

Office of the Sheriff

SHERIFF
CALVIN L. WOODARD, JR.



P.O. BOX 1666
WILSON, N.C. 27894-1666

October 11, 2011

Katherine Lewis Parker
Legal Director
American Civil Liberties Union of North Carolina Foundation
Post Office Box 28004
Raleigh, North Carolina 27611-8004

Re: Request regarding cell phone location records

Dear Ms. Parker:

This will acknowledge receipt of your letter dated August 3, 2011 identified as a "Request Regarding Cell Phone Location Records."

Item #1: *Policies, procedures and practices you follow to obtain cell phone location records*

Any such items in the possession of our office in writing, if any, are enclosed with this letter. If no such items are enclosed, this office does not have any such items in writing.

Item #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*

Retention of records is governed by the Records Retention and Disposition Schedule for a County Sheriff's Office issued by the North Carolina Department of Cultural Resources, Division of Historical Resources, Archives and Records Section, Government Records Branch. The most recent copy is dated November 10, 2008 and is located at:

<http://www.records.NCDCR.gov/local/sheriffschedule2008.pdf>.

Item #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*

This is a request for information and does not describe a "public record" as defined in N.C. Gen. Stat. § 132-1. If it is intended to be a request for a public record, it is insufficiently specific to identify what record is being requested. Records relating to this issue that are a "record of criminal investigation" or a "record of criminal intelligence information" are not subject to public access under N.C. Gen. Stat. § 132-1.4 and do not have to be disclosed. If the request is revised to describe the specific records requested, we will review any records that correspond to the revised request to determine whether or not they may be released.

Item #4: *The use of cell phone location records to identify all of the cell phones at a particular location*

This is a request for information and does not describe a "public record" as defined in N.C. Gen. Stat. § 132-1. If it is intended to be a request for a public record, it is insufficiently specific to identify what record is being requested. Records relating to this issue that are a "record of criminal investigation" or a "record of criminal intelligence information" are not subject to public access under N.C. Gen. Stat. § 132-1.4 and do not have to be disclosed. If the request is revised to describe the specific records requested, we will review any records that correspond to the revised request to determine whether or not they may be released.

Item #5: *Your use of "digital fences" (systems whereby you are notified whenever a cell phone comes within a specific geographic area)*

This is a request for information and does not describe a "public record" as defined in N.C. Gen. Stat. § 132-1. If it is intended to be a request for a public record, it is insufficiently specific to identify what record is being requested. Records relating to this issue that are a "record of criminal investigation" or a "record of criminal intelligence information" are not subject to public access under N.C. Gen. Stat. § 132-1.4 and do not have to be disclosed. If the request is revised to describe the specific records requested, we will review any records that correspond to the revised request to determine whether or not they may be released.

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

This is a request for information and does not describe a "public record" as defined in N.C. Gen. Stat. § 132-1. If it is intended to be a request for a public record, it is insufficiently specific to identify what record is being requested. Records relating to this issue that are a "record of criminal investigation" or a "record of criminal intelligence information" are not subject to public access under N.C. Gen. Stat. § 132-1.4 and do not have to be disclosed. If the request is revised to describe the specific records requested, we will review any records that correspond to the revised request to determine whether or not they may be released.

Item #7: *Judicial decisions and orders ruling on your applications to obtain cell phone location records*

If any such documents are in the possession of our office, they are enclosed, except for any such documents that: (1) have been sealed by court order, (2) are protected by Article 16 of Chapter 15A of the North Carolina General Statutes, Electronic Surveillance Act, or (3) are search warrants that have not yet been served and returned to the Clerk of Court.

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

This is not a request for a "public record" as defined in N.C. Gen. Stat. § 132-1. If our office has previously compiled a list of such "statistics," the previously compiled statistics are enclosed. If none have been previously compiled, none are enclosed.

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

This is a request for information and does not describe a "public record" as defined in N.C. Gen. Stat. § 132-1.

Item #10a: *Communications with cell phone companies and providers of location-based services regarding cell phone location records, including company manuals, pricing, and data access policies*

Any such items in the possession of our office are enclosed. If no such documents are enclosed, our office has no such items in our possession.

Item #10b: *Communications with cell phone companies and providers of location-based services regarding cell phone location records, including invoices reflecting payments for obtaining cell phone location records*

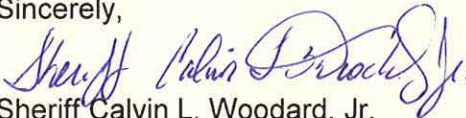
If any such "communications" or invoices are in our possession and not prohibited from disclosure by Article 16 of Chapter 15A of the General Statutes, Electronic Surveillance Act, they are enclosed but may have been redacted to remove any information pursuant to N.C. Gen. Stat. § 132.1.4 that is a "record of criminal investigation" or a "record of criminal intelligence information." If no such documents are enclosed, our office has no such items in our possession.

