

**PALM BEACH COUNTY SHERIFF'S OFFICE
CENTRAL RECORDS
FSS EXEMPTIONS/CONFIDENTIAL**

- 119.071(2)(c) Active criminal intelligence/active criminal investigative Information
- 119.071(2)(e) Confession
- 365.171(12) Identity of 911 caller or person requesting emergency service
- 119.071(2)(d) Surveillance techniques, procedures, and personnel, inventory of law enforcement resources, policies or plans pertaining to mobilization, deployment or tactical operations
- 119.071(2)(l) Assets of crime victim
- 119.071(5)(a)(5) Social security numbers held by agency
- 119.071(5)(b) Bank account #, debit, charge and credit card numbers held by an agency
- 395.3025(7)(a) and/or 456.057(7)(a) Medical information
- 943.053/943.0525 NCIC/FCIC/FBI and in-state FDLE/DOC
- 119.07(4)(d) Extra fee if request is voluminous or requires extensive personnel, technology
- 119.071(5)(g)1 Biometric Identification Information (Fingerprints, palm prints, and footprints)
- 119.071(2)(f) Confidential Informants
- 316.066(5)(a) Crash reports are confidential for period of 60 days after the report is filed
- 119.071(2)(h)(1) Identity of victim of sexual battery, lewd and lascivious offense upon a person less than 16 years old, child abuse, sexual offense
- 985.04(1) Juvenile offender records
- 119.0712(2) Personal information contained in a motor vehicle record
- 119.071(2)(b) Criminal intelligence/investigative information from a non-Florida criminal justice agency
- 394.4615(7) Mental health information
- 119.071(4)(c) Undercover personnel
- 119.071(4)(d)(1) Home address, telephone, soc security #, date of birth, photos of active/former LE personnel, spouses and children

Other: No Documents Responsive To Your Request.

Case No:

Tracking No.: 14-03-0126

Clerk Name/ID: Bell, V. ID #4940

Date: 03/20/2014



TRK # 14-03-0126

February 28, 2014

Transmitted via U.S. Mail

Sheriff Ric Bradshaw
Attn: Public Records Custodian
Palm Beach County Sheriff's Office
3228 Gun Club Road
West Palm Beach, Florida 33406

Re: Public Records Request Regarding Use of Cell Site Simulators

Dear Sheriff Bradshaw,

I am writing on behalf of the American Civil Liberties Union ("ACLU") to seek records regarding use of cell site simulators by the Palm Beach County Sheriff's Office ("Palm Beach County SO").

Cell site simulators, also called IMSI catchers (in reference to the unique identifier—or international mobile subscriber identity—of wireless devices), impersonate a wireless service provider's cell tower, prompting cell phones and other wireless devices to communicate with them. These devices are often called "Stingrays," after the leading model produced by the Melbourne, Florida-based Harris Corporation.¹ Cell site simulators are commonly used in two ways: to collect unique numeric identifiers associated with phones in a given location, or to ascertain the location of a phone when the officers know the numbers associated with it but don't know precisely where it is. Both of these uses raise privacy concerns. Collecting unique identifiers of all phones in a particular location inherently collects location data on many innocent people. And using a cell site simulator to ascertain the location of a specific cell phone can reveal that it is in a constitutionally protected place, such as a home, that has traditionally been immune from search unless law enforcement agents obtain a warrant based on probable cause. Press reports and court opinions have revealed that Florida law

¹ Other models of cell site simulators marketed by Harris Corp. include the "Triggerfish," "Kingfish," and "Hailstorm." See Ryan Gallagher, *Meet the Machines that Steal Your Phone's Data*, *Ars Technica* (Sept. 25, 2013), <http://arstechnica.com/tech-policy/2013/09/meet-the-machines-that-steal-your-phones-data/>.

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request, please produce records of all contracts, agreements, and communications with Harris Corporation.

2. Records regarding any offer, arrangement, or agreement with the Florida Department of Law Enforcement ("FDLE"), Federal Bureau of Investigation ("FBI"), or any corporation to borrow or use cell site simulators owned or possessed by the FDLE, FBI, or corporation.
3. All nondisclosure agreements with Harris Corporation, Boeing Corporation (DRT), other companies, and any state or federal agencies regarding the Palm Beach County SO's possession and use of cell site simulators.
4. Records regarding policies and guidelines governing use of cell site simulators, including restrictions on when, where, how, and against whom they may be used, limitations on retention and use of collected data, guidance on when a warrant or other legal process must be obtained, and rules governing when the existence and use of cell site simulators may be revealed to the public, criminal defendants, or judges.
5. Records regarding any communications or agreements with wireless service providers (including AT&T, T-Mobile, Verizon, Sprint Nextel, and U.S. Cellular) concerning use of cell site simulators.
6. Records regarding any communications, licenses, waivers, or agreements with the Federal Communications Commission or Florida Public Service Commission concerning use of cell site simulators.
7. Records reflecting the number of investigations in which cell site simulators have been used, and the number of those investigations that have resulted in prosecutions.
8. Records reflecting a list of all criminal cases, with docket numbers if available, in which law enforcement officers used a cell site simulator as part of the underlying investigation.
9. All applications submitted to state or federal courts for search warrants or orders authorizing use of cell site simulators in criminal investigations, as well as any warrants or orders, denials of warrants or orders, and returns of warrants associated with those applications. If any responsive records are sealed, please provide the date and docket number for each sealed document.

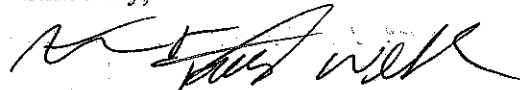
extent that a response to this request would require you to provide multiple copies of identical material, the request is limited so that only one copy of the identical material is requested.

If any of the requested records are maintained in a common-format electronic medium, please provide these records in such native electronic medium and not in paper form. For purposes of this request, common electronic formats include (1) American Standard Code for Information Interchange ("ASCII"), (2) files formatted in one of the Microsoft Office Suite, Corel Suite, or OpenOffice Suite (.doc, .xls, .ppt, .mdb, .wpd, etc.), (3) a text file (.txt), or (4) hypertext markup language (.html) or similar web page language. This is the preferred format. However, if any of the requested records are only maintained or only can be produced as electronic images, for example a portable document format (.pdf), (n.b., it is possible to print documents into a PDF format either using Acrobat Professional or a free PDF driver like pdf995.com), then as an alternative, we request this electronic image format. See § 119.01(2), Fla. Stat.

Section 119.07(1)(h-i), Florida Statutes, prohibits the destruction of any of the requested records, including any which you may claim are exempt, for a period after the date on which you receive this written request. If we institute a civil action to enforce the Public Records Law with respect to the requested records, you may not dispose of the records except by court order after notice to all affected parties.

Thank you for your prompt attention to this request. If you have any questions, wish to obtain further information about the nature of the records in which we are interested, or need more information in order to expedite this request, please do not hesitate to contact me at (212) 519-7847.

Sincerely,



Nathan Freed Wessler
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Foundation

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