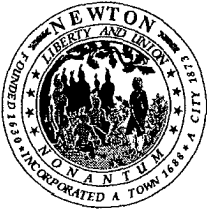


LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS

CITY HALL

1000 COMMONWEALTH AVENUE

NEWTON CENTRE, MA 02459

TELEPHONE (617) 796-1240

FACSIMILE (617) 796-1254

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JEFFREY A. HONIG
ALAN D. MANDL

August 11, 2011

Laura Rótolo, Esq.
ACLU of Massachusetts
211 Congress Street
Boston, MA 02110

RE: Request Regarding Cell Phone Location Records

Dear Attorney Rótolo:

This office has worked with the Newton Police Department to prepare a response to your office's above referenced request.

The Newton Police Department has used cell phone location records in virtually no cases. The 9-1-1 Emergency dispatcher may have requested this information in a few instances. I have enclosed the Wireless 9-1-1 Emergency Information Request Form which a dispatcher would complete and send to Verizon. However, I am advised that those forms are not subsequently maintained.

In response to your specific requests (please note I have numbered your bulleted list ##1-10):

- Request #1. Enclosed Wireless 9-1-1 Emergency Information Request Form.
- Request #2. Enclosed Records Maintenance & Retention Schedule.
- Requests #3-8. No documents responsive to these Requests exist.
- Request #9. See response to Request #1.
- Request#10. No documents responsive to this Request exist.

In view of the few documents responsive to your request, no fee will be charged.

Very truly yours,

A handwritten signature in black ink, consisting of several overlapping loops and a final flourish that extends to the right.

Ouida C.M. Young
Associate City Solicitor

Cc: Matthew Cummings, Chief of Police
Capt. Paul Anastasia



STANDARD OPERATING PROCEDURES NEWTON POLICE DEPARTMENT

Bureau: PATROL	Date Issued: 09/01/88	Effective Date: 09/01/88	SOP#: 500-75
Section: RECORDS	Date of Revision: 12/16/03	Revision Number: 1	Page Number: 1 of 6
Subject/Event: RECORDS MAINTENANCE & RETENTION SCHEDULE			

RESPONSIBILITY: Each operational unit of the Newton Police Department shall maintain certain operational records applicable to their unit. Juvenile records shall be separate from adult records as outlined in General Order 430.

All records shall be maintained and retained in accordance with Massachusetts General Law Chapter 66 Section 8 and other applicable laws. The Department shall follow the Secretary of the Commonwealth of Massachusetts *Police Department Records Disposal Schedule 14-81*, as a minimum time period for retention.

The Patrol Bureau shall maintain the following records:

<u>TYPE OF RECORD</u>	<u>RETENTION</u>
1. Arrest Records Adult/Juveniles	Permanent
2. Preliminary Investigations	Permanent
3. Stolen Motor Vehicle Records	3 years
4. Missing Persons	2 years after recovery
5. Warrant File	Until service of warrant
6. Journal	Permanent

Subject/Event: RECORDS MAINTENANCE & RETENTION SCHEDULE	Procedure Number: 500-75	Page Number 2 of 6
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The Detective Bureau shall maintain the following records:

<u>TITLE</u>	<u>RETENTION</u>
1. Homicide/Murder	Permanent
2. Rape and Sexual Abuse	Permanent
3. Ongoing Investigations of Serious Misdemeanors and Felonies	7 years
4. Investigations of a Confidential Nature (Organized Crime)	Permanent
5. Drug Investigations	7 years
6. Identification Records Photo/Fingerprint	Permanent

The traffic Bureau shall maintain the following records:

<u>TITLE</u>	<u>RETENTION</u>
1. Motor Vehicle Accident Reports	
a. Fatal Accidents	Permanent
b. Hit and Run	7 years (if no litigation pending)
c. Operator's Report (No investigation)	3 years
d. Personal Injury	7 years (if no litigation pending)
e. Property Damage	3 years
2. Motor Vehicle Citations	1 year
3. Motor Vehicle Citation Audit Sheet	1 year
4. Radar Log	3 years

The Community Service Bureau shall maintain a separate Juvenile Investigation file for the Youth Officer.

