

PENNSYLVANIA STATE POLICE

DEPARTMENT HEADQUARTERS 1800 ELMERTON AVENUE HARRISBURG, PENNSYLVANIA 17110

Mailing Date: April 27, 2022

Jordan Bader
MuckRock News
DEPT MR 124650
411A Highland Avenue
Somerville, Massachusetts 02144-2516

PSP/RTKL Request Nº 2022-0463

Dear Requestor:

On March 21, 2022, the Pennsylvania State Police (PSP) received your request for information pursuant to Pennsylvania's Right-to-Know Law (RTKL), 65 P.S. §§ 67.101 – 67.3104, wherein you stated:

Pursuant to the Pennsylvania Right to Know Act, I hereby request the following records:

Please provide the following materials related to this agency's use of cellsite simulators (sometimes also referred to as a Stingray or IMSI catcher) or similar technologies provided by companies, including but not limited to, Octasic/Nyxcell, Digital Receiver Technologies, and Tactical Support Equipment.

AGGREEMENTS AND CONTRACTS

All agreements (in addition to any associated exhibits and amendment) related to this agency's use of cell-site simulator technology, including but not limited to all:

- contracts (related to purchase, use, sharing of equipment, sharing of data, and any other action related to the use of this technology)
- · memorandums or understanding
- intergovernmental services agreements
- · nondisclosure agreements, or
- any other agreements.

POLICIES AND PROCEDURES

Any policies regarding this agency's use of cell-site simulators. Responsive materials include all policies and procedures related to:

- the acquisition of the technology, including guidance regarding procurement through the bidding process, third parties, or any other method
- the use of the technology, including data collection, retention, and disposal
- training on and coordination of the technology
- any application affidavit, or similar records created in the course of use of this technology
- the sharing of the equipment itself
- the sharing of any information gathered by the technology, either with other police departments, the district attorney, or any other entity, inside or outside of the local criminal justice system

PROCUREMENT

All materials regarding this agency's acquisition of cell-site simulator equipment. Responsive materials include all:

- bidding and procurement materials, including the initial Request for Bids, Request for Proposals, or equivalent bidding records
- invoices and receipts related to payments for the equipment
- records related to any complimentary use of the equipment

According to previous news reports, your agency has used cell-site simulator equipment. This request is for all responsive materials relevant to the use of cell-site simulator equipment since January 1, 2018.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

A copy of your request is enclosed. By letter dated March 28, 2022, you were notified in accordance with RTKL section 67.902(b) that PSP required an additional thirty days to prepare this final response to your request.

In response to your request for the bulleted items under "AGREEMENTS AND CONTRACTS", your request is granted. Your request is granted insofar as the responsive eleven-page record, PSP Fully Executed Purchase Order No: 4300375619 (marked for identification as PSP/RTK000001-PSP/RTK000011). This document is enclosed with this letter.

However, in response to your request the bulleted items under "POLICIES AND PROCEDURES", PSP's policies and procedures regarding the use of cell-site simulators are as follows:

- The cell-site simulator is only used with a Probable Cause base Court Order, signed by a Common Pleas Court Judge, or higher.
- The Court Order is sealed by the Court.
- An exigent circumstance clause allows for verbal authorization from a Common Please Court Judge which is then followed by a written application within 72 hours.
- The Bureau of Emergency and Special Operations (BESO)/Electronic Surveillance Section (ESS) does not keep track of on-going investigation from the field, or other agencies. When ESS receives a request for service, ESS will evaluate the technical feasibility and the legal threshold needed to carry out the specific mission for an investigation. If both are met appropriately, we will coordinate with members in the field to carry out that mission. Once the specific mission is completed by ESS we typically no longer are involved with on-going investigation from the field related to the TIID:
- BESO/ESS members are the only PSP personnel trained and allowed to use this equipment.

Lastly, in response to your request for the bulleted items under "PROCUREMENT", please be advised there have been no additional procurements of cell-site simulators.

To the extent that your request seeks or may be construed to seek records pertaining to covert law enforcement investigations, including, intelligence gathering and analysis, the PSP can neither confirm nor deny the existence of such records without risk of compromising investigations and imperiling individuals. Under No Circumstances, therefore, should this final response be interpreted as indicating otherwise. In all events, should such records exist, they are entirely exempt from public disclosure under the RTKL and Criminal History Record Information Act, 18 Pa. C.S. §§ 9101-9183.

In closing, you have a right to appeal this response in writing to the Office of Open Records, 333 Market Street, 16th Floor, Harrisburg, Pennsylvania 17101-2234. is available for your appeal form appropriate OOR https://www.openrecords.pa.gov/Appeals/AppealForm.cfm. If you choose to appeal, you must do so within 15 business days of the mailing date of this response, and send to the OOR: 1) this response; 2) your request; 3) the reason or reasons why you think PSP wrongfully denied your access to the requested records. (a statement identifying any flaws in the reasons provided above as to why a requester is not subject to access the requested records under the RTKL).

