



SEP 15 2011

September 6, 2011

Mr. Dan Pochoda
American Civil Liberties Union
P.O. Box 17148
Phoenix, Arizona 85011

RE: Public Records Request for Cell Phone Location Records

Dear Mr. Pochoda:

This letter is in response to your public records request dated August 3, 2011 reference cell phone location records. Enclosed are copies of the public records available as explained below.

Request No. 1: The Gilbert Police Department does not have a written policy regarding cell phone location records. Such records may be sought by the Department on a case-by-case basis and it is the practice of the Department to comply with issued court orders.

Request No. 2: The Gilbert Police Department does not maintain a separate data base dealing specifically with these types of records. Any records received with regard to a specific case would be impounded as evidence in that case. The length of time these records are retained depends upon the nature of the investigation. Enclosed is a copy of the Arizona Department of Library and Archives Law Enforcement retention schedule. The agencies with whom the information may be shared is also dependent on the nature of the investigation.

Request No. 3: The Gilbert Police Department does not maintain a separate data base dealing with the number of warrants requested or the outcomes of such requests.

Request No. 4: The Clerk of the Maricopa County Superior Court is the custodian for the requested records.

Request No. 5: This request seeks a legal opinion, which is not a public record.

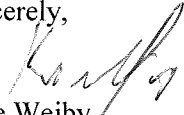
Request No. 6:

- (a) The Gilbert Police Department does not have manuals, pricing, and data access policies of the various companies.
- (b) The Gilbert Police Department does not maintain a separate data base that reflects invoices for obtaining cell phone location records.
- (c) The Gilbert Police Department does not maintain a separate data base that denotes cell phone company refusals to comply with a request or order for records.
- (d) Depending on the case and the cell phone company, the format in which the records are provided includes both hard copy and electronic documents.

Request No. 7: The Gilbert Police Department obtained a \$150,000 grant from the State Homeland Security Program. These funds, along with \$94,195 of R.I.C.O monies, were used to purchase cell phone tracking equipment in June 2008 (total acquisition cost of 244,195).

If you have requests for cell phone location records specific to certain cases that have been investigated by the Gilbert Police Department, please submit the requests to the Department's Custodian of Records.

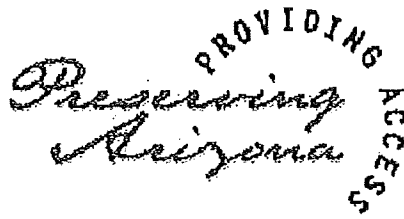
Sincerely,



Kate Weiby
Police Legal Advisor



Tim Dorn
Chief of Police



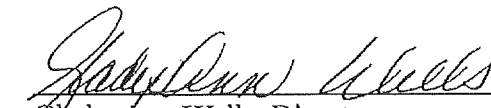
Arizona State Library, Archives and Public Records

General Records Retention Schedule for All Arizona Municipalities Law Enforcement Records

Schedule Number: 000-10-219

Authorization and Approval

Pursuant to ARS §41-1351, the retention periods listed herein are both the minimum and maximum time records may be kept. Keeping records for a time period other than their approved retention period is illegal. However, records required for ongoing or foreseeable official proceedings such as audits, lawsuits or investigations, must be retained until released from such official proceedings, notwithstanding the instructions of this schedule. If it is believed that special circumstances warrant that records should be kept longer or shorter times than the time period listed in this schedule or that any of these records may be appropriate for transfer to the State Archives, please contact the Records Management Division to inquire about a change to the retention period. Only the Arizona State Library, Archives and Public Records has the authority to extend records retention periods. Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.

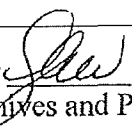


Gladys Ann Wells, Director
Arizona State Library, Archives and Public Records

Date Approved: *23 Sep 2010*

**General Records Retention Schedule for
All Arizona Municipalities
Law Enforcement Records**

<u>Item #</u>	<u>Records Series</u>	<u>Retention (Yrs.)</u>	<u>Remarks</u>
1.	Crime Reports and Investigations Records	Permanent	Transfer to State Archives 99 years after initial crime report created
	a. Serious offences as defined in ARS § 13-706		
	i. Murder (1 st and 2 nd Degree and manslaughter)		
	ii. All others (including sex crimes)		
	b. All other class 2 through 6 felonies		
	c. All misdemeanors		
2.	Non-Crime Report Records	99	After calendar year initial crime report created
	a. Abandoned vehicles	25	After calendar year initial crime report created, but no longer than 99 years after created
	b. Field investigations (FI) cards (field interview, interrogation, and other related records)	25	After calendar year initial crime report created, but no longer than 99 years after created
	c. All others (including tips and leads data)	25	After calendar year initial crime report created, but no longer than 99 years after created
	d. Traffic accident reports - property damage / injury	3	After calendar year initial crime report created, but no longer than 99 years after created
3.	e. Petty offenses	1	After calendar year created, but no longer than 2 years after calendar year created
	Logs	2	After calendar year created, but no longer than 5 years after calendar year created
	a. Citations	2	After calendar year created, but no longer than 5 years after calendar year created
	b. Homeland security	3	After calendar year created
	c. Undercover expenditures	10	After calendar year created
	d. All others	7	After calendar year created
		3	After calendar year created, but no longer than 7 years after calendar year created

GladysAnn Wells, Director 
Arizona State Library, Archives and Public Records

**General Records Retention Schedule for
All Arizona Municipalities
Law Enforcement Records**

<u>Item #</u>	<u>Records Series</u>	<u>Retention (Yrs.)</u>	<u>Remarks</u>
4.	Citation Records Not Attached to Case Reports	30 days	After calendar year created, but no longer than 3 years after calendar year created
5.	Property Disposal Reports	2	After calendar year created, but no longer than 99 years after calendar year created
6.	Warrant Records		
	a. Warrants	-	After canceled or served, then returned to court
	b. Warrants service and tracking records	2	After calendar year initial crime report created, but no longer than 99 years after created
7, 8.	Other Departmental Reports (including alarm reports, false alarm reports, and warnings (traffic violations and vehicle equipment repair orders))	1	After calendar year created, but no longer than 5 years after calendar year created

Supersedes only items #1, 2, 3, 4, 5, 7, 10 and 15 on the All AZ Municipalities - Police schedule dated July 12, 2010

GladysAnn Wells, Director 
Arizona State Library, Archives and Public Records