**COMMONWEALTH OF MASSACHUSETTS
SECRETARY OF THE COMMONWEALTH
POLICE DEPARTMENT RECORDS DISPOSAL SCHEDULE 14-81
(Revised 2/96)**

Function	Series name (if permit not required for destruction)	Legal citation	Disposition period	Hardcopy retention required	Series number	Date last revised
Activity.	Ambulance Calls Report		7 years, provided no litigation is pending.	No	14.1	1/1/79
Activity.	Arrest Records (a) Booking Sheet		Until completion of prosecution and exhaustion of appeals.	No	14.56A	2/28/96
Activity.	Arrest Records (b) Fingerprint Card		Until completion of prosecution and exhaustion of appeals.	No	14.56B	2/28/96
Activity.	Arrest Records (c) Vehicle Inventory		Until completion of prosecution and exhaustion of appeals.	No	14.56C	2/28/96
Activity.	Arrest Records (d) BOP Report		Until completion of prosecution and exhaustion of appeals.	No	14.56D	2/28/96
Activity.	Arrest Records (e) RMV Report		Until completion of prosecution and exhaustion of appeals.	No	14.56E	2/28/96
Activity.	Arrest Records (f) LEAPS Report		Until completion of prosecution and exhaustion of appeals.	No	14.56F	2/28/96
Activity.	Cell Monitoring Reports	c.40, s.36B	3 years.	No	14.65	2/28/96
Activity.	Controlled Substance Seizure Report (no arrest or warrant)	c.94C, s.47A	7 years.	No	14.2	2/28/96
Activity.	Death Report (Suicide, Sudden, Unexplained)		Permanent.	No	14.3	2/28/96
Activity.	Dispatch Tapes		Dispose or reuse 60 days after disposition of case, provided no litigation is pending.	No	14.66	2/28/96
Activity.	Dog Bite Investigation Report	c.140, s.155	7 years, provided no litigation is pending.	No	14.4	2/28/96
Activity.	E-911 Call Detail Record	c.6A, s.18A-18F	3 years.	No	14.89	2/28/96
Activity.	Evidence Control Form		3 years.	No	14.57	2/28/96
Activity.	Firearm Identification Card	c.140, s.129B	Permanent.	No	14.5	2/28/96
Activity.	Firearm, Licence to Carry (Application)	c.140, s.131	Record permanently.	No	14.6	2/28/96
Activity.	Firearm, License to Carry. Form FA-19	c.140, s.131	5 years and 90 days; record permanently.	No	14.7	2/28/96
Activity.	Firearms, License to Sell	c.140, ss.122, 122A	Record permanently.	No	14.8	2/28/96
Activity.	Firearms, Wound Report	c.112, s.12A	Permanent.	No	14.9	2/28/96
Activity.	Found Property Form		3 years.	No	14.59	2/28/96
Activity.	Gunsmith License	c.140, s.122	Record permanently.	No	14.10	2/28/96
Activity.	Incident Report (Miscellaneous non-criminal investigation)		3 years.	No	14.11	2/28/96
Activity.	Investigation Report (no arrest or warrant) (a) Armed Robbery	c.265, s.17	11 years.	No	14.13A	2/28/96

