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PROVIDENCE, RI 02903
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www.riaclu.org

August 3, 2011

Superintendent Steven O'Donnell
Rhode Island State Police
311 Danielson Pike
N. Scituate, RI 02857

BY FAX AND MAIL

Dear Superintendent O'Donnell:

Please consider this a request pursuant to the Access to Public Records Act, R.I.G.L. §38-2-1 *et seq.*

This request seeks documents relating to the practices and procedures of the Rhode Island State Police ("RISP") in acquiring cell phone location records from cell phone companies to reveal the past or present travels of cell phone users. This request encompasses records regarding both real-time tracking and where cell phones have been in the past, and it includes all available methods of locating cell phones, including "cell site," triangulation, and GPS. However, except as specified below, this request *does not* seek individually-identifiable records about specific RISP requests for such data.

In particular, we are seeking the following records:

1. All policies, procedures and practices followed by RISP to obtain cell phone location records, including, but not limited to, the standard of proof used to initiate a request for such information and whether such information is obtained by judicial warrant or other means;
2. Data retention policies, detailing how long cell phone location records are kept, databases in which they are placed, and agencies (federal, state and local) with which they are shared;
3. Documents indicating whether, and to what extent, RISP seeks cell phone location records to identify all of the cell phones at a particular location or uses "digital fences" (systems whereby RISP is notified whenever a cell phone comes within a specific geographic area);
4. Any judicial decisions and orders within the past twelve (12) months, with all personally-identifiable information redacted, ruling on RISP applications to obtain cell phone location records;

5. Statistics from the past twelve (12) months regarding RISP use of cell phone location records, including, but not limited to, the frequency with which such information has been obtained, the outcomes of their use and the number of emergency requests for which no court order was obtained; and

6. Regarding RISP's communications with cell phone companies and providers of location-based services involving cell phone location records: company policies, pricing, and data access policies; invoices reflecting payments for obtaining cell phone location records; and any records (with personally-identifiable information redacted) involving instances in which cell phone companies have refused to comply with a request or order.

As provided for by the Act, I look forward to receiving the requested documents within 10 business days. However, in light of the scope of the request, we are willing to acknowledge in advance "good cause" for your agency to take up to 30 days to comply with this request to the extent this additional time is necessary to compile these documents. We are also willing to pay reasonable copying costs for the information in accordance with the Act.

Thank you for your prompt attention to this matter. If you have any questions about this request, please feel free to contact me.

Sincerely,

Steven Brown
Executive Director



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August 3, 2011

Steven M. Pare
Commissioner of Public Safety
325 Washington Street
Providence, RI 02903

BY FAX AND MAIL

Dear Commissioner Pare:

Please consider this a request pursuant to the Access to Public Records Act, R.I.G.L. §38-2-1 *et seq.*

This request seeks documents relating to the practices and procedures of the Providence Police Department (“PPD”) in acquiring cell phone location records from cell phone companies to reveal the past or present travels of cell phone users. This request encompasses records regarding both real-time tracking and where cell phones have been in the past, and it includes all available methods of locating cell phones, including “cell site,” triangulation, and GPS. However, except as specified below, this request *does not* seek individually-identifiable records about specific PPD requests for such data.

In particular, we are seeking the following records:

1. All policies, procedures and practices followed by PPD to obtain cell phone location records, including, but not limited to, the standard of proof used to initiate a request for such information and whether such information is obtained by judicial warrant or other means;
2. Data retention policies, detailing how long cell phone location records are kept, databases in which they are placed, and agencies (federal, state and local) with which they are shared;
3. Documents indicating whether, and to what extent, PPD seeks cell phone location records to identify all of the cell phones at a particular location or uses “digital fences” (systems whereby PPD is notified whenever a cell phone comes within a specific geographic area);
4. Any judicial decisions and orders within the past twelve (12) months, with all personally-identifiable information redacted, ruling on PPD applications to obtain cell phone location records;

5. Statistics from the past twelve (12) months regarding PPD use of cell phone location records, including, but not limited to, the frequency with which such information has been obtained, the outcomes of their use and the number of emergency requests for which no court order was obtained; and

6. Regarding PPD's communications with cell phone companies and providers of location-based services involving cell phone location records: company policies, pricing, and data access policies; invoices reflecting payments for obtaining cell phone location records; and any records (with personally-identifiable information redacted) involving instances in which cell phone companies have refused to comply with a request or order.

As provided for by the Act, I look forward to receiving the requested documents within 10 business days. However, in light of the scope of the request, we are willing to acknowledge in advance "good cause" for your agency to take up to 30 days to comply with this request to the extent this additional time is necessary to compile these documents. We are also willing to pay reasonable copying costs for the information in accordance with the Act.

Thank you for your prompt attention to this matter. If you have any questions about this request, please feel free to contact me.

Sincerely,

Steven Brown
Executive Director