



STATE OF NORTH DAKOTA
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Drew H. Wrigley
ATTORNEY GENERAL

March 1, 2024

Wade Enget
Mountrail County State's Attorney
101 North Main Street
PO Box 69
Stanley, ND 58784-0069

Dear Mr. Enget,

As Chief Deputy Attorney General, Claire Ness, discussed with you last week, in relation to an unrelated joint state and federal investigation, the Bureau of Criminal Investigation (BCI) recently discovered a digital copy of former Attorney General Wayne Stenehjem's personal cell phone data, including his state email messages. It has been well documented and verified by the North Dakota Information Technology Department, Microsoft, and a third-party expert that Mr. Stenehjem's work email account no longer exists as a result of the permanent deletion of that entire account and its contents. Additionally, Mr. Stenehjem did not use a state-issued computer or state-issued phone that could have cached copies of his emails after his account was deleted. It turns out, however, that Mr. Stenehjem did access his work emails on his personal cell phone. That cell phone was in the possession of his family upon his death. It is from that phone that the digital copy of Mr. Stenehjem's emails was extracted and recently discovered.

Typically, a North Dakota state government email account will be deleted from any personal or state-issued cell phone when the email account is deleted in normal course. To accomplish the deletion from a cellular phone, however, the account deletion signal from the North Dakota Information Technology Department must reach the cell phone. If the cell phone is in airplane mode, turned off, or otherwise unable to receive the delete signal, the account on the cell phone may not be deleted. It now appears that this "signal non-communication" scenario may have occurred with Mr. Stenehjem's personal cell phone, although we are continuing to assess this evolving matter. Either way, investigators have now learned there is a digital copy of state emails that were on Mr. Stenehjem's phone at the time of his death. At this time, to the best of our investigators' knowledge, the following information is available:

Chronology of Events Relating to Wayne Stenehjem's Personal Cell Phone

- Jan. 28, 2022: Wayne Stenehjem's died unexpectedly.
- Jan. 29, 2022: Liz Brocker sent an email directing that Mr. Stenehjem's state government email account be deleted. That order was successfully executed in the following days.
- Before Feb. 3, 2022: The Stenehjem family brought Mr. Stenehjem's personal cell phone to BCI and asked BCI to unlock the phone so the Stenehjem family could access the stored photographs.
- Circa Feb. 3, 2022: BCI connected the cell phone to GrayKey software, which is software used to unlock cell phones, in an effort to obtain the phone's passcode for the Stenehjem family. The

GrayKey software indicated the phone was "unsupported," which means the passcode could not be obtained at that time. When that occurs, BCI can periodically reconnect the phone to GrayKey after GrayKey software updates are issued, for the purpose of determining whether the updates are able to unlock the phone.

- Feb. 14, 2023: BCI connected Mr. Stenehjem's phone to an updated version of GrayKey, which was, for the first time, able to obtain the phone's passcode. However, the phone then spontaneously went into an error mode and was not accessible.
- Circa June 8, 2023: BCI acquired Cellebrite Premium, a new version of software used to unlock cell phones.
- June 21, 2023: BCI connected Mr. Stenehjem's phone to Cellebrite Premium, which rendered the phone accessible again, utilizing the passcode obtained on February 14, 2023.
- Circa June 21, 2023: BCI returned the phone to the Stenehjem family.
- Feb. 7, 2024: BCI discovered Cellebrite Premium may have automatically extracted a copy of the phone's contents. BCI notified me of this development.
- Feb. 16, 2024: Legal authorization had been obtained to access the contents of Wayne Stenehjem's cell phone file in relation to a separate investigation being conducted by this office and federal authorities, and BCI was able to determine that there were state government emails on Mr. Stenehjem's personal cell phone at the time the data extraction was performed with the Cellebrite Premium product. That information was then reported to me in a phone call.

Sincerely,



Drew H. Wrigley
Attorney General