



**CITY OF PROVIDENCE**  
Angel Taveras, Mayor

September 16, 2011

Steve Brown  
RI ACLU  
128 Dorrance St., Suite 220  
Providence, RI 02903

RE: Cell Phone Locations

Dear Mr. Brown:

I am in receipt of your letter dated August 23, 2011 addressed to Commissioner Pare requesting a variety of records “relating to the practices and procedures of the Providence Police Department in acquiring cell phone location records from cell phone companies to review the past or present travels of cell phone users.”

Below are your specific requests followed by the City’s responses:

Request 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.

Response 1. The Providence Police Department does not maintain any internal written policies or procedures other than the state statutes enclosed herein and pursuant to Section 212 of the Patriot Act. A sample letter sent to cell phone companies is enclosed.

Request 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.

**LAW DEPARTMENT**

275 Westminster Street, 2nd Floor, Providence, Rhode Island 02903

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Response 2. The Providence Police Department does not maintain any record retention policies but refers to the retention schedules specified by state law.

Request 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).

Response 3. The Providence Police Department is not in the practice of using digital fences to date and therefore has no records related to this response.

Request 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.

Response 4. The Providence Police Department does not maintain documents in a format that allows the Providence Police Department to obtain this information. Furthermore, records responsive to this request would be denied pursuant to R.I.G.L. 38-2-2(5)(D)(a), (c), (d), and (e).

Request 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.

Response 5. The Providence Police Department does not maintain any records responsive to this request.

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Request 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.

Response 6. The Providence Police Department does not maintain any records related to this request.

Kindly note that the sample letter has been redacted in accordance with the Act.

Pursuant to R.I.G.L. § 38-2-8, you have several remedies available should you disagree with our decision not to produce the information you are seeking. First, you may file a review petition with the chief administrative officer. In this instance, Commissioner Steven Pare, Commissioner of Public Safety, fulfills that role. If Commissioner Pare concurs with the Law Department's position, you may file a complaint with the Department of the Attorney General. You may also file an action for injunctive or declaratory relief in Providence County Superior Court.

Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Amy L. Crane".

Amy L. Crane  
Assistant City Solicitor

Enclosures

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