

1 BENJAMIN C. MIZER
 Principal Deputy Assistant Attorney General
 2 ANDRÉ BIROTTE JR.
 United States Attorney
 3 JOHN R. TYLER
 Assistant Director, Federal Programs Branch
 4 KATHRYN L. WYER (Utah Bar #9846)
 U.S. Department of Justice, Civil Division
 5 20 Massachusetts Avenue, N.W.
 6 Washington, DC 20530
 7 Tel. (202) 616-8475/Fax (202) 616-8470
 8 kathryn.wyer@usdoj.gov
 9 *Attorneys for the United States*

10
 11 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA

12
 13 HUMAN RIGHTS WATCH,

14 Plaintiff,

15 v.

16 DRUG ENFORCEMENT
 17 ADMINISTRATION et al.,

18 Defendants.
 19

NO. CV 2:15-2573 PSG (JPR)

**DECLARATION OF ROBERT
 W. PATTERSON**

20
 21 I, ROBERT W. PATTERSON, declare and say:

22
 23 1. I am an Assistant Special Agent in Charge at the United States
 24 Department of Justice, Drug Enforcement Administration (DEA). I have held this
 25 position for 8 years. Based on my current role within DEA, I am familiar with the
 26 data collection that is described below, the cessation of that data collection, and the
 27
 28

1 ultimate disposition of the database containing the collected data. This declaration
2 is based on my personal knowledge and upon information that has been provided
3 to me in my official capacity.
4

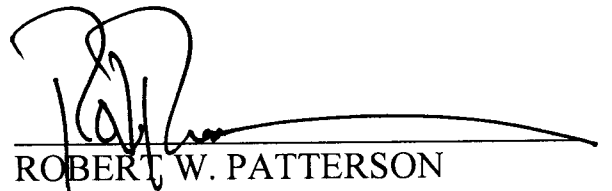
5 2. I have reviewed the Complaint in the above-captioned case and
6 understand that the Plaintiff seeks to challenge the data collection described in the
7 declaration attached to the Complaint, which I previously submitted in the case
8 *United States v. Hassanshahi*, No. 13-274 (D.D.C.). The data collection described
9 in that declaration consisted of telecommunications metadata that DEA obtained
10 from United States telecommunications service providers pursuant to
11 administrative subpoenas served upon the service providers under the provisions of
12 21 U.S.C. § 876. This metadata related to international telephone calls originating
13 in the United States and calling designated foreign countries that were determined
14 to have a demonstrated nexus to international drug trafficking and related criminal
15 activities. This metadata consisted exclusively of the initiating telephone number;
16 the receiving telephone number; the date, time, and duration of the call; and the
17 method by which the call was billed. The metadata was stored in a separate
18 database in the sole possession and control of DEA. No subscriber information,
19 other personal identifying information, or communication content was included in
20 the database. This database was a federal law enforcement database that could be
21 used to query a telephone number where federal law enforcement officials had a
22
23
24
25
26
27
28

1 reasonable articulable suspicion that the telephone number at issue was related to
2 an ongoing federal criminal investigation. The query at issue in the *Hassanshahi*
3 case was conducted by DEA, using this database, on August 24, 2011, at the
4 request of the Department of Homeland Security, Homeland Security
5 Investigations, based on a reasonable articulable suspicion that the Iranian number
6 used for the query was being used for the purpose of importing technological
7 goods to Iran in violation of United States law.
8
9

10
11 3. Use of the database was suspended in September 2013 and ultimately
12 terminated. As of the suspension date, the data collection described above ceased,
13 the data was quarantined, and no further queries of the data were made. Prior to
14 April 7, 2015, the date of the Complaint in the above-captioned case, the database
15 had been purged of the collected data, and the database no longer exists.
16
17

18 4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that
19 the foregoing statements are true and correct.
20
21

22
23 6-11-2015
24 Date

25 
26 ROBERT W. PATTERSON
27 Assistant Special Agent in Charge
28 U.S. Drug Enforcement Administration