If you have any questions, please feel free to contact our office at the telephone number listed below.

Sincerely,

morgan Reidenger

Morgan Reidlinger
Deputy Agency Open Records Officer
Pennsylvania State Police
Bureau of Records & Identification
Right-to-Know Law/Subpoena Section
1800 Elmerton Avenue
Harrisburg, Pennsylvania 17110
Email: RA-psprighttoknow@pa.gov
1.877.785.7771 (Main); 717.525.5795 (Fax)

Enclosures: PSP/ RTKL Request Nº 2022-0463

Granted "public record", PSP/RTK000001-PSP/RTK000011

Reidlinger Verification

PENNSYLVANIA STATE POLICE DEPARTMENT HEADQUARTERS

VERIFICATION OF MORGAN REIDLINGER DEPUTY AGENCY OPEN RECORDS OFFICER

- I, Morgan Reidlinger, Deputy Agency Open Records Officer of the Pennsylvania State Police (variously, PSP or Department), am authorized to prepare this verification in response to PSP/RTKL Request N° 2022-0463. Accordingly, on this 27th day of April, 2022, I verify the following facts to be true and correct, to the best of my knowledge or information and belief:
 - 1. I am familiar with PSP/RTKL Request N° 2022-0463, which is attached to this verification.
 - 2. Utilizing the information contained within the request, I have searched all Department databases to which I have access for evidence of any PSP records that may respond to the request.
 - 3. As a result of my searches, in response to the request for the bulleted items under "AGREEMENTS AND CONTRACTS", I identified and retrieved the responsive PSP record:
 - The responsive eleven-page record, PSP Fully Executed Purchase Order No: 4300375619 (marked for identification as PSP/RTK000001-PSP/RTK000011).
 - 4. However, in response to the request for the bulleted items under "POLICIES AND PROCEDURES", the PSP's policies and procedures regarding the use of cell-site simulators are as follows:
 - The cell-site simulator is only used with a Probable Cause base Court Order, signed by a Common Pleas Court Judge, or higher.
 - The Court Order is sealed by the Court.

- An exigent circumstance clause allows for verbal authorization from a Common Please Court Judge which is then followed by a written application within 72 hours.
- The Bureau of Emergency and Special Operations (BESO)/Electronic Surveillance Section (ESS) does not keep track of on-going investigation from the field, or other agencies. When ESS receives a request for service, ESS will evaluate the technical feasibility and the legal threshold needed to carry out the specific mission for an investigation. If both are met appropriately, we will coordinate with members in the field to carry out that mission. Once the specific mission is completed by ESS we typically no longer are involved with on-going investigation from the field related to the TIID.
- BESO/ESS members are the only PSP personnel trained and allowed to use this equipment.
- 5. Lastly, in response to the request for the bulleted items under "PROCUREMENT", the requestor was advised there have been no additional procurements of cell-site simulators.

I understand that false statements made in this verification are subject to penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Morgan Reidlinger

Deputy Agency Open Records Officer

morgan Reidenger

Pennsylvania State Police

2022-0463

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MUCKROCK NEWS DEPT MR 124650 411A HIGHLAND AVE SOMERVILLE, MA 02144-2516

March 14, 2022

This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following Pennsylvania Right to Know Act request, copied below, and originally submitted on Feb. 9, 2022. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

View request history, upload responsive documents, and report problems here: https://www.muckrock.com/respond/1258037/

If prompted for a passcode, please enter: MIBWBPA

Filed via MuckRock.com E-mail (Preferred): 124650-51571570@requests.muckrock.com

For mailed responses, please address (see note): MuckRock News DEPT MR 124650 411A Highland Ave Somerville, MA 02144-2516

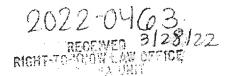
PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Feb. 7, 2022:

01028000008



MuckRock News
DEPT MR 124650
411A Highland Ave
Somerville, MA 02144-2516
124650-51571570@requests.muckrock.com



7022 MAR 21 P 2:51

Subject: Pennsylvania Right to Know Act Request: Cell-site simulator agreement and procurement information (Pennsylvania State Police)
To Whom It May Concern:

Pursuant to the Pennsylvania Right to Know Act, I hereby request the following records:

Please provide the following materials related to this agency's use of cell-site simulators (sometimes also referred to as a Stingray or IMSI catcher) or similar technologies provided by companies, including but not limited to, Octasic/Nyxcell, Digital Receiver Technologies, and Tactical Support Equipment.

