

SANTA ANA POLICE DEPARTMENT

DAVID VALENTIN · CHIEF OF POLICE

TRAINING BULLETIN

"Education promotes professional and responsive law enforcement"

Cellular Phone Investigations

Purpose

This Training Bulletin was prepared to assist officers when investigations arise involving cell phones.

Introduction

With nearly 200 million cell phones in the United States alone, the chance of a phone being involved in a police investigation is high. Whether in possession of a suspect or victim, a cell phone can provide valuable information. At times exigent circumstances will necessitate a request to the service provider for information crucial to the investigation. The purpose of this Training Bulletin is to provide the criteria and procedural guidelines for obtaining such information.

I. Meeting the Criteria

Without a warrant, subscriber information, calls detail records (CDR's) and cell phone location data are released only in exigent situations. Exigent circumstances are best described as immediate ***danger of death or serious bodily injury to any person***. Keep in mind that even if you convince a provider that the circumstances warrant release of the information, a district attorney and defense attorney will at some point be reviewing the case. Emergency requests must also be in compliance with Department Order 380 and approved by the Watch Commander.

Every situation should be looked at on a case by case basis to determine if there is an exigency; however the below examples may be used as a guide:

A. Probably an Exigency:

A 12 year old victim is kidnapped off the street by an unknown suspect.

Several armed robberies occur within a reasonably short period of time, committed by the same suspects who severely beat their victims. A victim's cell phone is taken during one of the robberies.

Homicide committed by known suspect in family violence situation. Suspect makes credible threats to kill other family members.

Active shooter at a high school flees location. Credible information received that suspect will continue rampage until stopped.

Victim is raped and phone taken. Suspect M.O. matches series of recent rapes

B. Probably Not an Exigency:

21 year old female left home with former boyfriend. Couple has history of on again, off again relationship. The female can not be located or contacted.

Victim has phone taken by force in robbery.

Robbery of business and victim's cell phone taken.

Residential burglary where victim's phone is taken.

The only investigative lead to locate the suspect (search warrant)

II. What Can You Obtain from the Provider?

Account holder – Some providers, especially pre-paid phones do not require accurate account holder information.

Cell Phone Location – Depending on the cell phone and provider you may receive a specific global positioning system (GPS) location or a large general location based off cell tower information. When initially speaking to the provider they can tell you what type of data to expect.

Phone numbers called by suspect. This information may lead you to the suspect's location.

III. Guidelines for Obtaining the Information

The following steps will guide you in obtaining phone information. Former detectives or officers with cell phone case experience are also an invaluable tool.

A. Determine the Cell Phone Provider.

1. If you do not know the service provider, you can log onto www.wirelessambalerts.org and enter the cell number and click on "submit". You will be directed to the next webpage which will have the service provider's logo. Note the name of the service provider and abort this process.

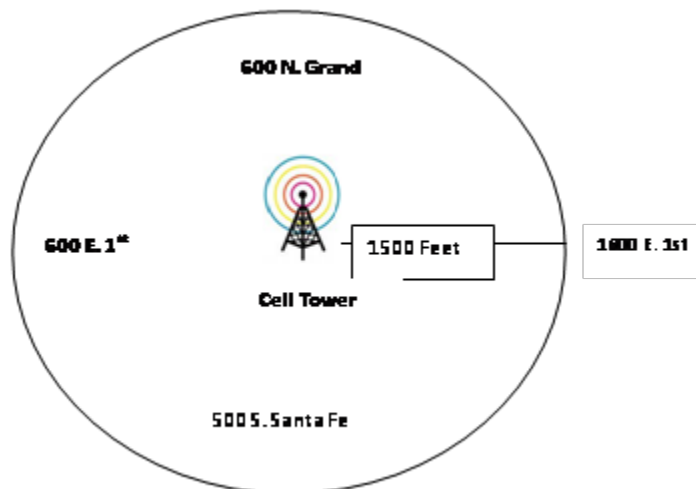
2. Locate the provider's after-hours or emergency phone number. Providers are listed at the bottom of this training bulletin.

