



# City of Lowell - Law Department

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August 25, 2011

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

Re: Chief Kenneth Lavallee – Public Records Request Regarding Cell Phone Location  
Records – Dated August 3, 2011

Dear Attorney Rótolo:

Please be advised that your request pursuant to Public Records Law G.L. c. 66, § 10 has been reviewed by the Lowell Law Department. This request was in regards to what policies and records, in any, guided the acquisition, use, and storage of cell phone location records by the Lowell Police Department (LPD).

It has been determined after review with the LPD that the department has no specific written policy, procedure, or practice specifically pertaining to cell phone location records. If an investigation would require the need for any such location records, the LPD would conduct such an acquisition in strict accordance with the legal directives of the Middlesex District Attorney's Office (MDAO). The use of any other electronic investigative technique as outlined in your request would also be guided by such directives. Such records would be obtained in accordance with all Massachusetts and Federal constitutional safeguards. Such records, if any, would be stored in hard copy with any other materials pertinent to the investigation in secured evidence storage facilities maintained by the LPD.

It is the recommendation of the Lowell Law Department that any additional inquiries regarding the acquisition and storage of cell phone records be directed to the Middlesex District Attorney's Office. It is the District Attorney's Office that issues all such investigation directives followed by the Lowell Police Department. A public records request can be sent to their main office, the address of which has been provided for your convenience.

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