

U.S. Department of Justice



Federal Bureau of Investigation

Washington, D C 20535-0001

July 13, 2011

Frederick H. Bealefeld, III
Police Commissioner
Baltimore Police Department
601 East Fayette Street
Baltimore, Maryland 21202-4014

Gregg L. Bernstein, Esq.
State's Attorney
Office of the State's Attorney for Baltimore City
110 North Calvert Street
Baltimore, Maryland 21202

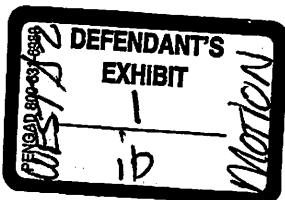
Re: Purchase Wireless Collection Equipment/Technology and Non-Disclosure Obligations

Dear Commissioner Bealefeld and Mr. Bernstein:

We have been advised by the Harris Corporation of the Baltimore Police Department's request to purchase certain wireless collection equipment/technology manufactured by Harris. Consistent with the conditions on the equipment authorization granted to Harris by the Federal Communications Commission (FCC), state and local law enforcement agencies must coordinate with the Federal Bureau of Investigation (FBI) to complete this non-disclosure agreement prior to the acquisition and use of the equipment/technology authorized by the FCC authorization.

As you are aware, law enforcement agencies increasingly rely on wireless collection equipment/technology to conduct lawfully-authorized electronic surveillance. Disclosing the existence of, and the capabilities provided by, such equipment/technology to the public would reveal sensitive technological capabilities possessed by the law enforcement community and may allow individuals who are the subject of investigation wherein this equipment/technology is used to employ countermeasures to avoid detection by law enforcement. This would not only potentially endanger the lives and physical safety of law enforcement officers and other individuals, but also adversely impact criminal and national security investigations. That is, disclosure of this information could result in the FBI's inability to protect the public from terrorism and other criminal activity because, through public disclosures, this technology has been rendered essentially useless for future investigations. In order to ensure that such wireless collection equipment/technology continues to be available for use by the law enforcement community, the equipment/technology and any information related to its functions, operation, and use shall be protected from potential compromise by precluding disclosure of this information to the public in any manner including by not limited to: in press releases, in court

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documents, during judicial hearings, or during other public forums or proceedings. Accordingly, the Baltimore Police Department agrees to the following conditions in connection with its purchase and use of the Harris Corporation equipment/technology:

1. The Baltimore Police Department will ensure that operators of the equipment have met the operator training standards identified by the FBI and are certified to conduct operations.
2. The Baltimore Police Department will coordinate with the FBI in advance of its use of the wireless collection equipment/technology to ensure de-confliction of respective missions.
3. The Baltimore Police Department will not distribute, disseminate, or otherwise disclose any information concerning the wireless collection equipment/technology or any software, operating manuals, or related technical documentation (including its technical/engineering description(s) and capabilities) to the public, including to any non-law enforcement individuals or agencies.
4. The Baltimore Police Department will not distribute, disseminate, or otherwise disclose any information concerning the wireless collection equipment/technology or any software, operating manuals, or related technical documentation (including its technical/engineering description(s) and capabilities) provided to it to any other law enforcement or government agency without the prior written approval of the FBI. If approved, prior to any distribution, dissemination, or comparable disclosure of any information concerning the wireless collection equipment/technology or any software, manuals, or related technical documentation related to such equipment/technology, all materials shall be marked "Law Enforcement Sensitive, For Official Use Only - Not to be Disclosed Outside of the Baltimore Police Department."
5. The Baltimore Police Department and Office of the State's Attorney for Baltimore City shall not, in any civil or criminal proceeding, use or provide any information concerning the Harris Corporation wireless collection equipment/technology, its associated software, operating manuals, and any related documentation (including its technical/engineering description(s) and capabilities) beyond the evidentiary results obtained through the use of the equipment/technology including, but not limited to, during pre-trial matters, in search warrants and related affidavits, in discovery, in response to court ordered disclosure, in other affidavits, in grand jury hearings, in the State's case-in-chief, rebuttal, or on appeal, or in testimony in any phase of civil or criminal trial, without the prior written approval of the FBI. If the Baltimore Police Department or the Office of the State's Attorney for Baltimore City learns that a District Attorney, prosecutor, or a court is considering or intends to use or provide any information concerning the Harris Corporation wireless collection equipment/technology, its associated software, operating manuals, and any related documentation (including its technical/engineering description(s) and capabilities) beyond the evidentiary results obtained through the use of the equipment/technology in a manner that will cause law enforcement sensitive information relating to the technology to be made known to the public, the Baltimore Police Department and/or Office of the State's Attorney for Baltimore City will immediately notify the FBI in order to allow sufficient time for the FBI to intervene to protect the equipment/technology and information from disclosure and potential compromise.