B. Speak to the Provider.

1. Determine if the phone provider allows a victim to "consent" to the release of GPS or other privileged information. If they do, there is no need to complete exigency paperwork.
2. Most providers will ask the circumstances of the request. A brief synopsis will usually suffice. The provider will want a fax number to send you a request form.
3. **(STATION SUPERVISOR FAX 714-245-8789)**
4. Complete the form. *(Remember, many people will later review this document, so be accurate)*
5. Have the Watch Commander review and sign the form. Fax back to provider.
6. Within a short time (usually less than 30 minutes) the provider will call you with the requested information.

C. Using Data to Determine Cell Phone Location.

1. If the phone is equipped with GPS they will provide you with Longitude/ Latitude coordinates. To locate position;
 - a. Use Google Earth and enter coordinates in "Fly To" section, e.g. 33.73127800, -117.845256
 - b. **www.maps.google.com** enter the coordinates on top.
 - c. Dispatch also has programs available to locate coordinates.
2. If the phone does not have GPS they will typically provide you with an address or coordinates of a cell tower and give you a radial distance in meters, e.g. 1201 E. 1st, Street and 1500 feet.



[Example of possible distance]

The distance can range from less than 120 feet to over 4500. It will not give you the exact location but combining that with any other possible leads may help narrow down your search.

In most cases the representative at the cell provider can answer many of the questions you have. In addition, they can usually provide you updated locations. These vary by provider. Updates can be within minutes or hours. Every time you ask for updated coordinates the police department is charged. ***Don't be afraid to ask the providers representative questions if you do not understand the information or terms.***

D. Documenting Information In Report.

In order to conceal technical information from suspects do not disclose in the report how the phone was located or that you were led to the suspect by “*pinging*” the phone. If the information leads you to a public area, simply state in your report that you saw the suspect vehicle, or suspect. Consider probation, parole or consent searches without mentioning phone toll information in police reports.

E. Complete a Search Warrant or Court Order for the Records.

Although the providers relinquished information to you, a search warrant or court order is needed for legal compliance. The search warrant or court order must be completed within three days of the emergency fax and can be completed by either a Detective or Patrol Officer. Officers receiving the initial information should coordinate with the appropriate Investigations sergeant for compliance.

Summary

Cellular technology has given us a powerful tool in fighting crime. The gathering of information quickly can be crucial in saving lives and apprehending criminals. Obtaining cell phone data in exigent circumstances is not complicated. The specific details of each case will determine if sufficient exigency exists to warrant a request for subscriber information.

Acknowledgment: Researched and prepared by: Cpl. Jim Geist & Cpl. Fidencio Zepeda Publish

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Wireless Companies

AT&T Wireless

AT&T (not AT&T Wireless)
Attention: Custodian of Records
P.O. Box 24679
West Palm Beach, Florida 33416
1-800-635-6840
Fax 1-888-938-4715

Boost Mobile (same as Sprint)

6480 Overland Parkway, 2nd Floor
Overland Park, Kansas 66251
1-888-877-7330
Fax: 913-318-0818

Metro PCS

Attention: Compliance Department
2250 Lakeside Blvd.
Richardson, Texas 75082
1-800-571-1265
Fax: 972-860-2635

Nextel Wireless (same as Sprint)

6480 Overland Parkway, 2nd Floor
Overland Park, Kansas 66251
1-888-877-7330
Fax: 913-318-0818

Sprint PCS

6480 Overland Parkway, 2nd Floor
Overland Park, Kansas 66251
1-888-877-7330
Fax: 913-318-0818

T-Mobile USA, Inc.

Attention: Custodian of Records
12920 Southeast 38th Street
Bellevue, Washington 98006
1-866-537-0911 0600-1600 hours
1-973-292-8911 After-hours
Fax: 425-378-6011

Verizon Wireless

Cellco Partnership DBA Verizon Wireless
Attention: Custodian of Records
180 Washington Valley Road
Bedminster, New Jersey 07921
1-800-451-5242
Fax: 888-667-0028

Virgin Mobile (pre-paid)

Attention: Custodian of Records
10 Independence Blvd.
Warren, New Jersey 07059
1-908-607-3906 (9am-5pm Eastern Time)
1-866-868-6622 (after-hours)

*Virgin Mobile is able to provide Call Detail Records and subscriber information. (The subscriber info may be false)

**Cell Tower locations can be obtained by calling Sprint.*