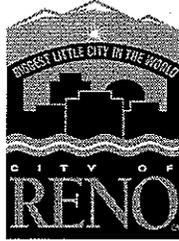


RENO CITY ATTORNEY'S OFFICE

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City Attorney

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Chief Civil Deputy

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JACK D. CAMPBELL
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DUI Administrative Specialist
CORINNE D. FRIEDMAN

Victim Advocate
SUZANNE RAMOS

March 2, 2012

Via Email Communication and U.S. First Class Mail

Rebecca S. Gasca
Legislative and Policy Director
ACLU
1325 Airmotive Way, Suite 202
Reno, Nevada 89502

Re: Public Records Request Related to Cell Phones

Dear Ms. Gasca:

Thank you again for so graciously granting our office an open extension in responding to your request related to cell phones. As you know, our office has been overwhelmingly busy as a result of several budgetary cutbacks in the last three years.

In any event, I respectfully offer the following information related to the various inquiries provided by you. Please note that I have categorized them in the same manner as set forth in your request for your convenience.

1. Policies, procedures and practices you follow to obtain cell phone location records.

Generally, the practice of the Reno Police Department is to utilize exact cell phone location information from cell phone companies only in circumstances that constitute an emergency such as possible physical harm, missing person, death to an individual or felony warrants.

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www.cityofreno.com

Rebecca S. Gasca
Legislative and Policy Director
ACLU
March 2, 2012
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However, there are non-emergency related instances when the cell phone location company may provide general location information that limits the cell phone location information to a generalized area of ½ to 1 mile radius of the cell phone location. The cell phone company then only provides all cell phones located in that area generally.

Information obtained from a cell phone company is regulated by state and federal laws and therefore, access to such information by the Reno Police Department is strictly limited to very specific circumstances.

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.

Cell phone records obtained from cell phone companies are only kept as evidence within a specific case for which the information was obtained. Depending upon the type of case, the data retention period may vary. Records of the Reno Police Department are maintained in accordance with the Local Government Record Retention Policy that is filed with the State of Nevada, Department of Administration, Nevada State Library and Archives.

All records related to a case, including cell phone location records related to that specific case, are maintained in our primary records database, Tiburon. There are no separate department databases which keep this specific type of information independent of a specific case.

In order to determine what specific cases in which cell phone location information was obtained, the Reno Police Department Records Division would have to review each and every case report filed with our office. This effort would require months of staff time which is not feasible with the current budgetary and staffing limitations of the City.

This information is not routinely shared with other agencies. In certain circumstances, we share cell phone information with another agency which is working a joint-investigation with the Reno Police Department. We sometimes release information to an outside agency if a subject in an investigation is located outside of our jurisdiction and circumstances dictate that we contact that agency to assist us. We routinely share cell phone records with the Washoe County District Attorney's Office when relevant to the prosecution of a crime.

Rebecca S. Gasca
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3. The use of cell phone location records to identify “communities of interest (detailing those persons who have been called, or called by a target)” in investigations.

The Reno Police Department does not use cell phone location records for this type of identification.

4. The use of cell phone location records to identify all of the cell phones at a particular location.

Detectives within the Robbery Homicide Unit are only aware of one case where this occurred. Several years ago, there was a murder in which DNA evidence linked the unknown suspect as also being a serial rapist in the same area as the murder. Homicide Detectives obtained cell phone records of all cell phones in the area of the crimes. The records were narrowed to the surrounding hour and location of the crimes. This was done in an attempt to locate the suspect prior to another rape or murder occurring.

5. Your use of “digital fences” (systems whereby you are notified whenever a cell phone comes within a specific geographic area).

The Reno Police Department does not use cell phone location records for this type of identification.

6. The legal standard (e.g. probable cause, relevance) you proffer to obtain cell phone location records.

Cell phone records are only obtained if they are relevant to an investigation within the Reno Police Department. This information is only obtained pursuant to subpoena or warrant.

7. Judicial decisions and orders ruling on your applications to obtain cell phone location records.

The same standards are used in obtaining evidence in any case where this information is used or referenced when applying for documents pertaining to a specific case. We are not aware of any judicial decisions or orders related to use of cell phone location information on specific cases. Further, upon information and belief, all warrant applications requesting cell phone location information have been approved by the governing tribunal.

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8. Statistics regarding your use of cell phone location records, including the number of emergency requests for which no court order was obtained.

No statistics are kept and we are unaware of any instances where a court order or subpoena was not obtained.

9. The form in which cell phone location records are provided (hard copy, through specific online databases).

Cell phone information is obtained through various forms from various cell phone companies through the use of fax, mail, e-mail and during exigent circumstances; verbally.

10. Communications with cell phone companies and providers of location-based services regarding cell phone location records, including:

- **Company manuals, pricing, and data access policies.**

Cell phone companies often provide specific guidelines for what they can provide. These guidelines can include the monetary charges that will be billed to the police department as well as how to interpret the information given to the police department. The manuals or policies of each cell phone company are considered records of that entity and it is respectfully recommended that you contact the companies directly to obtain such information.

There are also several websites which post information on what a cell phone company has or can provide, e.g. AskCalea.com.

- **Invoices reflecting payments for obtaining cell phone location records.**

Invoices are routinely sent to the requesting detective by the cell phone company and then forwarded to the finance department who then pays the bill. However, all invoices from cell phone companies are prepared in such a manner that it is not possible to determine which invoice item pertains to cell phone location.

- **Instances in which cell phone companies have refused to comply with a request or order.**

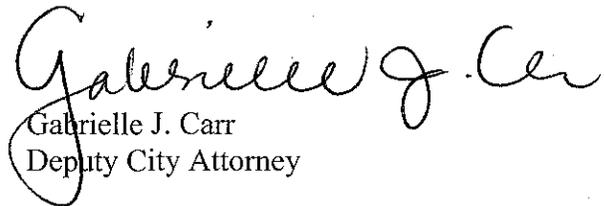
We are not aware of any such instances.

Rebecca S. Gasca
Legislative and Policy Director
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In addition, in an effort to supplement the responses set forth above with information regarding how the Reno Police Department utilizes cell phone call information, enclosed please find our training presentation prepared in April 2010.

If you need additional information or have any questions, please feel free to contact me directly at 334-2076. Thank you again for your patience and understanding.

Sincerely,



Gabrielle J. Carr
Deputy City Attorney

- c. Steven Pitts, Chief, Reno Police Department (w/enclosures) *(via email)*
- Mike Whan, Deputy Chief, Reno Police Department (w/enclosures) *(via email)*
- Jack Campbell, Deputy City Attorney (w/enclosures) *(via email)*
- Mo Razaqat, Lieutenant, Reno Police Department (w/enclosures) *(via email)*
- Dave Della, Sergeant, Reno Police Department (w/enclosures) *(via email)*