

Attn: Ms. Mary J. Kayser

ID: SPIR-2016-TX-0031

Records & Information Management

City Hall, Suite L31 1000

Throckmorton St.

Fort Worth, TX 76102

[mary.kayser@fortworthtexas.gov](mailto:mary.kayser@fortworthtexas.gov)

Sent via: Electronic mail

September 16<sup>th</sup>, 2016

Ms. Mary J. Kayser,

Under the Texas Public Information Act, §6252-17a et seq., I am requesting an opportunity to obtain copies of records that the City of Fort Worth and the Fort Worth Police Department has in its possession. I hereby request a copy of the following records:

1. Records regarding the City of Fort Worth and the Fort Worth Police Department's acquisition of cell site simulators, X-ray vans, and surveillance enabled light bulbs, social media monitoring software, predictive policing software, closed circuit television cameras, and stingrays, 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;
2. Records regarding any arrangement or agreement between the City of Fort Worth, the Fort Worth Police Department and other state law enforcement agencies, other state governmental bodies and federal law enforcement agencies that is in regards and pertaining to the sharing the use of cell site simulators, X-ray vans, and surveillance enabled light bulbs, social media monitoring software, predictive policing software, closed circuit television cameras, and stingrays, or any offers by the City of Fort Worth and the Fort Worth Police Department to share the use of cell site simulators with other law enforcement agencies and other governmental bodies;
3. All requests by the Harris Corporation or any other corporation, or any state or federal agencies, to the City of Fort Worth and the Fort Worth Police Department to keep confidential any aspect of the City of Fort Worth and the Fort Worth Police Department's possession and use of cell site simulators, X-ray vans, and surveillance enabled light bulbs, social media monitoring software, predictive policing software, closed circuit television cameras, and stingrays, including any non-disclosure agreements between the City of Fort Worth, the Fort Worth Police Department and the Harris Corporation or any other corporation, or any state or federal agencies, regarding the City of Fort Worth and it's police department's possession and use of cell site simulators, X-ray

vans, and surveillance enabled light bulbs, social media monitoring software, predictive policing software, closed circuit television cameras, and stingrays;

4. Policies and guidelines of the governing use of cell site simulators, X-ray vans, and surveillance enabled light bulbs, social media monitoring software, predictive policing software, closed circuit television cameras, and stingrays, 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, X-ray vans, and surveillance enabled light bulbs, social media monitoring software, predictive policing software, closed circuit television cameras, and stingrays may be revealed to the public, criminal defendants, or judges;
5. Any communications or agreements between the City of Fort Worth, the Fort Worth Police Department and wireless service providers (including AT&T, T-Mobile, Verizon, Sprint Nextel, and U.S. Cellular) concerning use of cell site simulators, X-ray vans, and surveillance enabled light bulbs, social media monitoring software, predictive policing software, closed circuit television cameras, and stingrays;
6. Any communications, licenses, or agreements between the City of Fort Worth, the Fort Worth Police Department and the Federal Communications Commission and with federal agencies;
7. Records reflecting the number of investigations in which cell site simulators, X-ray vans, and surveillance enabled light bulbs, social media monitoring software, predictive policing software, closed circuit television cameras, and stingrays were used by the City of Fort Worth and the Fort Worth Police Department or in which cell site simulators owned by the City of Fort Worth and the Fort Worth Police Department that 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, X-ray vans, and surveillance enabled light bulbs, social media monitoring software, predictive policing software, closed circuit television cameras, and stingrays were used as part of the underlying investigation by the City of Fort Worth and the Fort Worth Police Department or in which cell site simulators owned by the City of Fort Worth and the Fort Worth Police Department 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, X-ray vans, and surveillance enabled light bulbs, social media monitoring software, predictive policing software, closed circuit television cameras, and stingrays by the City of Fort Worth and the Fort Worth Police Department in criminal investigations or authorizing the use of cell site simulators, X-ray vans, and surveillance enabled light bulbs, social media monitoring software, predictive policing software, closed circuit television cameras, and stingrays owned by the City of Fort Worth and the Fort Worth Police Department 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;

10. All City of Fort Worth and Fort Worth Police Department's policies, guidelines, rules, practices, or legal analysis regarding the use of cell site simulators, X-ray vans, and surveillance enabled light bulbs, social media monitoring software, predictive policing software, closed circuit television cameras, and stingrays, which and that concern:
  1. restrictions on when, where, how, and against whom they may be used;
  2. what information can be acquired using this technology;
  3. the possibility of disruption of lawful phone calls;
  4. protections for non-targets;
  5. protections for non-targets;
  6. protections for privacy invasions;
  7. when a warrant or other legal process must be obtained;
  8. deployment of this technology in investigations conducted with other agencies or at the request of other agencies;
  9. disclosure of information acquired using this technology to other state and to federal agencies; and
  10. when the existence and use of cell site simulators may be revealed to the public, criminal defendants, or judges

Please note that virtually all of the information that is in a governmental body's physical possession constitutes public information that is subject to the **Act. Id. § 552.022(a)(1)**; see also **Open Records Decision Nos. 549 at 4 (1990), 514 at 1-2 (1988)**. The Act also is applicable to information that a governmental body does not physically possess, if the information is collected, assembled, or maintained for the governmental body, and the governmental body owns the information or has a right of access to it. **Gov't Code § 552.002(a)(2)**; see also **Open Records Decision No. 462 at 4 (1987)**.

I would like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public understanding of the way in which the government operates, the City of Fort Worth and the Fort Worth Police Department's cell site simulators and their use of such items, government intrusion, the privacy rights of citizens, the way in which the government uses cell site simulators, cell site stimulators, X-ray vans, and surveillance enabled light bulbs, social media monitoring software, predictive policing software, closed circuit television cameras, stingrays, and et cetera.

The Texas Public Information Act requires that you "promptly produce" the requested records unless, within 10 days, you have sought an Attorney General's Opinion. As provided by the Texas Public Information Act, I will expect your response within ten (10) business days. Twenty (20) days if my request requires substantial programming or manipulation of data. **See Tex. Gov't Code Ann. Secs. 552.221(d) and 231(c)**. If you expect a significant delay in responding to this request, please contact me with information about when I might expect copies or the ability to inspect the requested records. You can reach me via email at: [iscampaign@usa.com](mailto:iscampaign@usa.com).

If you deny any or all of this request, please provide a written explanation for the denial and cite each specific statutory exemption(s) you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. If your "governmental body" wants to seek the

Attorney General's Opinion regarding any of our request, I ask that you immediately notify me and then seek a formal decision from the Texas Attorney General not later than ten (10) calendar days from your receipt of this request, as required by the Texas Public Information Act. **See Sec. 552.301.** I would then ask your governmental body to release to me all of the items in which you have not sought the Attorney General's Opinion on. **See Sec. 552.301, 302; see also Open Records Decision No. 664 (2000)(if a governmental body concludes that no exceptions apply to the requested information, it must release the information as soon as possible).**

As you may already know that violation of the open records law can result in a fine of up to \$1,000, imprisonment of up to six months, or both. See Tex. Gov't Code Ann. Sec. 552.353(e). Litigation costs and reasonable attorney fees may also be assessed against you. See Sec. 552.323.

I would prefer to receive all of the requested information to me by email. My email address is at: [iscampaign@usa.com](mailto:iscampaign@usa.com). You can also send me my requested records by mail at the following mailing address:

Isaiah X. Smith

Isaiah Smith Campaign

P.O Box 163411

Fort Worth, Texas, 76161



Respectfully,

Isaiah X. Smith

Isaiah Smith Campaign

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