Item #10c: *Communications with cell phone companies and providers of location-based services regarding cell phone location records, including instances in which cell phone companies have refused to comply with a request or order*

If any such "communications" are in our possession and not prohibited from disclosure by Article 16 of Chapter 15A of the General Statutes, Electronic Surveillance Act, they are enclosed but may have been redacted to remove any information pursuant to N.C. Gen. Stat. § 132.1.4 that is a "record of criminal investigation" or a "record of

criminal intelligence information." If no such documents are enclosed, our office has no such items in our possession.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sheriff Calvin L. Woodard, Jr.", written in a cursive style.

Sheriff Calvin L. Woodard, Jr.
Sheriff of Wilson County

APPLICATION TO OBTAIN PHONE RECORDS

NOW, comes Detective G.A Edwards, being a sworn law enforcement officer, of the Wilson County Sheriff's Office, Wilson, North Carolina. Further, said detective appears before the Superior Court of the Seventh Judicial District of North Carolina: stating that I, Detective G.A. Edwards, am a sworn Law Enforcement Officer with approximately 14 years of law enforcement experience. I have worked as a patrol officer and I am currently assigned to criminal investigations. I have attended and successfully completed several courses of instruction including criminal investigations, interview and interrogations, major crimes investigation, laws of arrest involving search and seizure, as well as many other areas of law enforcement training. These courses were sponsored by the North Carolina Justice Academy, Wilson Community College and other accredited schools.

On April 25, 2011 at approximately 0610 hours, the Wilson County Sheriff's Office, Wilson, North Carolina, responded to a breaking, entering, and larceny in progress to [REDACTED] Church. Upon arrival at the church, a silver Ford Taurus was found abandoned there containing stolen property (air conditioner components) belonging to [REDACTED] Church. Also in the vehicle was a wallet containing the identification information of a [REDACTED]. The wife of [REDACTED] is the registered owner of the silver Ford Taurus vehicle. Following investigations of [REDACTED] revealed that on numerous occasions since the above mentioned larceny, [REDACTED] has sold a large quantity of air conditioner components to metal recycling businesses. Through this investigation it has been determined that [REDACTED] also uses a Verizon Wireless cell phone, telephone number [REDACTED], in order to facilitate his criminal activity.

I have reason to believe that information held and maintained by Cellco Partnership, d/b/a Verizon Wireless, regarding cellular phone number [REDACTED] is relevant and material to the investigation of criminal activity by [REDACTED]

Wherefore, the undersigned respectfully prays unto the Court that an ORDER be issued requiring Cellco Partnership, d/b/a Verizon Wireless, provide to the Wilson County Sheriff's Office all incoming and outgoing phone calls, subscriber information for all phone calls, all call detail/duration records, and all cell site/signaling information for cell phone number: [REDACTED] for the time period of April 25, 2011 at 00:01 a.m. through May 20, 2011 at 12:00 p.m. eastern standard time.

Detective G.A. Edwards

Detective G.A. Edwards

Sworn and subscribed the 24th of May 2011

Jasharra B. Sucker

Deputy Clerk of Superior Court

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
COUNTY OF WILSON SUPERIOR COURT DIVISION

IN RE: CELLCO PARTERSHIP, d/b/a Verizon Wireless
 180 Washington Valley Road
 Bedminster, New Jersey 07921

ORDER

IN THE MATTER OF: Verizon cellular phone number [REDACTED]
This matter having come before the Court requesting the production of certain telecommunications records; the Court finds that the applicant has shown that the information sought is relevant to an ongoing investigation of alleged criminal activity of larceny.

IT IS ORDERED that the Custodian of Records or their designee for Cellco Partnership, d/b/a Verizon Wireless shall furnish to the agents of the Wilson County Sheriff Office, Wilson, North Carolina the following transactional information pertaining to cellular/wireless phone number [REDACTED], to include all **incoming and outgoing** phone calls, **subscriber information** for all phone calls, all **call detail/duration** records, and all **cellsite/signaling information** to and from cell phone number [REDACTED] for the time period of April 25, 2011 at 00:01 a.m. through May 20, 2011 at 12:00 p.m. Eastern Standard Time.

IT IS ORDERED that Cellco Partnership, d/b/a Verizon Wireless provide the Wilson County Sheriff Office with subscriber information, including the names, addresses, credit and billing information of the subscribers, published and non-published, for the telephone numbers being dialed into and from [REDACTED] for the time period of April 25, 2011 at 00:01 a.m. through May 20, 2011 at 12:00 p.m. Eastern Standard Time.

IT IS FURTHERED ORDERED that this information be made available to Det. G.A. Edwards, office (252) 237-4741, fax# (252) 399-2871, governmental e-mail address: aedwards@wilson-co.com, Wilson County Sheriff Office, 100 E. Green Street, Wilson, North Carolina 27893.

ORDERED the 24th day of May 2011


JUDGE OF SUPERIOR COURT