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Technology, Liberty Director

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Government Surveillance
Fellow



August 3, 2011

Transmitted by Email To:

City of Yakima
Public Records Officer
City Clerks Office
129 North 2nd Street
Yakima, WA 98901
publicrecords@ci.yakima.wa.us

Re: Request Regarding Cell Phone Location Records

**AMERICAN CIVIL
LIBERTIES UNION
OF WASHINGTON
FOUNDATION**
901 FIFTH AVE
SUITE 630
SEATTLE, WA 98164
T/206.624.2184
F/206.624.2190
WWW.ACLU-WA.ORG

JESSE WING
BOARD PRESIDENT

KATHLEEN TAYLOR
EXECUTIVE DIRECTOR

Dear Public Records Officer:

This is a request under the Washington Public Records Act, RCW 42.56, by the American Civil Liberties Union of Washington. This request concerns the ability of law enforcement agents to obtain records from cell phone companies that reveal the past or present travels of cell phone users.

We request disclosure of all records in Yakima Police Department's ("YPD") possession relating to YPD's acquisition of cell phone location records from August 2008 until Present. This request encompasses all available methods of locating cell phones, including "cell site," base station controller(s), triangulation, and GPS. This request includes but is not limited to the following records:

- All policies and procedures addressing the obtaining of cell phone location records
- All data retention policies detailing how long cell phone location records are kept.
- Documents sufficient to show the databases in which cell phone location records are placed, agencies (federal, state, or local) with which the databases are shared
- Policies and procedures of "digital fences" (systems whereby you are notified whenever a cell phone comes within a specific geographic area)
- Documents sufficient to show the legal standard (e.g. probable cause, relevance) you proffer to obtain cell phone location records
- All judicial decisions and orders ruling on your applications to obtain cell phone location records

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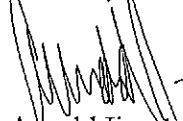
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- Documents sufficient to show the statistics regarding your use of cell phone location records, including the number of emergency requests for which no court order was obtained
- The form in which cell phone location records are provided (hard copy, through specific online databases)
- Data files related to or regarding cell phone location records including, but not limited to: spreadsheets, tables, queries, GIS (or other mapping files)
- Records of communications with cell phone companies and providers of location-based services regarding cell phone location records
- Records showing cell phone company (e.g., AT&T, Verizon) manuals, pricing, and data access policies for law enforcement
- All invoices reflecting payments for obtaining cell phone location records
- All records covering instances in which cell phone companies have refused to comply with a request or order

Please note that RCW 42.56.520 requires agencies to respond to requests for public records within five business days. We prefer to receive any responsive documents in electronic format. If some or all of the responsive documents are available in electronic format, please contact me to discuss options for transmitting those documents.

If you anticipate that there will be more than 100 pages of documents, or that reproduction costs to the ACLU of Washington will exceed \$50, please call or email me in advance at (206) 624.2184 ext. 266, or ajin@aclu-wa.org. Also, please contact me if you have questions about the scope of this request.

Sincerely,



Arnold Jin

Government Surveillance Fellow