



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 3, 2004

The Honorable John Conyers, Jr.
Ranking Minority Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Conyers:

The provisions of the Electronic Communications Privacy Act of 1986, Public Law 99-508, codified at 18 U.S.C. 3126, provide that the Attorney General of the United States shall report to Congress on the number of pen register orders and orders for trap and trace devices applied for by law enforcement agencies of the Department of Justice (DOJ).

The enclosed report, compiled from individual reports submitted by the Federal Bureau of Investigation; the Drug Enforcement Administration; the Immigration and Naturalization Service (during the period that it was a DOJ agency); the United States Marshals Service; the Bureau of Alcohol, Tobacco, Firearms and Explosives (for the period that it has been a DOJ agency); and the Office of the Inspector General, reflects the activity of these agencies/offices in this area for calendar years 1999 through 2003 and are reported on behalf of the Attorney General. The specific reports of the six components are also enclosed.

The report contains information on the number of original and extension applications for orders made to the courts for authorization to use both pen registers and trap and trace devices, information concerning the number of investigations involved, the offenses on which the applications were predicated, and the number of people whose telephone facilities were affected. Information on the offenses involved is set forth in the individual agency reports.

Sincerely,

William Moschella
Assistant Attorney General

Enclosures



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 3, 2004

The Honorable Orrin G. Hatch
Chairman, Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

The provisions of the Electronic Communications Privacy Act of 1986, Public Law 99-508, codified at 18 U.S.C. 3126, provide that the Attorney General of the United States shall report to Congress on the number of pen register orders and orders for trap and trace devices applied for by law enforcement agencies of the Department of Justice (DOJ).

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Washington, D.C. 20530

November 3, 2004

The Honorable Patrick J. Leahy
Ranking Minority Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senator Leahy:

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William Moschella
Assistant Attorney General

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Washington, D.C. 20530

November 3, 2004

The Honorable F. James Sensenbrenner, Jr.
Chairman, Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The provisions of the Electronic Communications Privacy Act of 1986, Public Law 99-508, codified at 18 U.S.C. 3126, provide that the Attorney General of the United States shall report to Congress on the number of pen register orders and orders for trap and trace devices applied for by law enforcement agencies of the Department of Justice (DOJ).

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William Moschella
Assistant Attorney General

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**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 1999**

<u>PEN REGISTERS</u>	FBI	DEA	INS	USMS	INSP GEN	TOTALS
Original Orders	2511	2237	21	176	4	4949
Extensions	3271	1279	25	31	2	4608
Number of Investigations	1294	1532	17	176	4	3023
Number of Persons Whose Telephone Facilities Were Affected	7518	2237	30	145	4	9934

<u>TRAP AND TRACE DEVICES</u>	FBI	DEA	INS	USMS	INSP GEN	TOTALS
Original Orders	1311	157	10	73	2	1553
Extensions	1698	39	10	0	0	1747
Number of Investigations	767	43	6	73	2	891
Number of Persons Whose Telephone Facilities Were Affected	3936	157	18	73	2	4186

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 2000

<u>PEN REGISTERS</u>	FBI	DEA	INS	USMS	INSP GEN	TOTALS
Original Orders	2888	1151	10	154	7	4210
Extensions	3896	302	53	39	12	4302
Number of investigations	2041	503	9	154	4	2711
Number of Persons Whose Telephone Facilities Were Affected	6784	1151	21	115	8	8079

<u>TRAP AND TRACE DEVICES</u>	FBI	DEA	INS	USMS	INSP GEN	TOTALS
Original Orders	1656	144	10	58	1	1869
Extensions	1861	41	51	4	3	1960
Number of Investigations	1170	49	9	58	2	1288
Number of Persons Whose Telephone Facilities Were Affected	3517	144	15	58	3	3737

**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 2001**

<u>PEN REGISTERS</u>	FBI	DEA	INS ¹	USMS	INSP GEN	TOTALS
Original Orders	2350	1652	*	164	6	4172
Extensions	3426	290	*	46	18	3780
Number of Investigations	1742	596	*	164	3	2505
Number of Persons Whose Telephone Facilities Were Affected	5776	1652	*	164	11	7603

<u>TRAP AND TRACE DEVICES</u>	FBI	DEA	INS	USMS	INSP GEN	TOTALS
Original Orders	1283	122	*	103	3	1511
Extensions	1729	32	*	27	1	1789
Number of Investigations	1020	45	*	103	2	1170
Number of Persons Whose Telephone Facilities Were Affected	3012	122	*	103	3	3240

¹ For calendar year 2001 forward, we were not able to obtain pen register/trap and trace statistics from the former Immigration and Naturalization Service.

**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 2002**

<u>PEN REGISTERS</u>	FBI	DEA	INS	USMS ²	INSP GEN	TOTALS
Original Orders	1703	1841	*	556	3	4103
Extensions	2436	150	*	26	3	2615
Number of Investigations	1258	563	*	556	3	2380
Number of Persons Whose Telephone Facilities Were Affected	4139	1841	*	556	4	6540

<u>TRAP AND TRACE DEVICES</u>	FBI	DEA	INS	USMS	INSP GEN	TOTALS
Original Orders	991	216	*	**	1	1208
Extensions	1372	68	*	**	0	1440
Number of Investigations	739	69	*	**	1	809
Number of Persons Whose Telephone Facilities Were Affected	2363	216	*	**	1	2580

² For calendar years 2002 and 2003, the statistics provided by the United States Marshals Service include both the pen register and trap and trace applications combined.

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

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

<u>TRAP AND TRACE DEVICES</u>	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 Affected	2440	207	**	2	xx		2649

³ 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.