



Seattle Police Department Policy Manual



6.140 – Locating a Cell Phone During an Emergency

Effective Date: 05/16/2012

6.140-POL

1. A Lieutenant (Or an Acting Lieutenant) Will Screen and Approve Patrol Requests for Locating a Cell Phone During an Emergency as Defined Below

2. A Sergeant or Designee Will Contact the Technical and Electronic Support Unit (TESU) of the Investigation Support Unit to Screen and Coordinate Requests by Patrol to Locate a Cell Phone During an Emergency

Also see [Find a Stolen Cell Phone flow chart.](#)

3. Definition: Historic Information

- Cell phone data that has previously been captured and stored by the cell phone service provider.
- Cell site information becomes "historic" the instant after it has been saved to the cellular service provider's computers.
- This information is available to law enforcement with a search warrant, search warrant exception, consent to search, or when the Community Caretaking Warrant Exception applies).

4. Definition: Prospective Information

- Cell phone data that shows the current or future use and location of a cell phone. 'Pinging' the cell phone generates prospective information. This requires an action on the part of the cell service provider to locate the cell phone.
- This information is available to law enforcement with an existing pen register and/or trap and trace order or a qualifying pen/trap emergency. Even with a qualifying emergency, a pen register and/or trap and trace court order is required.

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5. Definition: Community Caretaking Warrant Exception

- Community caretaking function exception to the warrant requirement is totally divorced from a criminal investigation. The emergency aid doctrine arises from a police officer's community caretaking responsibility to come to the aid of persons believed to be in danger of death or physical harm. If the exception applies, police officers may conduct a noncriminal investigation so long as it is necessary and strictly relevant to performance of the community caretaking function. The noncriminal investigation must end when reasons for initiating an encounter are fully resolved.

6. Officers May Request Historic Information Using Community Caretaking Only When an Emergency Exists and:

- Someone likely needs immediate assistance for health or safety reasons and,
- A reasonable person in the same situation would similarly believe that there was a need for immediate assistance and,
- There is a reasonable basis to believe that locating a cell phone is necessary to provide the needed assistance and,
- The claimed emergency is not a mere pretext for an evidentiary search and,
- The danger is such that even if the search warrant were diligently pursued, the emergency requires locating the cell phone before a warrant could be obtained.

7. Officers May Request Prospective Information Using a Qualifying Pen/Trap Emergency When:

- An emergency situation exists that involves "immediate danger of death or serious bodily injury" and,
- A qualified King County Prosecutor from the Special Operations Unit agrees with police that the above-described emergency situation exists and,
- There is a reasonable basis to believe that locating a cell phone is necessary to police ability to provide the needed assistance and,
- The danger is such that, even if the pen/trap court order were diligently pursued, the emergency requires locating the cell phone before an order could be obtained.
- The facts and circumstance support that a court could lawfully authorize the order if pursued.

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8. Officers Will Document What Cell Phone Data Was Obtained in the Report

9. If Prospective Information Using a Qualifying Pen/Trap Emergency is Obtained, The Requesting Officer Must Complete the Pen Register and/or Trap and Trace Affidavit and Order Within 48 Hours

- The officer will coordinate with TESU and the approving deputy prosecuting attorney.
- The officer will take the order to a judge for signature and return the originals to the deputy prosecuting attorney for processing.
- Failure to obtain the pen register and/or trap and trace affidavit and order within 48 hours of obtaining the information from the cell phone provider is a Gross Misdemeanor -- even if pen/trap usage has ceased prior to seeking an order.

6.140-PRO-1 Requesting the Location of a Cell Phone

Officer

1. **Recognizes** the need to locate a cell phone.
2. **Notifies** a sergeant.

Sergeant

3. **Screens** the incident and determines, with the officer, which type of information is required.
4. **Contacts** TESU through Communications.

TESU Sgt/Det

5. **Assists** the sergeant in verifying the type of information that can be obtained.
6. **Contacts** the Special Operations Prosecutor if prospective information using a qualifying pen/trap emergency is required.
7. **Provides** direction and reporting requirements to the Patrol Sergeant.

Sergeant

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8. **Instructs** the officer to complete the Cell Phone Location Request (form 22.4)

9. **Notifies** an on-duty Lieutenant of the request.

Lieutenant

10. **Approves** (if appropriate) the request and signs the completed Cell Phone Location Request form, returning the form to the Officer.

Officer

11. **Delivers** the approved Cell Phone Location Request form to Communications.

Communications

12. **Follows** their internal procedure to obtain the information from the cellular service provider.

13. **Notifies** the requesting officer of the results.

Officer

14. **Completes** the required Report and other paperwork and reporting requirements (See 6.140-TSK-1 Officer Reporting).

Sergeant

15. **Reviews** and approves all related paperwork.

16. **Follows-up** with the officer that if a pen/trap order is obtained, then the officer completed the order affidavit requirements.

TESU

17. **Records** the incident for inclusion in a required monthly report that is sent to the King County Administrative Office of the Courts if a pen/trap order is required.

6.140-TSK-1 Officer Reporting

1. **Sends** the original Cell Phone Location Request to Data.

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2. **Compiles** an Alert Packet that includes the Report, a copy of the Cell Phone Location Request, copies of any other documents associated with the incident.

a. The Report must include:

- Facts supporting the Community Caretaking Warrant Exception if Historic Information is sought, or,
- Facts supporting the qualifying pen/trap emergency if Prospective Information is sought.
- The name of the TESU sergeant/detective that screened the incident,
- The name of the Sergeant that screened the incident,
- The name of the Lieutenant who approved obtaining the cell phone data.
- The type of data that was obtained from the cellular service company and if the data assisted the investigation or resolution of the incident.
- That the Cell Phone Location Request (form 22.4) was completed.

3. **Sends** the Alert Pack to TESU.

4. If prospective information is obtained, then **completes** the pen register and/or trap and trace affidavit and order within 48 hours of obtaining the information from the cell phone provider.

a. **Coordinates** with TESU and the approving deputy prosecuting attorney, who will sign off on the order.

b. **Meets** with a judge to obtain their signature on the order.

c. **Returns** the originals back to the deputy prosecuting attorney.