



BERNARD P. CARVALHO, JR.  
Mayor

GARY K. HEU  
Managing Director

## POLICE DEPARTMENT COUNTY OF KAUAI

3990 KAANA STREET, SUITE 200  
LIHUE, HAWAII 96766-1268  
TELEPHONE (808) 241-1600  
FAX (808) 241-1604



DARRYL D. PERRY  
Chief of Police  
[dperry@kauai.gov](mailto:dperry@kauai.gov)  
[www.kauaipd.org](http://www.kauaipd.org)

August 22, 2011

Laurie A. Temple  
Staff Attorney  
ACLU of Hawaii  
PO Box 3410  
Honolulu, HI 96801

RE: Your public records request dated August 3, 2011

Aloha Ms. Temple:

The Kauai Police Department has reviewed your public records request dated August 3, 2011, concerning cell phone location records, and responds as follows:

1. Policies, procedures and practices used to obtain cell phone location records:  
No responsive records.
2. Data retention policies:  
See attached KPD General Order 84-21 ("Records & Files of Bureaus: Access, Microfilming and Destruction").
3. Use of cell phone location records to identify "communities of interest":  
No responsive records. We are not sure what you mean by "communities of interest," but KPD does not conduct investigations targeting persons simply for "community" affiliation.
4. Use of cell phone location records to identify all of the cell phones at a particular location:  
No responsive records.
5. Use of "digital fences":  
No responsive records.

6. Legal standards employed:

No responsive records. KPD uses the “probable cause” standard in criminal investigations, and a standard of “relevance” in missing persons cases.

7. Judicial decisions:

No responsive records.

8. Statistics:

No responsive records. KPD does not maintain statistics of this type. A compilation of statistics would be unduly burdensome upon KPD as there is no way of ascertaining how many cases have concerned cell phone location records without undertaking a manual review of every case file. KPD does obtain cell phone records, from time to time, via administrative subpoena. This process does not require a court order. No statistics or log is available, however. KPD is unaware of any instances in which cell phone location records have been obtained without an administrative subpoena or search warrant.

9. Form in which provided:

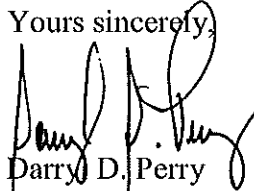
No responsive records. This is not actually a records request, but records are generally provided in hard copy format.

10. Communications with cell companies and providers:

No responsive records. KPD is unaware of ever having been billed or invoiced for cell phone records or instances in which providers have refused to comply with a subpoena or warrant. KPD does not have custody of any manuals, pricing or data access policies.

If you have any questions or concerns, please do not hesitate to contact me. Mahalo for your time and the work you do.

Yours sincerely,



Darryl D. Perry  
Chief of Police

KAUAI POLICE DEPARTMENT

	DATE OF ISSUE	EFFECTIVE DATE	NO.
GENERAL ORDER	11/1/84	11/1/84	84-21
REFERENCE	RESCINDS: G.O. 76-1		

INDEX AS:

RECORDS & FILES OF BUREAUS - ACCESS, MICROFILMING & DESTRUCTION

I. PURPOSE

This Order outlines the procedures for:

- A. Maintaining security of official police records and files in various Bureaus.
- B. Preventing the misuse of, and disruption of service from the data processing equipment.
- C. Microfilming and destruction of records.

II. ACCESS PROHIBITED

- A. All personnel not directly assigned to any Bureau wherein official records and files are kept, unless otherwise authorized are prohibited access to such records and files.
- B. Personnel not duly assigned or authorized, desiring information contained in such files or records, shall make requests through the Commanding Officer of the Bureau or such subordinates as he may designate.

III. MAINTENANCE OF EQUIPMENT AND SECURITY OF COMPUTER FILES

With the inception of data processing into the police services, remote terminals are used in various Bureaus. Personnel assigned to operate these terminals will have access to the files in accordance with the following procedures:

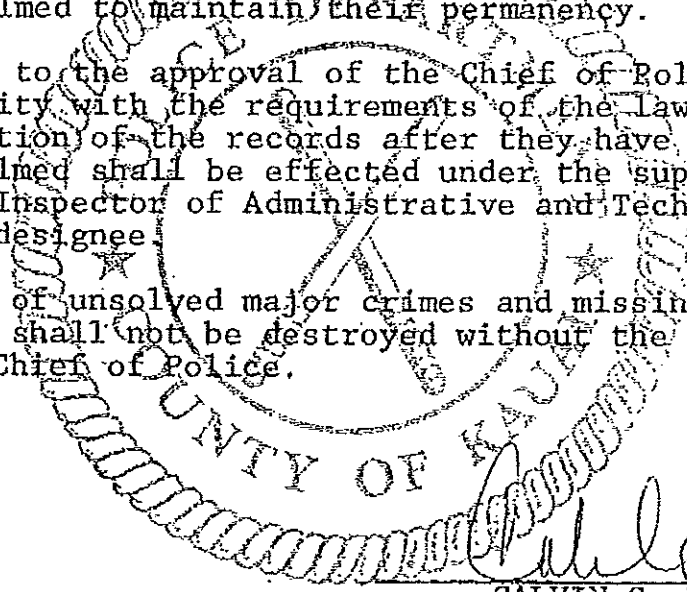
- A. Bureau Commanders shall be responsible for the proper use and care of the data processing equipment installed in their respective Bureaus.
- B. No person shall operate nor attempt to operate the remote terminal unless he has received explicit permission from the Bureau Commander responsible for the security of that terminal.
  - 1. Names of authorized personnel are to be posted at each terminal.
- C. No person shall operate the remote terminals until he has been trained to do so.

## RECORDS &amp; FILES OF BUREAUS - ACCESS, MICROFILMING &amp; DESTRUCTION

- D. All additions, changes and deletions in computer files shall be performed only by designated personnel within the respective Bureaus.
- E. All data stored within the computer is confidential and is restricted to official police use only.
- F. Remote terminals shall not be used for any unofficial business.

IV. MICROFILMING AND DESTRUCTION OF RECORDS

- A. Periodically, with the approval of the Chief of Police, the Inspector of Administrative and Technical Bureau or his designee shall have all records of the Department microfilmed to maintain their permanency.
- B. Subject to the approval of the Chief of Police and in conformity with the requirements of the Law, the destruction of the records after they have been microfilmed shall be effected under the supervision of the Inspector of Administrative and Technical Bureau or his designee.
- C. Reports of unsolved major crimes and missing person reports shall not be destroyed without the approval of the Chief of Police.



*Calvin C. Fujita*  
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CALVIN C. FUJITA  
Chief of Police

Distribution "A"