



U.S. Department of Justice

Criminal Division

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Washington, D.C. 20530

CRM-200800821-F

Ms. Catherine Crump  
American Civil Liberties Union Foundation  
125 Broad Street, 17<sup>th</sup> Floor  
New York, NY 10004

MAY 15 2009

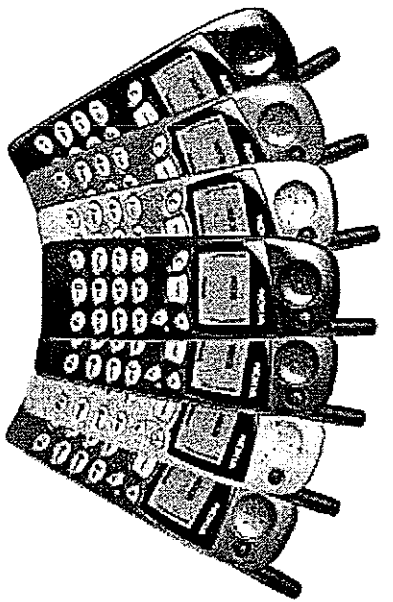
Dear Ms. Crump:

In processing your November 29, 2007, Freedom of Information Act request, the Executive Office for United States Attorneys locate one document which originated in the Criminal Division of the Department of Justice, and referred this record to us for our review and direct response to you. This document was received in this Office on November 17, 2008.

We have processed your request and have determined that two pages of this item are within the scope of your request. These pages are being released to you in their entirety.

Sincerely,

*Rena Y. Kim by*  
Rena Y. Kim, Chief *pas*  
Freedom of Information/Privacy Act Unit  
Office of Enforcement Operations  
Criminal Division



Intellectual Property Section

## Pen / Trap Location Information

- **Providers prohibited from providing location information “solely pursuant” to pen/trap order: 47 U.S.C. 1002(a)**
  - **Limitation does not apply to LE use of own equipment**
  - **Emergency exception may still apply**
  - **Combination pen/trap order and 2703(d) order**
  - **Some magistrates demand probable cause**

In re U.S. for an Order Authorizing the Release of Prospective Cell Site Information  
407 F.Supp.2d 134 (M.J. Facciola, D.D.C., 2006).



## Remedies

- **The Pen/Trap statute does not provide a statutory suppression remedy**
- **Wrongful use is a misdemeanor**
- **Title III does not provide a statutory suppression remedy for wrongfully obtained electronic communications**
- **Wrongful interception of content is a felony**
- **Constitutional violations may result in suppression**