

Wayne County Sheriff's Department Training Newsletter

June 2011

Volume I Issue V

**ANYONE WHO HAS NEVER MADE A MISTAKE HAS NEVER
TRIED ANYTHING NEW.**

Albert Einstein

Thoughts...

The newsletter for June is going to be a little shorter than the one for May. Jack Martin has requested that all officers be provided with information on how to preserve cell phone records. Currently, understanding this technology and the evidentiary value it can contain is important to police officers whether they are working patrol or assigned to detectives. Preserving cell phone evidence requires quick action once an investigation begins. Failure at any stage to take the necessary steps to save phone records can result in the loss of evidence that can never be retrieved. Jack has provided some tips for officers that will simplify the process and ensure that cell phone evidence is preserved whether you are dealing with a harassment case or a homicide.

REMINDERS

Firearms training for June will take place on the 21st and 22nd.

I am going over the video recording of interrogations with officers. The training takes about one hour and I will be training on this topic on an as-available basis.

CPR/First Aid training is ongoing. Your supervisors will be assigning you to the available classes. Please be prepared to spend the day in your session.

LOOK at the training calendar by clicking <http://wcsdweb2/training/>

TRAINING OPPORTUNITIES

Bath Salts and Spice **June 20**
Centerville High School

As always, if you are interested in attending training not listed here, let Jason Moore (enforcement) or Jeff Ervin (jail) know. Enforcement officers can request training by submitting the proper training request through the link provided below. Any requests or suggestions for training topics are always appreciated.

STAY ALERT!!

May 21, 2011 – Remember, traffic accidents, not criminals, kill more police officers annually. EVO remains one area in which we must all stay sharp.

May 19, 2011 – The danger presented by subjected who has been arrested does not end when the “book-in” process is over!!

May 12, 2011 – Human trafficking is more than a state mandated training topic. It is as much a growing problem in the Midwest as it is on the east and west coasts.

If you have questions regarding training listed or an interest in attending training not found here, contact Jason Moore. Be sure to fill out a [training request form](http://wcsdweb2.co.wayne.in.us/training) for review if you would like to attend any training held outside the WCSD. Email reminders will be sent out when issues of this publication are ready to be viewed on <http://wcsdweb2.co.wayne.in.us/training>

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PRESERVING CELL PHONE RECORDS

Whenever officers find themselves in a situation where cell phone records may contain evidence of a crime, there are certain steps that should be taken to ensure the preservation of those records. Some cell phone carriers keep records for as little as 72 hours unless a police officer has taken the necessary steps to preserve the information until a subpoena or search warrant can be obtained. Cell phone records can provide officers with billing and account information, cell tower records, call detail records, cell tower location, photographic and video images, voice mail and text messages. Each of these categories may provide evidence or information to assist and enhance a criminal investigation.

Consider these examples:

- 1) You are investigating a report of telephone harassment in which a person has received threatening text messages. By preserving both the victim and suspect cell phone records, you will be able to verify the phone number the messages were sent from as well as the date and time that such messages were sent. If you refer the victim to the nuisance bureau, as we have all done, you are only securing FUTURE information. By preserving the cell records, you have the HISTORY, which may actually be the evidence you need for an arrest and successful prosecution.
- 2) In a burglary investigation, preserving a suspect's cell phone records can give you cell tower location, which may verify that a suspect was in the area of a burglary. There may also be communication between multiple suspects if that is the case in your particular investigation.
- 3) If you are investigating a sex crime, there may be incriminating texts, pictures, or videos on a cell phone.

There are obviously endless examples of scenarios in which officers may want to preserve these records. In addition, each situation is different and the individual officer will need to use their discretion to decide if records should be preserved or even if the phone itself should be taken into evidence. Usually, if the phone needs to be taken, from a victim for example, any information on that phone can be retrieved and the phone can be returned to its owner within a few days. Officers will need to consider the totality of the circumstances when making these decisions. The purpose of this guide is to provide officers with a basic process to preserve cell phone evidence until a subpoena or search warrant can be obtained for the evidence.

