

Laura Rotolo

From: Mullin, John <jmullin@pittsfieldch.com>
Sent: Wednesday, August 17, 2011 9:16 AM
To: Laura Rotolo
Subject: Records Request, Pittsfield PD

Follow Up Flag: Follow up
Flag Status: Flagged

Laura Rótolo
Staff Attorney
ACLU of Massachusetts
211 Congress St
Boston, MA 02110

August 17, 2011

We have received your request for a copy of the "records regarding acquisition of cell phone records".

1. Policies: The MPI Police Manual © 1992 numbers 450 Searches and Seizures and 451 Search Warrant Affidavits.....**45pages photocopied at \$.20 per page = \$ 9.00**
2. Data retention: The record would be kept in the specific individual case file. They are not placed in a separate database. They are not shared.
3. Communities of interest: We have not done this as part of investigations.
4. All cell phones at a location: We have not done this as part of investigations.
5. Digital fences: We have not done this as part of investigations.
6. Legal standard: Probable cause, Exigent circumstances, missing persons, abductions, crimes in progress, and fugitives.
7. Judicial decisions and orders ruling on our applications: None that we are aware of.
8. Statistics regarding our use, including the number for which no court order was obtained: Anecdotally, less than ten per year. This data element is not tracked separately and would require a person to visually scan numerous records to determine a precise number.
9. The form in which cell phone location records are provided: Most often verbally by phone, sometimes by fax if we request that.
10. Communications with cell phone companies: ATT, Verizon, Sprint request blank forms, **3 pages photocopied at \$.20/page = \$0.60**
 - a) Manuals, pricing, data access policies: None
 - b) Invoices: None
 - c) Instances in which cell phone companies have refused to comply with a request or order: None that we are aware of.

There will be a fee for printing, copying and segregating nonpublic portions of this record. Estimated fees for reports are based on the number of pages plus the time for the employee to produce the record. Payment by check is made prior to producing the record.

Estimated time for a clerk or an officer to visually search missing person, criminal investigation, and arrest records, for the requests if noted in report narratives depends on the time frame and scope you choose at \$16/hr for a clerk. Please call (413)448-9777 to discuss this portion.

The estimated fee for the requested photocopies will be \$9.60. Please make a check or money order payable to the Pittsfield Police Department.

In accordance with 950 CMR 32.00 this decision may be appealed to the Supervisor of Records, Office of the State Secretary, One Ashburton Place, room 1719, Boston MA 02108. (617)727-2832.

Sincerely,

Captain John Mullin
Administrative Services
Pittsfield Police Department
39 Allen St
Pittsfield MA 01201

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