

FAQ's on Cell Site Simulators

What are Cell Site Simulators (CSS)? It is a particularly effective tool utilized to locate a specific targeted cell phone during the course of a criminal investigation.

Does the PA State Police have a CSS? Yes, the PA State Police does possess a CSS that is designed to allow our personnel to locate a lawfully targeted cellphone only after a court order has been approved and signed by a Judge in either the Court of Common Pleas or the PA Superior Court. This judicial oversight ensures that the PA State Police's usage of the CSS meets the legal threshold for the U.S. Constitution and the Constitution for the State of Pennsylvania.

In incidents involving an exigent circumstance, such as a homicide, kidnapping, robbery, or evidence of a criminal act that could lead to imminent death or infliction of serious bodily injury, Pennsylvania Law allows for an exception to the requirement for immediately obtaining a court order prior to operation of the device. In those incidents, the Court may give verbal authorization for activation of the device after being provided the factual circumstances surrounding the incident. In these situations, a written application must be submitted within 72 hours of the Court approval. All court orders are sealed as per *The Wiretapping and Electronic Surveillance Control Act*, 18 Pa. C.S. A. § 5773.

How is the CSS used? There have been widely reported misconceptions about the usage of CSS, partly as a result of a Non-disclosure Agreement with the FBI that does not permit the disclosure of specific information about the devices.

Numerous federal, state, and local law enforcement agencies have determined that the public release of the technical details, applications, and operational procedures would create a significant detriment to the protection of their communities by providing criminal elements with the ability to circumvent the devices.

The PA State Police has concurred with the necessity of protecting certain aspects of the CSS technology. Keep in mind, law enforcement agencies must always balance the desire to provide the public with full disclosure on the details of sensitive investigative and protective techniques versus the substantial risk that such knowledge would allow criminals to avoid detection and cause serious harm to law enforcement personnel and members of the community. Just as the public knows that law enforcement uses undercover police officers as a tool to fight crime, they do not know the identity of a those specific officers.

The CSS is an excellent tool in the PA State Police's efforts to deliver the best law enforcement services and keep the citizens of Pennsylvania safe. With the greatest respect for citizens' privacy, the PA State Police will continue to use the device in a lawful and responsible manner.

Does the PA State Police record conversations? No, the CSS possessed by the PA State Police cannot intercept the content of voice calls or text messages, meaning that our personnel cannot listen to calls or read text messages using this device. The CSS cannot obtain any internet based data such as emails, instant messages, social media, etc. Additionally, Pennsylvania law does not permit the interception of this type of information without an approved court order by the Pennsylvania Superior Court.

Does the PA State Police keep/ store information accessed by a CSS? No, information evaluated or obtained by the CSS is not kept or maintained by PA State Police, federal government agencies, vendors, or any other person or entity. State and federal laws do not allow for the collection or storage of any third party cellphone information that the CSS possessed by the PA State Police encounters in the process of locating the targeted cellphone authorized by the court.

Can my personal information be retrieved by a CSS? No, the device cannot identify the operator of a cellphone or obtain any personal subscriber information, cellular telephone numbers, billing information, or any other form of personal information of any user of a cellular device. The device captures the electronic serial number of a cellphone. In order for law enforcement to obtain the personal subscriber information for that cellphone, it would take a probable cause based court order.

If you have additional questions regarding the CSS, please email the PA State Police at RA-PSPPIO@pa.gov.