



STATE OF DELAWARE  
DEPARTMENT OF SAFETY AND HOMELAND SECURITY  
**DIVISION OF STATE POLICE**  
P.O. Box 430  
DOVER, DELAWARE 19903

June 5, 2015

Jonathan Rudenberg  
MuckRock News  
DEPT MR 17984  
PO Box 55819  
Boston, MA 02205-5819

RE: Freedom of Information Act Request

Dear Mr. Rudenberg:

By email dated May 15, 2015, you made a request under the Delaware Freedom of Information Act (FOIA) for:

1. Records regarding the State Police's acquisition of cell site simulators, including invoices, purchase orders, contracts, loan agreements, solicitation letters, correspondence with companies providing the devices, and similar documents. In response to this request, please include records of all contracts, agreements, and communications with Harris Corporation.
2. Records regarding any arrangement or agreement between the State Police and other law enforcement agencies in Delaware to share the use of cell site simulators, or any offers by the State Police to share the use of cell site simulators with other law enforcement agencies in Delaware.
3. All requests by the Harris Corporation or any other corporation, or any state or federal agencies, to the State Police to keep confidential any aspect of the State Police's possession and use of cell site simulators, including any non-disclosure agreements between the State Police and the Harris Corporation or any other corporation, or any state or federal agencies, regarding the State Police's possession and use of cell site simulators.
4. Policies and guidelines of the State Police 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. Any communications or agreements between the State Police and wireless service providers (including AT&T, T-Mobile, Verizon, Sprint Nextel, and U.S. Cellular) concerning use of cell site simulators.

6. Any communications, licenses, or agreements between the State Police and the Federal Communications Commission or the Delaware Public Service Commission concerning use of cell site simulators.

7. Records reflecting the number of investigations in which cell site simulators were used by the State Police or in which cell site simulators owned by the State Police were used, and the number of those investigations that have resulted in prosecutions.

8. Records reflecting a list of all cases, with docket numbers if available, in which cell site simulators were used as part of the underlying investigation by the State Police or in which cell site simulators owned by the State Police were used 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 by the State Police in criminal investigations or authorizing use of cell site simulators owned by the State Police 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 documents sufficient to identify the court, date, and docket number for each sealed document.

Stingrays and other cell site simulators impersonate a wireless service provider's cell tower, prompting cell phones and other wireless devices to communicate with them. Cell site simulators are commonly used in two ways: to collect information on all phones in a given location, or to track and locate particular phones.

Upon advice of the Delaware Department of Justice Deputy Attorney General assigned to the Delaware State Police, there is a nondisclosure agreement with the Federal Bureau of Investigation (FBI), "Law Enforcement Sensitive: the information in the nondisclosure agreement is the property of the Federal Bureau of Investigation (FBI) and may be distributed within the Federal Government (and its contractors), U.S. intelligence, law enforcement, public safety of protection officials and individuals with a need to know. Distribution beyond these entities without FBI Operational Technology Division authorization is prohibited." As to remaining items requested, per the nondisclosure agreement the Delaware State Police may not discuss these matters outside of law enforcement. A better option may be to direct your requests to the FBI, Harris Corporation or Boeing.

Sincerely,



Colonel Nathaniel McQueen, Jr.  
Superintendent