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| Policy #**Emergency Call Location Information Request** | Related Policies:  |
| *This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only be for the basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.* |
| Applicable State Statutes**: K.R.S. KRS 17.190** |
| **KACP**  |
| Date Implemented: | Review Date: |

**POLICY: Emergency Call Location Information Request**

1. **PURPOSE**

To establish guidelines for requesting call location information from wireless telecommunications carriers in order to respond to a call for emergency services or in an emergency situation, per KRS 17.190; *Carpenter v. United States*, 138 S. Ct. 2206 (2018); and *Reed v. Commonwealth of Kentucky*, 2018-CA-00157-MR (Ky. App. 2020).

1. **SCOPE**

This procedure shall apply to all Public Safety Answering Points and this law enforcement agency.

1. **DEFINITIONS**
2. **“Call location information”** means the best available location information, including but not limited to information obtained using historical cellular site information or a mobile locator tool;
3. **"Wireless communications device"** means any wireless electronic communication device that provides for voice or data communication between two (2) or more parties, including a mobile or cellular telephone; and
4. **"Wireless telecommunications carrier"** means a provider of commercial mobile radio services, including all broadband personal communications services, wireless radio telephone services, geographic area specialized and enhanced specialized mobile radio services, and incumbent wide area specialized mobile radio licenses, which offer real-time, two-way voice services interconnected with the public switched telephone network and doing business in this Commonwealth.
5. **PROCEDURE**
6. A local emergency responder(s) seeking call location information, whether historic or real-time, shall direct the inquiry to either the Public Safety Answering Point or Police Department or Sheriff’s Office.
7. The acquisition of call location information by law enforcement triggers the protections of the Fourth Amendment and thus requires the need for a search warrant.
8. When an articulable exigency exists that may create an exception to obtaining a search warrant, the following procedure applies:
9. The highest-ranking person on duty at the Public Safety Answering Point or Police Department or Sheriff’s Office should consult with the emergency responder(s) making the request.
10. The ranking person on duty shall determine whether the conditions for the request meet the requirements for response to a call for emergency services or in an emergency situation that involves the imminent risk of death or serious physical injury.
11. The ranking person on duty is responsible for any required documentation requested by the wireless telecommunication carrier.
12. Call location information obtained from a request shall not be disclosed to any party who is not officially involved in the underlying response.