September 6, 2011

Dan Pachoda  
*American Civil Liberties Union*  
of *Arizona*  
P.O. Box 17148  
Phoenix, Arizona 85011

Re: Request Regarding Cell Phone Location Records dated August 3, 2011

Dear Mr. Pachoda:

I am a Deputy County Attorney with the Pinal County Attorney’s Office and represent Pinal County Sheriff Paul Babeu. This letter responds to the above-referenced public records request.

Generally speaking, the Pinal County Sheriff’s Office (“PCSO”) does not possess documents that are responsive to your requests concerning law enforcement’s ability to obtain records from cell phone companies. Any records concerning cell phone locations would be kept and maintained by PCSO’s federal agency partners, i.e. the DEA.

PCSO responds to your specific requests as follows:

1. **Policies, procedures and practices you follow to obtain cell phone location records,** including but not limited to:
   a. the use of cell phone location records to identify “communities of interest” (detailing those persons who have called, or been called, by a target) in investigations;
   b. the use of cell phone location records to identify all of the cell phones at a particular location; and
   c. your use of “digital fences” (systems whereby you are notified whenever a cell phone enters a specific geographic area).

Response:

The Pinal County Sheriff’s Office does not have policies, procedures and practices in its possession responsive to this 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.
Response:

The Pinal County Sheriff’s Office does not maintain data retention policies in its possession regarding cell phone location records.

3. From January 1, 2006 to the present, the number of requests made each calendar year (including the first six months of 2011) for warrants to obtain cell phone location records, the number of these warrants granted, and the number of emergency requests for which no court order was obtained.

Response:

Objection:

The request is overbroad and burdensome: PCSO does not maintain a separate computer database with this information. In order to respond, PCSO would have to manually review every criminal case file in its possession for the past five and one half years.

The Pinal County Sheriff’s Office does not have records in its possession that contain the number of requests for warrants to obtain cell phone location records. Nor does the Pinal County Sheriff’s Office have records in its possession that contain the number of warrants granted.

PCSO does not have records in its possession that contain the number of emergency requests for which no court order was obtained.

4. From January 1, 2006 to the present, copies of judicial decisions and orders ruling on your applications for warrants to obtain cell phone location records.

Response:

The Pinal County Sheriff’s Office does not maintain records in its possession with copies of judicial decisions and orders ruling on warrants. Records responsive to this request are likely maintained with the Clerk of Superior Court of Pinal County.

5. The legal standard (e.g., probable cause, reasonable suspicion, relevance) you proffer to obtain cell phone location records, and the legal standard applied by the courts in granting or denying your requests.

Response:

Objection:

This request is not a request for documents, but rather, asks for a legal opinion. Moreover, the second half of the request asks for as to the “legal standard applied by courts” in judicial decisions, and is not a request for documents held by the PCSO.
The Pinal County Sheriff's Office does not have records in its possession responsive to this request.

6. From January 1, 2006 to the present, communications with cell phone companies and providers of location-based services regarding cell phone location records, including:
   a. company manuals, pricing, and data access policies;
   b. invoices reflecting payments for obtaining cell phone location records;
   c. instances in which cell phone companies have refused to comply with a request or order; and
   d. the format in which cell phone location records are provided to you by cell phone companies (hard copy, electronic documents, etc.).

Response:

The Pinal County Sheriff's Office does not have records in its possession responsive to this request. Communications with cell phone companies for the information you are requesting would be made by PCSO federal partners and retained by those federal agencies.

7. From January 1, 2006 to the present, the total amount of money spent in each calendar year for the implementation of any cell phone location tracking programs.

Response:

The Pinal County Sheriff's Office does not have records in its possession responsive to this request; PCSO has not implemented cell phone tracking programs.

Very truly yours,

Wendy A. Petersen
Deputy County Attorney

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cc: Chief Harry Grizzle, PCSO