Activity.	Investigation Report (no arrest or warrant) (b) Assault with a Dangerous Weapon	c.265, s.18	11 years.	No	14.13B	2/28/96
Activity.	Investigation Report (no arrest or warrant) (c) Unarmed Robbery	c.265, s.19	11 years.	No	14.13C	2/28/96
Activity.	Investigation Report (no arrest or warrant). (d) Confining or putting in fear with intent to commit felony	c.265, s.21	11 years.	No	14.13D	2/28/96
Activity.	Investigation Report of all crimes except Murder and those covered by c.265, s.17, 18, 19, 21 (no arrest or warrant)	c.277, s.63	7 years.	No	14.12	2/28/96
Activity.	Investigation Report, Murder (no arrest or warrant)	c.277, s.63	Permanent.	No	14.14	2/28/96
Activity.	Journal		Permanent.	No	14.15	2/28/96
Activity.	Juror Investigation Report	c.234, s.4	1 year.	No	14.16	2/28/96
Activity.	Log (Blotter)		Permanent.	No	14.17	2/28/96
Activity.	Missing Person Report		2 years after case is closed.	No	14.18	2/28/96
Activity.	Motor Vehicle Accident Reports (a) Operator's Report (investigation or no investigation)	c.90, s.26	3 years.	No	14.19A	2/28/96
Activity.	Motor Vehicle Accident Reports (b) Fatal	c.90, s.26	Permanent.	No	14.19B	2/28/96
Activity.	Motor Vehicle Accident Reports (c) Hit and Run	c.90, s.26	7 years, provided no litigation is pending.	No	14.19C	2/28/96
Activity.	Motor Vehicle Accident Reports (d) Personal Injury	c.90, s.26	7 years, provided no litigation is pending.	No	14.19D	2/28/96
Activity.	Motor Vehicle Accident Reports (e) Property Damage	c.90, s.26	3 years.	No	14.19E	2/28/96
Activity.	Motor Vehicle Accident Reports (f) Investigating Officer's Report	c.90, s.26	3 years.	No	14.19F	2/28/96
Activity.	Motor Vehicle Citation	c.90C, s.2	1 year.	No	14.20	2/28/96
Activity.	Motor Vehicle Citation Sheet	c.90C, s.6	1 year.	No	14.21	2/28/96
Activity.	Motor Vehicle Inventory Form		3 years.	No	14.60	2/28/96
Activity.	Parking Ticket (Paid)	c.90, s.20A	After completion of satisfactory audit.	No	14.22	2/28/96
Activity.	Permits/Applications (Sunday work, etc.)		1 year after issuance.	No	14.23	2/28/96
Activity.	Premises Inspected Slips		1 year.	No	14.24	2/28/96
Activity.	Prisoner Property Slip		1 year.	No	14.25	2/28/96
Activity.	Protective Custody Report (All)	c.111B, s.8	3 years.	No	14.26	2/28/96
Activity.	Public Records Request Form		3 years.	No	14.61	2/28/96
Activity.	Radar Log		3 years.	No	14.27	2/28/96
Activity.	Stolen Goods Report	c.266, s.48	3 years.	No	14.28	2/28/96
Activity.	Stolen Vehicle Report	c.90D, s.33	3 years.	No	14.29	2/28/96
Activity.	Tape Recordings of Phone Calls (911 etc.)	c.90D, s.33	Dispose or reuse 60 days after disposition of case, provided no litigation is pending.	No	14.67	2/28/96

