



Rahm Emanuel
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

August 23, 2018

Via Email:

Kaitlin Towner
ktowner@aclu-il.org

RE: NOTICE OF RESPONSE TO FOIA REQUEST
FOIA FILE NO.: P452448

Dear Kaitlin Towner:

The Chicago Police Department (CPD) is in receipt of your Freedom of Information Act (FOIA) request for the following:

"I seek information regarding the Chicago Police Department's ("CPD") use of cell site simulators. I previously requested information on cell site simulators on August 22, 2017, for which I received several deposition transcripts and exhibits from the Boyle v. City of Chicago lawsuit. I now seek certain updated information. Specifically, I request:

1. All current CPD policies and guidelines regarding when and how an officer: (a) may use a cell site simulator, (b) may apply for a court order to use a cell site simulator, (c) may use data collected through a cell site simulator, (d) must delete non-target data obtained through use of cell site simulators, and (e) may reveal the use of cell site simulators to the public, criminal defendants, or judges.

2. Records of any guidance provided to CPD personnel regarding the deployment of a device such as a cell site simulator, following the Supreme Court decision in Carpenter v. United States, 585 U.S. ___ (2018), which held that the government must obtain a warrant supported by probable cause before acquiring a person's cell site location information.

3. A log or record showing the number of times CPD deployed a cell site simulator since January 1, 2017, including the date and location, and whether a warrant was obtained. If a warrant was not obtained, we request records identifying which exception to the court order requirement was claimed by CPD personnel.

4. Any confidentiality or non-disclosure agreements involving CPD and the

Federal Bureau of Investigation ("FBI") concerning CPD's use or purchase of cell site simulators. A copy of a 2011 non-disclosure agreement between CPD and FBI (produced by CPD under FOIA) is available at: www.scribd.com/document/272326979/CPD-Hailstorm-NDA. We seek any agreements entered into since that date."

Your request was reviewed by the undersigned in collaboration with the Department's Bureau of Organized Crime and Finance Division.

Search results for items #1 and #2 yielded negative results. Please be advised, no responsive records exist in CPD's possession within the parameters of these requests. Therefore, CPD has no responsive records to this request as it is stated.

In regard to item #3, it has been determined that your request is seeking a specifically tailored record – one that the Chicago Police Department simply does not track, compile or maintain in the ordinary course of business. In order to fulfill the current request as stated, the Department would have to gather, sort and compile information from disparate sources and locations in order to provide the very specific information you are asking for; in short, we would have to create an entirely new record. Please note that FOIA requires a public body to produce existing public records, not information. FOIA does not obligate the public body to answer questions, or create a record, or compile information for the purpose of creating a record. Therefore, CPD has no responsive records to this request as it is stated.

In regard to item #4, please be advised there are no other agreements since the referenced 2011 non-disclosure agreement in CPD's possession. Therefore, CPD has no responsive records to this request as it is stated.

If I can be of further assistance, please contact me at the following address:

Chicago Police Department
Attention: Freedom of Information
Office of Legal Affairs, Unit 114
3510 S. Michigan Avenue
Chicago, IL 60653

You have a right of review by the Illinois Attorney General's Public Access Counselor, who can be contacted at 500 S. Second St., Springfield, IL 62706. You may also seek judicial review.

Sincerely,

A. Marlan
Freedom of Information Act Officer
Chicago Police Department
Office of Legal Affairs, Unit 114
3510 S. Michigan Ave.
Chicago, IL 60653