

**From:** [Lindsay Moore](#)  
**To:** [Nathan Wessler](#)  
**Subject:** RE: Public Records Request Regarding Use of Cell Site Simulators  
**Date:** Monday, March 31, 2014 9:56:55 AM

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Nate,

Our agency's review of the 86 reports based on your below-listed search criteria found no documents responsive to your request.

Please let me know if there is anything further I can assist you with, or if you have any questions.

Sincerely,  
Lindsay

Lindsay A. Moore, Esq.  
General Counsel  
Pasco Sheriff's Office  
8700 Citizen Drive  
New Port Richey, FL 34654  
Office: (727) 844-7701  
Fax: (727) 844-7745

From: "Nathan Wessler" <nwessler@aclu.org>  
To: "Lindsay Moore" <LMoore@pascosheriff.org>  
Date: 03/27/2014 11:28 AM  
Subject: RE: Public Records Request Regarding Use of Cell Site Simulators

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Lindsay,

Yes, please proceed with processing the request as detailed below. The ACLU will commit to pay up to the amount you quote in labor costs (although obviously if the actual processing time is less than your conservative estimate, we would expect to pay only for the actual time spent). If the processing time exceeds your estimate, please be in touch again before incurring additional costs.

Because we are asking for records in electronic form, rather than photocopies, I would ask that we not be charged for duplication of the responsive records themselves.

Thanks for your attention to this, and for your efforts to facilitate an effective process. Much appreciated.

Best,  
Nate

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Nathan Freed Wessler  
Staff Attorney | Speech, Privacy, and Technology Project  
American Civil Liberties Union

125 Broad Street, 18th Floor, New York, NY 10004

212.519.7847 (tel)

212.549.2654 (fax)

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**From:** Lindsay Moore [<mailto:LMoore@pascosheriff.org>]

**Sent:** Wednesday, March 26, 2014 5:00 PM

**To:** Nathan Wessler

**Subject:** RE: Public Records Request Regarding Use of Cell Site Simulators

Nate,

There are 86 reports which fit the narrowed-down criteria in your previous email. Based upon a conservative estimate of five minutes to retrieve and review each report to determine whether it is responsive to your request, this would amount to 7.2 hours of labor billed at the lowest-paid clerical employee's salary of \$13.16 for a total of \$94.75 in labor.

If you would like our agency to proceed with processing your most recent request, please advise and we will commence work on it immediately. Thank you for working with me to ensure a smooth process!

Sincerely,  
Lindsay

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General Counsel  
Pasco Sheriff's Office  
8700 Citizen Drive  
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Office: (727) 844-7701  
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From: "Nathan Wessler" <[nwessler@aclu.org](mailto:nwessler@aclu.org)>

To: "Lindsay Moore" <[LMoore@pascosheriff.org](mailto:LMoore@pascosheriff.org)>

Date: 03/26/2014 11:56 AM

Subject: RE: Public Records Request Regarding Use of Cell Site Simulators

Ms. Moore,

Thank you for your detailed update.

I would be happy to limit the date range of the searches and modify the search terms to make this more manageable.

For item (e), how about searching for "Harris Corporation" and "Harris Corp." instead of just "Harris" – that should eliminate files that include someone named "Harris".

I am also willing to eliminate items (j) and (k) – while those terms would reveal responsive records, if any exist, they would also pick up other forms of cell phone tracking that we are not asking about – specifically, requests to cell service providers for historical or real-time cell site location information. To keep the processing time down, let's eliminate those search terms.

For a date range, could you provide an estimated processing time and cost for a search of records from January 1, 2010 to the present? I'm open to further negotiation, depending on the estimate you and your Data Services Manager are able to provide.

Thank you, again, for your diligence in this matter.

Sincerely,  
Nate

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Nathan Freed Wessler  
Staff Attorney | Speech, Privacy, and Technology Project  
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**From:** Lindsay Moore [<mailto:LMoore@pascosheriff.org>]  
**Sent:** Wednesday, March 26, 2014 10:59 AM  
**To:** Nathan Wessler  
**Subject:** RE: Public Records Request Regarding Use of Cell Site Simulators

Good morning Mr. Wessler,

I am contacting you to provide an update on your public records request. I apologize for the delay in responding; our Data Services Manager has been out of the office and I was waiting for her to return so she could conduct a search of our databases based on the list of proposed search terms you provided. A search of our Vice and Narcotics database produced no records responsive to your request, with the exception that the term "Harris" appeared as an individual's last name in several reports (which is not responsive to the nature of your request based on our telephone conversation).