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Activity.	Taxi Cab Driver Records		When superseded.	No	14.64	2/28/96
Activity.	Unclaimed Property, Notice of Sale	c.135, ss.8, 9, 11	3 years.	No	14.30	2/28/96
Administration.	Annual Report (Departmental)		Permanent (one mint copy).	Yes	14.31	2/28/96
Administration.	Correspondence		3 years, if of no informational or evidential value.	No	14.34	2/28/96
Administration.	Criminal Offender Record Information Request Form		3 years.	No	14.62	2/28/96
Administration.	Cruiser Maintenance Report		1 year after retirement of vehicle.	No	14.35	2/28/96
Administration.	Equipment Inventory		Until superseded by next inventory.	No	14.37	2/28/96
Administration.	Equipment Maintenance Log		After retirement of equipment.	No	14.38	2/28/96
Administration.	Lock-up Rules and Regulations	c.40, s.34	Permanent.	No	14.40	2/28/96
Administration.	Payroll (Departmental)		After audit, provided a permanent record of earnings is retained by Police Department or other municipal office.	No	14.42	2/28/96
Administration.	Procedural Rules		Permanent.	No	14.43	2/28/96
Administration.	Roll Call Report		3 years.	No	14.44	2/28/96
Administration.	Schedule of Departmental Payments to Treasurer		After use.	No	14.45	2/28/96
Administration.	Travel Expense Report of Court Witness	c.262, s.53B	After completion of satisfactory audit.	No	14.46	2/28/96
Administration.	Uniform National Crime Reports		When superseded.	No	14.63	2/28/96
Personnel.	Appointment Certificate	c.41, s.96	Permanent.	No	14.32	2/28/96
Personnel.	Civil Service Records	c.31, s.61	Permanent.	No	14.33	2/28/96
Personnel.	Civilian Complaints, no specific officers named	c.260, ss.3A, 5B	4 years following closure of investigation.	No	14.49	2/28/96
Personnel.	Civilian Complaints, substantiated	c.149, s.52c, c.260, ss.3A, 5B, c.277, s.63	7 years following closure of investigation or 3 years following termination of employment, whichever is later; retain outside personnel file.	No	14.48	2/28/96
Personnel.	Civilian Complaints, unsubstantiated	c.149, s.52C, c.260, ss.3A, 5B	4 years following closure of investigation or 3 years following termination of employment, whichever is later; retain outside personnel file.	No	14.50	2/28/96
Personnel.	Disciplinary Case Files, resulting from administrative reprimand	c.149, s.52C, c.151B, c.260, s.5B, c.277, s.63 29 CFR 1602.30	7 years following closure or 3 years following termination of employment, whichever is later; retain with personnel file.	No	14.51	2/28/96
Personnel.	Disciplinary Case Files, resulting from civilian complaint	c.149, s.52C, c.260, ss.3A, 5B, c.277, s.63	7 years following closure or 3 years following termination of employment, whichever is later; retain with personnel file.	No	14.52	2/28/96
Personnel.	Employment History Records		20 years following termination of employment.	No	14.36	2/28/96

Subject/Event:

RECORDS MAINTENANCE & RETENTION SCHEDULE

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Personnel.	Internal Investigation Case Files	c.151B, c.260, s.5B, c.277. s.63	7 years following closure; retain with personnel files.	No	14.53	2/28/96
Personnel.	Leave Reports	c.41, s.111F	3 years.	No	14.39	2/28/96
Personnel.	Overtime Reports		3 years.	No	14.41	2/28/96
Personnel.	Reprimands, administrative	c.149, s.52C, c.151B, c.260, s.5B	4 years or 3 years following termination of employment, whichever is later; retain with personnel file.	No	14.54	2/28/96
Personnel.	Reprimands, resulting from civilian complaint	c.149, s.52C, c.260, ss.3A, 5B c.277, s.63	7 years following closure or 3 years following termination of employment, whichever is later; retain outside personnel file.	No	14.55	2/28/96
Personnel.	Vacation Report	c.41, s.111A	3 years.	No	14.47	2/28/96

Wireless 9-1-1 Emergency Information Request Form

To: _____ **From:** (INSERT LETTERHEAD)

 (include agency main voice and fax numbers)

This is an emergency request for information on the following wireless number:
 (_____) _____ - _____
 This agency received a 9-1-1 emergency call for assistance from the above wireless telephone number.

Date of Call	Time of Call 00:00- 24:00	Duration Min: Sec	Nature of Call
		:	

Based on that telephone call, we believe that one or more people face immediate danger of death or serious injury. We request that you promptly provide to the extent available the following information necessary to initiate the appropriate response. (Please use above fax & telephone numbers.)

_____ Subscriber name, billing address, home & business phone numbers for the above number

_____ Cell site or location information for the 9-1-1 call from the above number

REQUESTING AGENCY INFORMATION

Title	Employee	Signature	Date

Requesting Agency Case Number: _____ **Requesting Agency Dispatch Log #:** _____