Demounter Table 11/26	(29)	

•		•	
(18 USC 1299)	Robbery	(00)	•
(18 USC 1302)	Aggrav Assault-Family-Weapon	(22)	
(18 USC 1304)	Aggrav Asslt-Nonfamily-Gun	(1)	
(18 USC 1311)	Aggrav Assit- Pol Off-Weapon	(18)	•
(18 USC 1314)	Aggrav Assit – Gun	(8)	
(18 USC 1399)	Assault	(23)	
(18 USC 1602)	Threat-Terroristic-State Offenses	(5)	•
(18 USC 1702)	Federal-Material Witness	(4)	
(18 USC 2101)		(6)	•
(18 USC 2202)	Extort-Threat Injure Person	(2)	•
(18 USC 2203)	Burgl-Forced Entry-Resid	(2)	
(18 USC 2299)	Burgl-Forced Entry-nonresid	(6)	
(18 USC 2502)	Burglary	(1)	
(18 USC 2503)	Forgery of	(2)	
(18 USC 2603)	Counterfeiting Of	(10)	
(18 USC 2605)	Mail Fraud	(2)	
(18 USC 2608)	Fraud Illeg Use Credit Cards	(11)	(6)
(18 USC 2699)	Fraud by Wire	(4)	
(18 USC 3599)	Damage Property	(27)	
(18 USC 3601)	Dangerous Drugs	(19)	
(18 USC 3604)	Sex Offense-Against Child-Fondling	(2)	
(18 USC 3699)	Incest with Minor	(3)	
(18 USC 3802)	Sex Offense	(5)	
(18 USC 4004)	Cruelty Towards Child	(1)	
(18 USC 4901)	Prostitution	(6)	
(18 USC 5001)	Escape	(56)	(4)
(18 USC 5002)	Bail - Secured Bond	(3)	(-)
(18 USC 5011)	Bail-Personal Recog	(2)	
(18 USC 5012)	Parole Violation	(13)	,
(18 USC 5013)	Probation Violation	(26)	
(18 USC 5015)	Condit Release Violations	(4)	
(18 USC 5210)	Failure to Appear See Mis	(11)	
(18 USC 5211)	Licensing-Registration Weapon	(2)	
(18 USC 5211)	Explosives-Possessing	(2)	(8)
(18 USC 5215)	Threat to Bomb	(2)	(0)
(18 USC 5299)	Weapon Offense	(22)	
(18 USC 5309)	Harassing Communication	(2)	
(18 USC MS03)	Consp to Aid in Escape	(2)	
(21 USC 841)	Manufacture, Distr Controlled Sub	(11)	
(21 USC 846)	Consp to distribute Controlled Sub	(3)	
(21 USC 3510)	Heroin-Sell	(5)	
(21 USC 3511)	Herion-Smuggl	(2)	•
(21 USC 3512)	Heroin-Possess	(10)	
(21 USC 3513)	Herion	(10)	(2)
(21 USC 3530)	Cocaine-Sell	(73)·	(2)
21 USC 3532)	Cocaine-Possess		(2)
21 USC 3533)	Cocaine	· <b>(8)</b>	(2)
•	•	(49)	•
	•		

(21 USC 3542)	Synth Narcotic-Possess	(2)
(21 USC 3550)	Narcotic Equip-Possess	(6)
(21 USC 3560)	Marijuana-Sell	(4)
(21 USC 3561)	Marijuana-Smuggle	(3)
(21 USC 3563)	Marijuana-Producing	(2)
(21 USC 3571)	Amphetamine-Sell	(4)
(21 USC 3572)	Amphetamine-Possess	(6)



#### U.S. Department of Justice

#### Office of the Inspector General

Washington, D.C. 20530

August 31, 2004

MEMORANDUM FOR JANET WEBB

OFFICE OF ENFORCEMENT OPERATIONS

CRIMINAL DIVISION

FROM:

THOMAS F. MCLAUGHLIN

ACTING ASSISTANT INSPECTOR GENERAL

FOR INVESTIGATIONS

SUBJECT:

Request for Pen Registers/Trap and Trace Devices

Usage

The Office of the Inspector General has received a letter from Assistant Attorney General Christopher Wray, dated August 6, 2004, requesting information on the use of pen registers and trap and trace devices during calendar years 2001, 2002, 2003, and 2004. In response to this request, the Investigations Division has reviewed the monthly Investigative Activity Reports on file, and has the following activities to report:

#### PEN REGISTERS

2001	Number of Original Orders Number of Extensions Number of Investigations Number of People Number of Pen Registers Offenses	6 18 3 11 13 18USC201 18USC1905
2002	Number of Original Orders Number of Extensions Number of Investigations Number of People Number of Pen Registers Offenses	3 3 3 4 6 18USC201 18USC1001

2003	Number of Original Orders	4
•	Number of Extensions	1
	Number of Investigations	4 .
	Number of People	7
•	Number of Pen Registers	10
	Offenses	18USC501
		18USC1001
		21USC846
20041	Number of Original Orders	. 1
	Number of Extensions	Ô
	Number of Investigations	1
	Number of People	1
	Number of Pen Registers	1
	Offenses	18USC1503

### TRAP AND TRACE

2001	Number of Original Orders Number of Extensions Number of Investigations Number of People Number of Trap/Trace Offenses	3 1 2 3 3 18USC201 18USC1905
2002	Number of Original Orders Number of Extensions Number of Investigations Number of People Number of Trap/Trace Offenses	1 0 1 1 1 18USC201
2003	Number of Original Orders Number of Extensions Number of Investigations Number of People Number of Trap/Trace Offenses	1 0 1 2 2 21USC846

<sup>&</sup>lt;sup>1</sup> January 1, 2004 through July 31, 2004.

20042	Number of Original Orders	0
•	Number of Extensions	0.
	Number of Investigations	0
	Number of People	0
	Number of Trap/Trace	0
	Offenses	0

If you require any additional information or have any questions regarding this submission, please contact Assistant Special Agent in Charge Anthony Crook at (202) 616-4731, or via email at <a href="mailto:Anthony.Crook@usdoj.gov">Anthony.Crook@usdoj.gov</a>.

<sup>&</sup>lt;sup>2</sup> January 1, 2004 through July 31, 2004.