

Exhibit C

Feds use anti-terror tool to hunt the undocumented

Robert Snell, The Detroit News

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(Photo: Facebook)

Detroit — Federal investigators are using a cellphone snooping device designed for counter-terrorism to hunt undocumented immigrants amid President Donald Trump's [immigration crackdown](#), according to federal court records obtained by The Detroit News.

An unsealed **federal search warrant affidavit** obtained by The News is the first public acknowledgment that agents are using secret devices that masquerade as a cell tower to find people who entered the U.S. illegally, privacy and civil liberty experts said.

The secret device was used in March by a team of FBI and Immigration and Customs Enforcement agents in Metro Detroit to find Rudy Carcamo-Carranza, 23, a twice-deported restaurant worker from El Salvador whose only brushes with the law involve drunken driving allegations and a hit-and-run crash.

The use of the cell tower simulator comes amid the Trump administration's immigration crackdown and attempt to temporarily ban travel from six Muslim-majority nations.

The cell-site simulator device, known as a Hailstorm or Stingray, tricks nearby phones into providing location data and can interrupt cellular service of all devices within the targeted location. Federal investigators are required to obtain a judge's approval to use the device.

"While the warrant does ensure a modicum of judicial oversight, it is troubling to see the government using invasive surveillance technology on the streets of America to grease the wheels of the Trump administration's deportation machine," said Nathan Wessler, staff attorney with the American Civil Liberties Union's Speech, Privacy and Technology Project. "This is the first warrant I have seen specifically showing ICE's use of a cell-site simulator in an immigration enforcement operation."



Using a secret surveillance device, federal agents tracked Rudy Carcoma-Carranza to this Warren home in March before arresting him. (Photo: City of Warren)

The U.S. Attorney's Office and an Immigration and Customs Enforcement spokesman declined to comment specifically about the case. Carcamo-Carranza's lawyer, meanwhile, did not respond to a message seeking comment.

An Immigration and Customs Enforcement spokesman defended using the device to catch criminals.

"ICE officers and special agents use a broad range of lawful investigative techniques in the apprehension of criminal suspects," ICE spokesman Khaalid Walls wrote in an email to The News. "Cell-site simulators are invaluable law enforcement tools that locate or identify mobile devices during active criminal investigations."

The Justice Department and Homeland Security spent \$95 million on more than 430 cell-site simulators from 2010-14, according to a [congressional report](#) late last year prompted by privacy concerns.

The FBI has 194 devices — tops among federal agencies — while Homeland Security has 124 devices nationwide.

The Hailstorm technology from Florida-based defense contractor Harris Corp. is believed to be an upgrade of Stingray. Cell-site simulators, in general, are suitcase-sized contraptions that can be installed in cars or planes to track nearby phones.

Harris sells the device to police agencies and requires them to sign nondisclosure statements. Oakland County, like other agencies, obtained Hailstorm using money from a U.S. Department of Homeland Security grant.

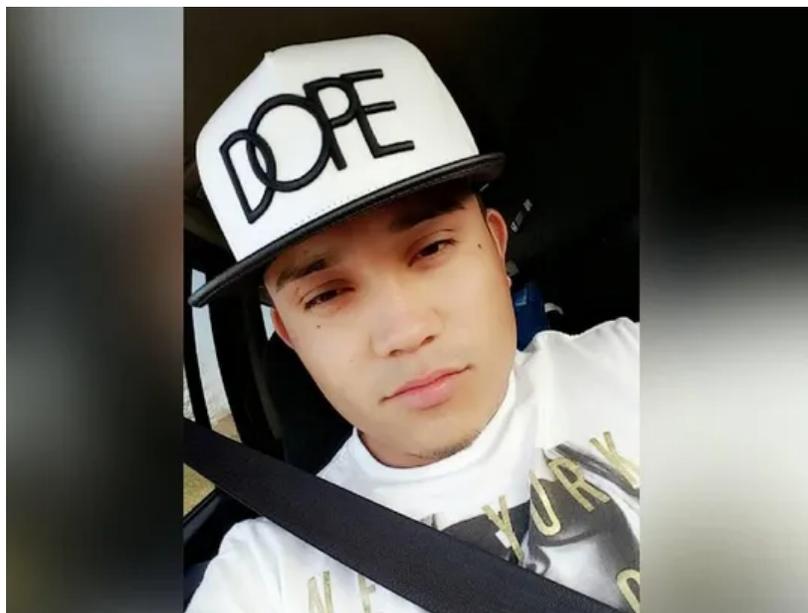
Homeland Security also lets local law enforcement agencies pay for the devices using terrorism prevention grants.

[Michigan State Police](#) has owned the device for about a decade, according to documents obtained by The News. The equipment, originally designed for military and intelligence agencies, was upgraded in 2013, and an internal memo indicates it was used three years ago on 128 cases ranging from homicide to burglary and fraud, but not terrorism.

