

# FBI overstated encryption problem with cell phones

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FBI Director Christopher Wray, right, arrives for a meeting at the White House, Monday, May 21, 2018, in Washington. (AP Photo/Evan Vucci)

A programming error led the FBI to vastly overstate the number of cell phones that investigators could not access because of encryption, officials said Wednesday.

Director Chris Wray has repeatedly said in speeches that nearly 7,800

mobile devices seized during investigations couldn't be opened due to digital encryption in fiscal year 2017.

But officials said they have determined that that number is incorrect and a result of "significant over-counting" from three separate databases that the bureau uses.

The officials did not provide a more accurate number, but the Washington Post, which first reported the problem, said the actual tally was probably between 1,000 and 2,000.

The FBI says it's studying the issue and trying to figure out how to correct its methodology. Officials say that regardless of the actual number, encryption remains a problem for law enforcement.

In 2016, the FBI received a court order to force Apple Inc. to unlock an iPhone used by one of the shooters in a San Bernardino massacre months earlier. But a third-party vendor came forward and was able to lock the phone, forestalling a court showdown.

A March report from the Justice Department's inspector general said FBI officials could have tried harder to unlock the phone before going to court.

The report said communications failures among FBI officials delayed the search for a solution.

The FBI unit tasked with breaking into mobile devices only sought outside help to unlock the phone the day before the Justice Department filed a court brief demanding Apple's help, the inspector general found.

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