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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE: APPLICATION FOR TELEPHONE  
INFORMATION NEEDED FOR A CRIMINAL  
INVESTIGATION

CR 15-XR-90304-HRL-1(LHK)

DECLARATION OF MADELINE LARSEN IN  
SUPPORT OF FEDERAL PUBLIC DEFENDER'S  
RESPONSE TO GOVERNMENT'S APPEAL

I, Madeline Larsen, declare:

- 1) I am an investigator at the Office of the Federal Public Defender and I have been conducting investigation related to the above captioned case. Specifically, I have contacted a number of cell phone service providers to determine the answers to the questions posed by the Court in the Order Inviting Supplemental Briefing, filed June 25, 2015.
- 2) On June 26, 2015, I spoke with Jason Kobran, Law Enforcement Resource Team Analyst at Verizon, who provided the following information.
  - a. A Verizon phone can connect to towers belonging to another provider as long as the other provider uses the same CDMA technology. Sprint and Verizon use the same CDMA technology so Verizon phones frequently connect to towers operated by Sprint.

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- b. CSLI data is stored on the towers. Verizon does not have CSLI regarding communications that occurred over another provider's towers.
- c. Verizon does retain CSLI for phone numbers belonging to other providers when those phones connect to Verizon towers. Verizon releases this information to law enforcement when it is given a court order directing it to release CSLI for a target number that was roaming on Verizon's network.
- d. When Verizon receives such an order, it searches its records for the target number and provides information regarding that target number's activity on its network, regardless of whether the target number is a Verizon phone.

3) On June 26, 2015, I spoke with Patrice Mendoza, a subpoena analyst with Sprint Corporate Security, who provided the following information.

- a. Sprint phones may connect to the towers of other providers if the other provider has the same kind of system. Verizon is an example of a provider with the same kind of system; so Sprint phones can connect to Verizon towers and vice versa.
- b. Sprint is not able to provide CSLI for a call that a Sprint customer made using another provider's tower. That information would be saved on the other provider's tower.
- c. Because Sprint and Verizon have a roaming contract, Verizon sends a report of all roaming activity to Sprint's billing department. That report shows that the Sprint phone was roaming (*i.e.*, connected to Verizon towers) for a specific time. Sprint then makes sure its customer is billed appropriately for the call. The bill does not contain CSLI.
- d. Although Sprint bills customers for calls made while connected to another provider's tower, it does not maintain CSLI records for such calls or produce them

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when served with an order for a Sprint phone number.

- e. Sprint does receive orders to produce records for phones that are not Sprint phones. It complies with these orders when the order requires production of “any call detail records which include roaming details.” Upon receiving the order, Sprint searches its data for the target number. Ms. Mendoza said this was very common. It is also common for law enforcement agencies to submit a court order addressed to all of the phone companies for the same target number.

4) On June 29, 2015, I spoke with Bill Stainbrook, a Compliance Analyst at AT&T, who provided the following information:

- a. AT&T phones can connect to towers operated by other providers with compatible systems, for example, T-Mobile. AT&T does not capture any CSLI data when an AT&T phone connects to a tower operated by another provider.
- b. AT&T is not able to provide any CSLI related to calls made by AT&T phones using the towers of other providers. Under no circumstances would AT&T request CSLI from another provider for an AT&T phone.
- c. AT&T receives records from other providers that reflect AT&T customers’ use of other providers’ cell towers. These records contain the number dialed, duration of the call, and other information, but they do not include CSLI. AT&T does not have any information regarding the location of other providers’ towers to which AT&T customers connect. If AT&T did obtain CSLI for a call made on another provider’s tower, it would not be a normal business records since it would have been given to it by the other provider.
- d. If AT&T receives a request that is addressed to AT&T for a number that is not an AT&T number, it looks for information related to that number. AT&T can

1 determine whether that number roamed on its system or called one of its customers  
2 and, if so, it can provide details of that usage, including CSLI.

3 5) On June 29, 2015, I spoke with Soly Haddock, Subpoena Specialist at U.S. Cellular, who  
4 provided the following information.

5 a. U.S. Cellular is a small cellular service provider and owns clusters of towers  
6 throughout the United States. In areas where it does not have its own network,  
7 customers receive service through roaming agreements with other CDMA  
8 compatible companies. U.S. Cellular cannot provide CSLI for any calls made by  
9 its customers' phones while they are in roaming status.

10 b. Usually, call detail records reflect the fact that a call occurred while roaming and  
11 reveal the date, time, duration and numbers involved. However, CSLI is not  
12 available for that call. Sometimes roaming calls do not appear in its records at all.

13 c. If a U.S. Cellular customer is roaming, U.S. Cellular will not be able to identify the  
14 tower that provided service for any specific call. However, by accessing the billing  
15 records for the target phone number, it can identify the provider that handled the  
16 call and the approximate geographic area where the call originated, *e.g.*, Verizon in  
17 San Diego. If requested by the government, U.S. Cellular will provide this  
18 information.

19 d. U.S. Cellular will never request CSLI from another provider; nor would it provide  
20 records to another provider. If a law enforcement agency wanted CSLI about a  
21 U.S. Cellular phone that was roaming, U.S. Cellular would direct the law  
22 enforcement agency to contact the provider of the roaming service directly.

23 6) On June 29, 2015, I spoke with Lady, who works in the Subpoena Compliance Division of  
24 TracFone, and who provided the following information.

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- a. TracFone does not own or operate its own network or cell towers. Rather, it sells phones that operate on the networks of other providers.
- b. TracFone does not maintain any CSLI for its customers. However, upon request, it can look up a customer's phone number and identify which network the phone operates on. TracFone directs law enforcement to contact the provider that operates that network to obtain CSLI for its customers.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed Monday, June 29, 2015, in the City of Oakland, County of Alameda, State of California.

  
MADELINE LARSEN  
Declarant