September 6, 2011

Laurence J. Dupuis
American Civil Liberties Union
207 E. Buffalo Street
Milwaukee, WI 53202-5774

RE: Open Records Request

Dear Mr. Dupuis:

You requested disclosure of certain records maintained by the Green Bay Police Department in a letter dated August 3, 2011. First, there are no records responsive to your requests regarding:

- Policies, procedures and practices followed to obtain cell phone location records
- The use of cell phone location records to identify "communities of interest" in investigations
- The use of cell phone location records to identify all of the cell phones at a particular location
- The use of "digital fences"
- Judicial decisions and orders ruling on applications to obtain cell phone location records
- Statistics regarding the use of cell phone location records, including the number of emergency request for which no court order was obtained
- The form in which cell phone location records are provided
- Communications with cell phone companies and providers of location-based services regarding cell phone location records

Second, your request for any records related to the legal standard to obtain cell phone location records is denied because such records would be attorney work product. Seifert v. School District of Sheboygan Falls, 2007 WI App 207.

The determination to deny a record is subject to review by mandamus under Wis. Stat. § 19.37 (1) or upon application to the attorney general or a district attorney.

Third, the city's data retention policy is to keep all records for seven (7) years; however no records are responsive to your request for databases in which cell phone location records are placed or the agencies with which they are shared.

Sincerely,

James A. Arts
Chief of Police
Green Bay WI 54301