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Steps for Preserving Cell Phone Records

- 1). Determine if the cell phone records may contain evidence.
- 2). On the internet, go to fonefinder.net to determine the service provider for that particular cell phone number.
- 3). Call that provider to verify that they are, in fact, the current carrier for that number.
 - In the event that the carrier has changed, you will need to refer to the *Law Enforcement Telephone Investigations Resource Guide*. I have placed a copy of this guide in the squad room. Contact the Number Portability Administration Center (NPAC), to determine who the carrier is. This is done through an automated phone system by calling 571-434-5781 and using the WCSD pin# 78589712. Again, verify the information by contacting that carrier.
- 4). After the service provider is verified you must send a records preservation letter. A sample is attached and can be found in the Resource Guide. Remember, this **MUST** be done quickly as some evidence may be lost within 72 hours. If you are the initial officer, it is your responsibility to send the preservation letter. The letter must be sent as soon as you believe the phone records have evidentiary value. **DO NOT RELY ON A DETECTIVE OR OTHER OFFICER TO SEND THIS LETTER.** By waiting, crucial evidence may be lost.
- 5). After you send the letter, wait 30 minutes and call the carrier to verify that they received it. At this point, the records should be preserved and a subpoena or search warrant can be served later to obtain the information.

If exigent circumstances are involved, such as a child abduction or homicide, you may need to take different steps. Refer to the Resource Guide on how to handle such an incident and work with EOC to make sure the necessary steps are taken.

Remember, the steps outlined above are a starting point for officers. Every situation is fluid and may require further action; the key point to remember is *TIME*. Too much elapsed time may result in the loss of evidence.

If you have questions or would like more information, Detective Jack Martin can assist you.

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SAMPLE PRESERVATION LETTER

Department Letterhead

March 10, 2010

National Subpoena Compliance Center

AT&T Mobility

P.O. Box 24679 **DO NOT DISCLOSE**

West Palm Beach, Florida 33416-467

(800) 635-6840 FAX (888) 938-4715

RE: Court Order to Provide Telephone Records JCSO Case 10-1234

URGENT REQUEST FOR ASSISTANCE - CHILD ABDUCTION INVESTIGATION

The Jackson County Sheriff's Office is investigating a child abduction. We will be requesting telephone records which we believe will provide important evidence in our case. The court order, which will follow, will comply with all requirements outlined in United States Code, Title 18, Part I, Chapter 121, § 2703(d). The order will be obtained with a sworn affidavit which will include "specific and articulable facts".

We are sending this notice to request the records be pulled and held before they are lost and cannot be recovered. The court order will follow within 30 days.

Please call me immediately if these records are no longer available or if there are any problems.

SUBSCRIBER TELEPHONE NUMBER: (541) 555-1212 **TIME PERIOD:** 02-15-10 to current

We will be requesting:

- **AT&T Mobility subscriber billing & account information – to include account notes.**
- **In-coming and out-going cell tower records.**
- **In-coming and out-going call detail records.**
- **Cell tower location information.**
- **All stored photographic or video images.**
- **All stored voice mail messages.**
- **In-coming and out-going text messages.**

Respectfully,
Detective Joe Friday

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TECH TIPS & TRICKS

(Courtesy of tech guru Alan Moore)

The RPD Scooter Database is now available online. To access this database go to the "Visions RMS Lookup" page on the WCSO Intranet page. Once there you can either use the "Criminal History" or "Vehicle Lookup" searches. For either search, the data returned will contain a section for the RPD Scooter database. Unfortunately, RPD does not collect descriptors (name/DOB/SSN) so the data there is of limited usefulness, and we cannot match it to jail pictures.

Both electronic and paper UTT data is now available on the "Visions RMS Lookup" page. You can use the "Criminal History" link, which now contains a section for WCSD tickets. You can also scroll to the bottom of that page to the "WCSD UTT Search" section and enter a date range as well as other information. If you are looking for a ticket that was written more than a week ago be sure to at least enter a beginning date. We hope to be able to add RPD ticket information in the future, but negotiations are ongoing.