

INFORMATION PAPER

SUBJECT: Cellular Phone Exigent Circumstance Request

1. **Purpose.** To provide information on the Exigent Circumstance Requests Process

2. **Facts.**

a. The Exigent Circumstance Request is an emergency tool designed for law enforcement agencies. All wireless companies are legally required to assist law enforcement agencies in the event of an emergency involving danger of death or serious physical injury (see 18 USC § 2702(c)(4)), where there is no time to procure a lawful court order. If this type of situation develops the wireless company must provide, to the best of their ability, the location of the telephone described in the request.

b. Exigent Circumstance Requests are for use only when there is a good-faith belief that there is danger of death or serious physical injury. However, Exigent Circumstance Requests should not be used as a first response tool. If a threat is imminent, and the Soldier can be quickly located by other means, then those other means should be used. In an emergency situation, calling 911 is often the best choice, and is never a wrong decision. Exigent Circumstance Requests cannot be used to locate AWOL Soldiers or Soldiers suspected of other misconduct. Situations not involving a good-faith belief that there is a danger to life and limb will require a judicial order to obtain cellular phone locations.

c. Exigent Circumstance Requests must be made to the individual company providing service to the phone itself. This means you must either find out which cellular company the Soldier uses, or have the wireless company attempt to run their number to determine if it belongs to them. An alternative to this is to call the phone yourself. Often times the voicemail or unavailability message will mention which company is providing service to the phone.

d. Each wireless provider has their own procedure before a phone location will be released. This means that specific SOPs will differ from request to request. The first step in all situations is to contact the appropriate provider and describe the situation. The service provider will then guide you from that point on. At some point you will be required to fill out a form describing the situation, as well as other information, depending on the provider. The fastest and most common way to submit forms and information will be via facsimile. This is quick, simple, and reliable. Some companies allow other methods, and will describe the necessary steps at that time.

e. This tool is only available to law enforcement agencies. However, some cellular companies will also accept the signature of an attorney, at their discretion, depending on that attorney's position and situation. This means that individual military commanders will need to contact their trial counsel and/or Military Police as quickly as possible. In the event that military personnel with proper authority are not available, or there is no time to make contact, 911 should be called. Local law enforcement and dispatch can and will use this system in an emergency.

3. **Contact:**

a. While there are many wireless providers, the top 5 companies in the USA control over 90% of the market. Contact information for these companies is provided below. Smaller companies are not listed due to the huge number of minor carriers, many of them representing less than one percent of the population.

b. The major Exigent Circumstance Request contact numbers are as follows:

Sprint/Nextel:	1-800-877-7330
U.S. Cellular:	1-630-875-8270
Verizon:	1-800-451-5242
At&t:	1-800-635-6840
Metro PCS:	1-800-571-1265

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