

256-INFO/Customer Service Center

ID: SPIR-2016-IL-0005

c/o Aurora Police Department

3770 McCoy Drive,

Aurora, IL 60504

csdivision@aurora-il.org

Sent via: Electronic mail

August 4th, 2016

Re: FOIA Request

City of Aurora,

Pursuant to the state open records law 5 Ill. Comp. Stat. 140/1 to 140/11.5, I write to request access to and a copy of the following:

1. Records regarding the Aurora Police Department'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;
2. Records regarding any arrangement or agreement between the Aurora 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, or any offers by the Aurora 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 Aurora Police Department to keep confidential any aspect of the Aurora Police Department's possession and use of cell site simulators, including any non-disclosure agreements between the Aurora Police Department and the Harris Corporation or any other corporation, or any state or federal agencies, regarding the Aurora Police Department possession and use of cell site simulators;
4. Policies and guidelines of the 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 Aurora Police Department 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 Aurora Police Department and the Federal Communications Commission and with federal agencies;
7. Records reflecting the number of investigations in which cell site simulators were used by the Aurora Police Department or in which cell site simulators owned by the Aurora Police Department 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 Aurora Police Department or in which cell site simulators owned by the Aurora 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 by the Aurora Police Department in criminal investigations or authorizing the use of cell site simulators owned by the Aurora 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 Aurora Police Department's policies, guidelines, rules, practices, or legal analysis regarding the use of cell site simulators 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. when a warrant or other legal process must be obtained;
 7. deployment of this technology in investigations conducted with other agencies or at the request of other agencies;
 8. disclosure of information acquired using this technology to other state and to federal agencies; and
 9. when the existence and use of cell site simulators may be revealed to the public, criminal defendants, or judges

I would like to request a waiver of all fees associated with this request. The law allows you to impose a waiver or reduction of fees when information is sought in the public interest, as is the case for this request. Mr. Smith requests a waiver of document search, review, and duplication fees on the grounds that disclosure of the requested records is in the public interest and because the disclosure is likely to contribute and should significantly to the public understand of the operations of the activities of the government. The information that I am requesting is in the interest of the public and the information that I am seeking has educational contributable value.

As provided by the open records law, I will expect your response within five (5) working days. See 5 Ill. Comp. Stat. 140/3(c).

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

I would note that willful violation of the open records law can result in the award of reasonable attorney' fees. See 5 Ill. Comp. Stat. 140/11(i).

I would prefer to receive all of the requested information to me by email. My email address is at: 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
P.O Box 163411
Fort Worth, Texas, 76161
www.isaiahxsmith.com