



July 25, 2011

Colonel Robert M. Coupe
Superintendent
Delaware State Police Headquarters
1441 North DuPont Highway
Dover, DE 19901

Re: FOIA Request – Cell Phone Location Records

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
of DELAWARE
100 W 10TH ST, SUITE 603
WILMINGTON, DE 19801
T/302-654-5326
F/302-654-3689
WWW.ACLU-DE.ORG

NORMAN M MONHAIT
PRESIDENT

KATHLEEN M MacRAE
EXECUTIVE DIRECTOR

RICHARD H MORSE
LEGAL DIRECTOR

Dear Col. Coupe:

Pursuant to the Delaware Freedom of Information Act, 29 *Del. C.* § 10001 et seq., I request access to and copies of the public records referred to in the Exhibit to this letter in the possession, custody or control of the Delaware State Police.

If you believe that any of the requested records are exempt and need not be disclosed, and intend to withhold documents on that basis, please explain the basis for your belief, and for each document or portion withheld state its date, sender, recipient and author, and describe its contents sufficiently to enable an independent evaluation of the possible exemption, so that I may decide whether a judicial challenge is appropriate.

I also request a waiver of all fees for this request. Disclosure of the requested information is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the government and is not primarily in a commercial interest. The information is being requested on behalf of the American Civil Liberties Union of Delaware, a public interest organization that seeks the information for use in the public interest.

Please produce the documents within 21 days of the date of this letter. If you have any questions regarding the scope of the request or any other matters, please contact me at (302) 654-5326, ext.103 or rmorse@aclu-de.org.

Thank you.

Sincerely yours,

Richard H. Morse

EXHIBIT

We request access to and copies of all records in your possession relating to your acquisition of cell phone location records. This request encompasses records regarding real-time tracking and records regarding where cell phones have been in the past, and it encompasses all available methods of locating cell phones, including “cell site,” triangulation, and GPS. This request includes but is not limited to the following records:

- Policies, procedures and practices you follow to obtain cell phone location records
- 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
- 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 use of cell phone location records to identify all of the cell phones at a particular location
- Your use of “digital fences” (systems whereby you are notified whenever a cell phone comes within a specific geographic area)
- The legal standard (e.g. probable cause, relevance) you proffer to obtain cell phone location records
- Judicial decisions and orders ruling on your applications to obtain cell phone location records
- Statistics regarding your use of cell phone location records, including the number of emergency requests for which no court order was obtained
- The form in which cell phone location records are provided (hard copy, through specific online databases)
- Communications with cell phone companies and providers of location-based services regarding cell phone location records, including
 - company manuals, pricing, and data access policies
 - invoices reflecting payments for obtaining cell phone location records
 - instances in which cell phone companies have refused to comply with a request or order