Federal investigators, meanwhile, were not required to obtain a search warrant to use the device until September 2015. That's when the Justice Department implemented a new policy requiring a judge's approval.

Under the Justice Department policy, all data from targeted cellphones must be deleted immediately after the device is located. Under the policy, Stingrays cannot be used to collect emails, texts, contacts or images during an investigation.

There is no similar policy governing local law-enforcement agencies in most states, said Shahid Buttar, director of grassroots advocacy for the nonprofit digital rights group Electronic Frontier Foundation. The group is committed to defending civil liberties and privacy in the digital age.



Rudy Carcoma-Carranza (Photo: Facebook)

Trump effect unclear

Agents using a cell-site simulator to find an illegal immigrant is further evidence of the creeping expansion of a terrorism fighting tool, Buttar said.

"As far as we know, this is a novel use of that technology," Buttar said.

For perspective, federal agents in Detroit last fall revealed they used a cell-site simulator to [find a low-level accused drug dealer](#).

Secrecy surrounding the devices on a federal level, before 2015, makes it impossible to determine exactly how investigators have used the device, he said.

"Once you start giving agencies fancy toys, and somebody is making money off of it, they are going to use them for more things, and ultimately oppress your rights," Buttar said.

The expanded use likely would have happened under any administration but is partly due to the Trump administration's crackdown on illegal immigrants, he said.

"A piece of the explanation would lie in the change of administration and rhetoric from the top," Buttar said. "Whether Trump was in office or someone else, these issues will continue to be ripe and pressing."

Carcamo-Carranza has a history with law enforcement and twice has been kicked out of the U.S.

In 2005, he was arrested by U.S. Border Patrol agents after illegally entering the United States, according to court records. An immigration judge ordered Carcamo-Carranza be sent to El Salvador in April 2006, according to court records.

The court file indicates he was never removed from the U.S. and became a fugitive before being arrested again in 2012.

In November 2012, Carcamo-Carranza was sent back to El Salvador, according to Jeremy McCullough, a Homeland Security deportation officer assigned to the FBI's Violent Gang Task Force.

Yet Carcamo-Carranza returned to the U.S. illegally on an unknown date, the officer wrote in a court filing.

He was arrested again in December 2014 and sent back to El Salvador the next month.

Carcamo-Carranza came back to the U.S. on an unknown date, the officer alleged.

In January 2016, Carcamo-Carranza was involved in a hit-and-run accident in Shelby Township. He made an illegal turn, struck a car and fled before being arrested, Shelby Township Deputy Police Chief Mark Coil said in an interview.

"Nobody was seriously injured," Coil said.

Carcamo-Carranza was released before federal agents could take him into custody.

The investigation intensified Jan. 24. That's when McCullough obtained a warrant to search Carcamo-Carranza's Facebook account — "Rude Boy Carranza."

Tracking down suspect

While reviewing his private messages, the deportation officer found Carcamo-Carranza's address on Rome Avenue in Warren and a cellphone number.

Armed with Carcamo-Carranza's address and phone number, McCullough spent two months trying to find him but failed.

On March 9, the deportation officer applied for a search warrant to locate Carcamo-Carranza's phone. McCullough wrote in the search warrant request that investigators would use a cell site simulator to locate Carcamo-Carranza's phone.

U.S. Magistrate Judge Anthony Patti approved the search warrant.

Data obtained from the search warrant showed Carcamo-Carranza's phone was near a home in the 3500 block of Rome Avenue in Warren.

On March 16, Carcamo-Carranza was spotted leaving the home on Rome Avenue. A week later, investigators obtained a search warrant for the home.

On March 23, investigators raided the home, found Carcamo-Carranza and arrested him. At the time, he had an outstanding warrant for drunken driving and another warrant for the hit-and-run crash, according to court records.

During a search of Carcamo-Carranza's home, investigators found a phony green card, the government alleges. The green card had Carcamo-Carranza's photo, a phony Social Security number and an alias, according to court records.

He used the alias when he was hired at Kruse & Muer restaurant in Troy, Bar Louie restaurant in Rochester Hills and Art & Jakes restaurant in Shelby Township, investigators said.

Carcamo-Carranza is scheduled to stand trial July 11 in federal court in Detroit on charges that could send him to prison for up to 10 years.

Privacy experts want to stop investigators from using cell-site simulators to find alleged immigration offenders like Carcamo-Carranza.

Buttar proposes several restrictions. He wants all states to adopt laws requiring judicial authorization before local law enforcement agencies can use the device and limits on how long they can retain the data.

"It should be used only in cases that could implicate violence or harm to human life," Buttar said, "certainly not an immigration offense."

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