CITY OF

WICHITR

August 15,2011

Mr. Doug Bonney
ChiefCounsel & Legal Director
ACLU Legal Department
3601 Main Street

Kansas City, MO 64111

Re: Open Records Request Regarding Cell Phone Location Records

Mr. Bonney:

This is in response to your letter dated August 4, 2011, regarding Open Records request regarding cell phone location records. Below is an itemization of your request along with our response to each request:

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

No set policies exist to seek cell phone records. These are handled through
affidavits alleging probable cause in each individual case and submitted for court review
and potential approval.

"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."

Phone records are only retained within case files. Therefore, State and federal
statutes governing case record retention would be controlling.

"3. The use of cell phone location records to identify "communities ofinterest (detailing those persons who have been called, or called by a target)" in investigations."

No records exist as this is not a Wichita Police Department practice.

Department of Law

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

No records exist as this is not a Wichita Police Department practice.

"5. Your use of "digital fences" (systems whereby your (sic) are notified whenever a cell phone comes within a specific geographical area)."

No records exist as this is not a Wichita Police Department practice.

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

No set policies exist to seek cell phone records. These are handled through
affidavits alleging probable cause in each individual case and submitted for court review
and potential approval.

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

None exist because no such blanket request has been sought.

"8. Statistics regarding your use of cell phone location records, including the number of emergency

invoices reflecting payments for obtaining cell phone location records

These invoices exist but only within the individual case records. These invoices
would contain confidential information, such as information identifying confidential informants. Therefore, it is likely that the records would require wholesale redactions.

c. instances in which cell phone companies have refused to comply with a request or order.

None exist

My expectation is that a search ofindividual cases for redacted records, which would
exist only after a probable cause order had entered, will be of no interest to you. Please contact me ifyou wish a search of