



U.S. Department of Justice  
Federal Bureau of Investigation

In Reply, Please Refer to  
File No. 333-OC-A67985

P.O. Box 568801  
Oklahoma City, OK 73156  
405/290-7770  
August 7, 2014

Chief William Citty  
Oklahoma City Police Department  
701 Colcord Drive  
Oklahoma City, OK 73102

RE: Non-Disclosure Notice

Dear Chief Citty:

Enclosed is a Federal Bureau of Investigation (FBI) Non-Disclosure Notice (Notice) regarding the FBI's use of cellular location investigative equipment and techniques. These techniques are considered Law Enforcement Sensitive. Department of Justice regulations require that our state and local partners who use these resources be provided with a copy of the Notice and that they respond positively that they understand and will abide by the non-disclosure provisions regarding these techniques. As a valued law enforcement partner who uses the FBI's cellular location resources, please read the attached notice and respond favorably that you understand and will abide by the non-disclosure provisions when using such resources.

Thank you. Please do not hesitate to give us a call should you have any questions. As always, we appreciate our valued partnership and look forward to working with you in the future.



9/26/14

Sincerely,



James E. Finch  
Special Agent in Charge

Enclosure



APPROVED NON-DISCLOSURE NOTICE  
UNCLASSIFIED//FOUO

---

The FBI has received a request for technical support from your agency-specifically, locating a cellular device through the use of law enforcement sensitive (LES) FBI investigative equipment in the above referenced case.

The equipment to be deployed is considered LES as disclosure of the capabilities of this technology may allow future subjects of investigations to employ countermeasures to avoid detection by law enforcement.

The FBI recognizes that, due to the exigent circumstances in your case, there is not sufficient time to execute a formal, written non-disclosure agreement regarding the use of this equipment.

Acceptance of the FBI's assistance in locating a cellular device in the above referenced case constitutes your agency's agreement to the following provisions:

- The FBI's equipment is to be used in the lawful execution of an authorized function of the requesting agency.
- The equipment shall not be used outside of the jurisdiction of the requesting agency, nor beyond the geographical authority of the order or other legal process except as otherwise permitted by law (e.g., "hot pursuit"); and, in no event shall technical assistance pursuant to this request be used outside the United States.
- The FBI must be contacted immediately if there is any request for, or intent to use publicly, any information relating to the assistance provided pursuant to this request.
- The *Touhy* process set forth at 28 C.F.R. 16.22, 16.24, and 16.26 will apply to any demand for testimony of any FBI personnel relating to the use of the equipment. The FBI will use all appropriate legal means to limit testimony regarding the technology in any state or local proceeding. However, if required by state law as part of the criminal trial or discovery process, this email constitutes the FBI's approval for your agency [or the prosecutor's office] to disclose the fact that general location information about a cellular device was obtained through the use of FBI equipment.
- Information obtained through use of the equipment is FOR LEAD PURPOSES ONLY, and may not be used as primary evidence in any affidavits, hearings or trials. This equipment provides general location information about a cellular device, and your agency understands it is required to use additional and independent investigative means and methods, such as historical cellular analysis, that would be admissible at trial to corroborate information concerning the location of the target obtained through use of this equipment.
- The requesting agency acknowledges that any assistance provided is subject to the needs of the FBI and such assistance may be terminated at the discretion of the FBI.

---

UNCLASSIFIED//FOUO

A handwritten signature in black ink, appearing to be "W. J. [unclear]", is written over a horizontal line. The signature is stylized and somewhat illegible.

9/26/14