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2022-0463

MuckRock News DEPT MR 124650 411A Highland Ave Somerville, MA 02144-2516 124650-51571570@requests.muckrock.com

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Jordan Bader

View request history, upload responsive documents, and report problems here: https://www.muckrock.com/respond/1258037/

If prompted for a passcode, please enter: MJJBWBPA

Filed via MuckRock.com E-mail (Preferred): 124650-51571570@requests.muckrock.com

For mailed responses, please address (see note): MuckRock News DEPT MR 124650 411A Highland Ave Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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Page 2 of 2

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PO Issue Date: 06/24/2013

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Page 2 of 3

FULLY EXECUTED - CHANGE 1
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PO Issue Date: 06/24/2013

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Paga 3 of 3

FULLY EXECUTED - CHANGE 1

4300375619 Purchase Order No: Original PO Effective Date: 06/21/2013

PO Change Date: 08/24/2013

PO Issue Date: 06/24/2013

Supplier Name: HARRIS CORPORATION

General Requirements for all Items:

6/24/13 - Change made by D. Leitzel - Delivery Date is being changed to September 30, 2013 due to delivery is 90 days Header Text alter receipt of purchase order per page 3 of quote QTE8778-04088,

Hards Quotation #QTE6778-04086, deted 5/1/2013

In accordance with the COPA Procurement Handbook, Part 1, Section 28, GSA Federal Supply Schedoles, PSP has obtained the appropriate documentation and approvals to complete this purchase. Please see the attached Federal Cooperative Agrosment sequest approved by Bureau of IT Procurement, slong with the business case submitted for this sequest,

GSA 1122 PROGRAM: GS-36F-0283J

VENDOR CONTACT: Michael Diffon/671-248-7460

BESO CONTACT: Gene Culion vog.eq@neliuco

Shipping instructions

PSP Control: Gene Cullen/717-508-0033 EXT 120

No further information for this PO,

Information:	gerweiter	 347	Total Amount: 232,772,00
	•		Curroneyi USD

2022-04-27

2022-0463

PSP/RTK000005

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Page 2 of 3

FULLY EXECUTED - CHANGE 2 - REPRINT

Purchase Order No: 4300375619

Original PO Effective Date: 06/21/2013

PO Change Date: 10/01/2013

PO Issue Date: 10/01/2013

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Page 3 of 3

Page
FULLY EXECUTED • CHANGE 2 • REPRINT
Purchase Order No: 4300375619
Original PO Effective Date: 08/21/2013
PO Change Oate: 10/01/2013
PO Issue Date: 10/01/2013

Supplier Name:

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In accordance with the COPA Procurement Hendbook, Peri appropriate documentation and approvals to complete this approvad by Bureau of IT Procurement, along with the busi	n, Suchon 201 purchaso. Pleaso see the allached Federal Coopera lnose case stramition for this request.	JAO VÕLOSWAN LAGINON	
GSA 1122 PROGRAM: GS-35F-0283J			
VENDOR CONTACT: Michael Dillonder 1-248-7460	8		
BESO CONTACT: Gene Cuken ୁ ପ୍ୟୋବନ୍ୟୁ por	•		
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Page 2 of 3

FULLY EXECUTED - REPRINT
Purchase Order No: 4300375619
Original PO Effective Date: 06/21/2013
PO Issue Date: 12/05/2013

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Page 3 of 3

FULLY EXECUTED . REPRINT Purchase Order No: 4300375619 Original PO Effective Date: 06/21/2013 PO Issue Date: 12/05/2013

Supplier Name: HARRIS CORPORATION

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12/4/13 - Change made by O. Leltzel - This PO is being extended to 12/28/13.

10/1/13 - Chango made by D. Lekzel - The delivery dote is being changed to November 28, 2013 due to the upgrade process time per

Incation from the vendor.

6/24/13 - Change medo by D. Leilzel - Dolivery Date is being changed to September 30, 2013 due to delivery to 90 days after receipt of purchase order per page 3 of quote QYE6779-04006. ed bines (jeg epersoren bereitet fireberiates) to tabete nest satte and

Herds Quotation #QTE6779-04096, dated 6/1/2013

in accordance with the COPA Procurement Handbook, Part 1, Section 28, GSA Federal Supply Schedules, PSP has obtained the documentation and approvate to complete this purchase. Please see the attached Federal Cooperative Agreement request approved by Bureau of IT Procurement, along wills the business case submitted for this request. GSA 1122 PROGRAM: 65-35F-0283J

VENDOR CONTACT: Michael Dillon/671-248-7450

BESO CONTACT: Gana Cullen есийвп@рв.доу Shipping instructions PSP Contact: Gana Cullen/717-508-0033 EXT 120 No further information for this PO.

Information:	-			Total Amount:	232,772.00
		6.52	•	10	
				Currency:-USD	15
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