With regard to a search of records management database for all other agency reports (not specific to the Vice and Narcotics Unit), our Data Services Manager has informed me that once matches are found in the narrative portion of reports, each report would then need to be reviewed for content to see if it is responsive to your request. As an example, she stated that a search for "kingfish" produced reports that referenced Kingfish Lane. She also indicated that "j" and "k" in your request will take quite a bit of time to search each possible combination, and the same individual review of content would be required.

I asked her to provide an estimate of the number of reports and labor time associated with responding to your request, and she indicated it is quite difficult due to the nature of the search and requested terms. As an estimate for example, she said that a search of "cell phone" and "track" for the year 2013 produced 214 reports; a search of "harris" for 2013 produced 522 reports; and a search of "kingfish" for 2013 produced 8 reports. All would need to be individually reviewed to see if it was responsive to your request (i.e. rather than the term being a last name, street name, etc.). As you can see, searching for only three of your requested terms produced 744 reports for just one year and each of these reports needs to be manually reviewed by staff. Since you did not provide a date range, this process will be extremely time consuming and require an extensive amount of labor.

If you would like our agency to respond to your request as stated below, please let me know and I will attempt to provide, as best as possible, a good-faith estimate of costs associated with the request and we will require a down payment to commence work on the request. If you would like to further narrow down your request, please let me know and I will proceed accordingly.

Thank you,  
Lindsay

Lindsay A. Moore, Esq.  
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From: "Nathan Wessler" <[nwessler@aclu.org](mailto:nwessler@aclu.org)>  
To: "Lindsay Moore" <[L.Moore@pascosheriff.org](mailto:L.Moore@pascosheriff.org)>  
Date: 03/12/2014 03:45 PM  
Subject: RE: Public Records Request Regarding Use of Cell Site Simulators

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Ms. Moore,

Thank you for your response, and for your time on the phone this afternoon. Pursuant to our discussion, here is a list of proposed search terms to use in an electronic search of investigative files:

- a. stingray;
- b. kingfish;
- c. hailstorm;
- d. triggerfish;
- e. Harris;
- f. "cell site simulator";
- g. "cell-site simulator";

- h. "cell site emulator";
- i. "cell-site emulator";

To the extent an electronic search can deal with connected term searches like these, then I would also add:

- j. ("cell phone" or "cellphone") & (track, tracking, tracked);
- k. ("cell phone" or "cellphone") & (locate, located).

As we also discussed, it would be helpful if you would ask the appropriate people in the Major Crimes division whether they have knowledge or recollection of any investigations where the Sheriff's Office used cell site simulator-type technology. If they do, then a diligent effort to identify case files related to such investigation(s) would be appreciated.

Thanks for your assistance.

Sincerely,  
Nathan

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Nathan Freed Wessler  
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**From:** Lindsay Moore [<mailto:LMoore@pascosheriff.org>]  
**Sent:** Wednesday, March 12, 2014 2:10 PM  
**To:** Nathan Wessler  
**Subject:** RE: Public Records Request Regarding Use of Cell Site Simulators

Dear Mr. Wessler,

The Pasco Sheriff's Office is in receipt of your public records request regarding use of cell site simulators. Regarding the items as described in #1 - #6 and #8 of your letter, there are no documents responsive to your request. Regarding the items as described in #7, #9 and #10 of your letter, please be advised that this agency does not keep any such records filed or organized by whether a cell site simulator was used in an investigation. Our investigations are filed by case number and agency personnel would have to review every investigative file for content to determine whether we have any records that are responsive to your requests #7 - #10. You did not provide a date range so as you can imagine, there are likely tens of thousands, if not hundreds of thousands, of investigative case files and documents that would have to be reviewed. This would likely result in extensive labor fees and costs to respond to your request.

If you would like to narrow your request to a specific date range, specific case numbers or specific type of investigation, we will promptly begin working on researching and responding to your request. If you would like to keep your request as presently worded, please advise and I will work on gathering an estimate of the labor time and cost associated with responding to your request.

Additionally, please be advised that with respect to the portion of your requests to provide documents in investigations that have resulted in prosecutions (#7) and docket numbers for records that are sealed (#9), our agency would not have that information as we do not maintain a database or other records of this nature. The State Attorney's Office and/or Clerk of Court would likely be the proper party to whom you should direct such requests.

I look forward to hearing from you with instructions how you would like for our agency to proceed with processing your request. In the meantime, if you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Lindsay A. Moore, Esq.  
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