

March 4, 2016

Jessie J. Rossman, Esq.  
ACLU Foundation of Massachusetts  
211 Congress Street, Suite 301  
Boston, MA 02110

*Sent via E-Mail and U.S. Mail*

Re: Freedom of Information Request  
Cell Site Simulators

Dear Attorney Rossman,

This letter is in response to your request for documents potentially in the possession, custody or control of the Boston Police Department under the Freedom of Information Act (FOIA [5 U.S.C. § 552]) and/or Massachusetts Public Records Law (M.G.L. c. 66, § 10). Specifically you requested information regarding the use of cell site simulators. A partial response was previously provided on January 29, 2016.

As previously stated, the Department only utilizes Cell Site Simulators subject to a search warrant or where exigent circumstances exist that require immediate law enforcement action. Since approximately 2014, the Department has deployed its cell site simulator equipment on nineteen (19) occasions. On each of these occasions, the equipment was used solely to narrow down the location of the suspect and/or person in danger. The Department does not have the capability to collect substantive information from the device or to intercept the content of communications (text message or otherwise).

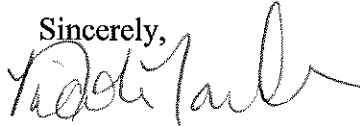
The following is a list of the types of cases and number of times the equipment was utilized:

- Locate Missing Person—3
- Assist Human Trafficking with Child in Danger—2
- Fugitive—1
- Assist Outside Agencies with Drug Investigations—9
- Firearm Possession—1
- Commercial Robbery Investigation—2
- Homicide—1

The Department has not deployed the equipment pursuant to a search warrant; however, in ten (10) of the cases the equipment was used to assist other law enforcement agencies that may have included authorization through the issuance of a Search Warrant. Additionally, the Department does not have information as to what actions, if any, were taken subsequent to the deployment by the outside law enforcement agency, including whether or not a subsequent search warrant was requested.

Please do not hesitate to contact me if you have any questions about the information contained herein or would like a status on the remaining portions of the request. The information contained in this supplemental response satisfies the outstanding portions of the ACLU public records request regarding use of cell site simulators. If you have been denied records by the Boston Police Department, you have the right to appeal this decision with the Supervisor of Public Records at the Public Records Division of the Secretary of the Commonwealth.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nicole I. Taub".

Nicole I. Taub