April 23, 2012

Sara J. Rich
American Civil Liberties Union of Colorado
PO Box 18986
Denver, CO 80218-0986

RE: Open Records Request

Dear Ms. Rich:

The City and County of Broomfield acknowledges receipt of your letter requesting information pertaining to the use of cell phone location records by the Broomfield Police Department. Your contact for this information is Diane Eismann with the Broomfield City & County Attorney's Office. Ms. Eismann's number is 303-438-6353.

Section 24-72-203 (1)(a) of the Colorado Revised Statutes provides that public records are open for inspection by any person at reasonable times. Ms. Eismann will have hard copies of the available records in response to your request available for your inspection during the City's regular business hours at the George DiCiero City and County Building, One DesCombes Drive, in Broomfield. Copies of the records are available at a cost of 10 cents per page payable to the City in cash or by check.

In specific response to your request, Broomfield’s police department has no written or official policy with regard to the use of cell phone location services. The use of such services is limited in application and is primarily used in active investigations wherein a search warrant is first obtained. Such location assistance may also be requested by a patrol officer in emergency situations. In emergency situations, cell phone service providers are contacted directly by dispatch. The police department does not maintain a database or any other manner by which to identify instances in which cell phone location services have been requested. As such, there are limited means by which to respond to your request. Materials readily available in response to your request include blank request forms used by dispatch when requesting assistance from service providers.

If you have any questions concerning Broomfield’s practices or our ability to identify and produce the records you have requested, please feel free to contact me to discuss the situation.

Sincerely,

Karl Frundt
Assistant City & County Attorney