Notification shall be directed to the attention of:

Assistant Director
Operational Technology Division
Federal Bureau of Investigation

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Engineering Research Facility
Building 27958A, Pod A
Quantico, Virginia 22135
(703) 985-6100

and

Unit Chief
Tracking Technology Unit
Operational Technology Division
Federal Bureau of Investigation
Engineering Research Facility
Building 27958A, Pod B
Quantico, Virginia 22135
(703) 985-2602

In addition, the Baltimore Police Department, in conjunction with the Office of the State's Attorney for Baltimore City will, at the request of the FBI, seek dismissal of the case in lieu of using or providing, or allowing others to use or provide, any information concerning the Harris Corporation wireless collection equipment/technology, its associated software, operating manuals, and any related documentation (beyond the evidentiary results obtained through the use of the equipment/technology), if using or providing such information would potentially or actually compromise the equipment/technology.

6. A copy of any court order in any proceeding in which the Baltimore Police Department or Office of the State's Attorney for Baltimore City is a party directing disclosure of information concerning the Harris Corporation equipment/technology and any associated software, operating manuals, or related documentation (including its technical/engineering description(s) and capabilities) will immediately be provided to the FBI in order to allow sufficient time for the FBI to intervene to protect the equipment/technology and information from disclosure and potential compromise. Any such court orders shall be directed to the attention of:

Assistant Director
Operational Technology Division
Federal Bureau of Investigation
Engineering Research Facility
Building 27958A, Pod A
Quantico, Virginia 22135
(703) 985-6100

and

Unit Chief
Tracking Technology Unit
Operational Technology Division
Federal Bureau of Investigation
Engineering Research Facility
Building 27958A, Pod B
Quantico, Virginia 22135
(703) 985-2602

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7. The Baltimore Police Department will not publicize its purchase or use of the Harris Corporation equipment/technology or any of the capabilities afforded by such equipment/technology to the public, other law enforcement agencies, or other government agencies, including, but not limited to, in any news or press releases, interviews, or direct or indirect statements to the media.
8. In the event that either the Baltimore Police Department or the Office of the State's Attorney for Baltimore City receives a request pursuant to the Freedom of Information Act (5 U.S.C. § 552) or an equivalent state or local law, the civil or criminal discovery process, or other judicial, legislative, or administrative process, to disclose information concerning the Harris Corporation wireless collection equipment/technology, its associated software, operating manuals, and any related documentation (including its technical/engineering description(s) and capabilities), the Baltimore Police Department will immediately notify the FBI of any such request telephonically and in writing in order to allow sufficient time for the FBI to seek to prevent disclosure through appropriate channels. Notification shall be directed to the attention of:

Assistant Director
Operational Technology Division
Federal Bureau of Investigation
Engineering Research Facility
Building 27958A, Pod A
Quantico, Virginia 22135
(703) 985-6100

and

Unit Chief
Tracking Technology Unit
Operational Technology Division
Federal Bureau of Investigation
Engineering Research Facility
Building 27958A, Pod B
Quantico, Virginia 22135
(703) 985-2602

The Baltimore Police Department's, and the Office of the State's Attorney for Baltimore City's acceptance of the above conditions shall be evidenced by the signature below of an authorized representative of the respective agencies.

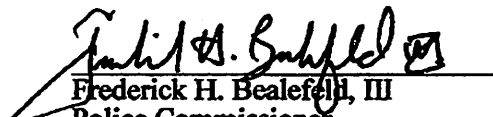
Sincerely,

Ernest Reith
Acting Assistant Director
Operational Technology Division
Federal Bureau of Investigation

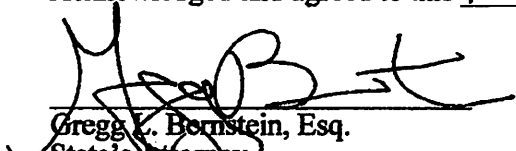
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Acknowledged and agreed to this 11th day of August, 2011,


Frederick H. Bealefeld, III
Police Commissioner
Baltimore Police Department

Acknowledged and agreed to this 10th day of August, 2011,


Gregg L. Bernstein, Esq.
State's Attorney
Office of the State's Attorney for Baltimore City

cc: Barry F. Kroboth, Unit Chief, FBI Tracking Technology Unit
Valerie M. Barrish, FBI Office of the General Counsel
Joseph W. Mazel, FBI Office of the General Counsel
Sheryl Goldstein, Director, City of Baltimore Mayor's Office on Criminal Justice

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