

# **Subpoena & Court Orders**

## **Nextel's Guide For Law Enforcement**

August 01, 2003

***NEXTEL***

***Court Order Compliance***



## **Introduction**

This Guide was prepared for Law Enforcement to facilitate the processing of subpoena requests and compliance with court orders for electronic surveillance directed to Nextel Communications, or any of its operating subsidiaries (collectively “Nextel”). This Guide references the Nextel points-of-contact that have been authorized to assist Law Enforcement with subpoena compliance, as well as with the provisioning of lawful interceptions of communications on Nextel’s wireless networks. In addition, this Guide provides Law Enforcement with an overview of Nextel’s current administrative practices and policies required to support these requests.

Any contacts made with, or information received from Nextel personnel other than those identified in this Guide for the subject matter identified, for the purposes indicated in this Guide, is neither authorized nor endorsed by Nextel. It is Nextel’s policy to honor and act on only contacts made with and information received from identified, authorized contact persons.

## **Nextel Subpoena and Court Order Compliance Contacts**

Law Enforcement should direct requests for subscriber information such as customer name, address, local and long distance telephone toll billing records; Fraudbuster Reports; Calls to Destination Searches; telephone number or other subscriber number or identity; subscriber’s length of service, and types of services the subscriber utilizes. Submit request to:

### **Nextel Communications**

**Attention: Subpoena Compliance**

**2000 Edmund Halley Drive Mail stop DS-1**

**Reston, VA 20191**

**Contact Number: (703) 433-8860**

**Fax Number: (703) 433-8842**

Law Enforcement should direct all inquiries regarding electronic surveillance, Title III, new court orders, court order extensions, court order cancellations, switch coverage, and real time location information to:

### **Nextel Communications**

**Attention: Court Order Compliance**

**2000 Edmund Halley Drive Mail stop DS-1**

**Reston, VA 20191**

**Contact Number: (703) 433-4398**

**Fax Number: (877) 293-9824**

**Email: [LEADMIN@Nextel.com](mailto:LEADMIN@Nextel.com)**

## **Hours of Operation**

- Nextel Communications Subpoena Compliance Department will be staffed from 8:00 a.m. to 8:00 p.m. Monday through Friday (E.S.T)

- Court Order Compliance will be staffed from 8:30 a.m. to 11:00 p.m. Monday through Friday (E.S.T.)

## **After Hours Support –Exigent Circumstances**

Nextel Communications Law Enforcement Administrators are available 24 x 7 for legally recognized emergencies. In the event a Law Enforcement Agency (LEA) or Public Safety Answering Point (PSAP) needs to contact a Nextel Communications Law Enforcement representative after business hours, the following procedures shall be followed.

The LEA or PSAP should call the Court Order Compliance contact number at (703) 433-4398. The LEA or PSAP should follow the instructions on the voicemail message regarding Exigent Circumstances. The on call Law Enforcement Administrator will be paged and return your call within 15 minutes of the voicemail message received. If a Law Enforcement Agency or PSAP does not receive a call back from the on call support staff within 15 minutes, an attempt should be made to page the on call person directly with the pager number listed on the voicemail message. In the event the LEA or PSAP does not receive a call back within 15 minutes, a call shall be placed to the Nextel Communications Network Operation Center, (NOC) @ (888) 563-9835. Inform the NOC personnel that a voice mail message was left on the main contact number for the Law Enforcement Representative and an attempt to page the on call support staff directly was made. The NOC is staffed 24 x 7 and will have a contact list of names and numbers of all authorized personnel able to support LEA's and PSAPs. The NOC personnel are only authorized to escalate the matter and will not be able to assist in the request for information or technical support.

## **Exigent Circumstances Absent a Court Order**

Only in the case of legally recognized emergency situations will Nextel process requests from LEA's without an authorized court order. In the event the LEA requires electronic surveillance or location information due to exigent circumstances, the LEA will be required to complete and sign the Exigent Circumstances Form (see Attachment A). Upon completion, this form must be forwarded to the appropriate Nextel point-of-contact. A request can also be provided on the LEA's or PSAP's letterhead or fax cover sheet containing the target information and circumstances surrounding the exigency.

The form should be forwarded to the on call Law Enforcement Administrator at the designated 24-hour fax. Nextel will not comply with any request for surveillance during exigent circumstances without a court order until Nextel has received the appropriate written request from Law Enforcement.

The LEA must provide the Nextel Law Enforcement Administrator with an authorized and valid court order within 48 hours of initiation of the associated surveillance activities. If Nextel has not received a court order within 48 hours of implementation of the electronic surveillance, Nextel will terminate the surveillance

## Required Documentation for Subpoenas

Basic subscriber information will be provided to the LEA upon receipt of the proper legal process or authorization. Nextel toll records include airtime and local dialing information on the subscriber's invoice in addition to any long distance charges. Nextel subscriber's invoice will provide the subscriber's dialed digits. Incoming phone numbers will be marked INCOMING and the incoming callers phone number will not be displayed.

The Fraudbuster database is a tool utilized by Nextel for fraud detection. The Fraudbuster database maintains 30 days of call detail records of incoming and outgoing calls. The information is not considered a transitional record and Nextel does not guarantee the accuracy of the report.

Nextel will provide a Fraudbuster report to the LEA only if the agency agrees to pay an additional fee of \$50.00 per number, per request. The LEA must specify in the subpoena "request to capture the incoming and outgoing call detail records thru the Fraudbuster Database". Nextel will not honor any request for incoming and outgoing call detail request without specifying Fraudbuster in the body of the subpoena. Nextel will not be able to process any request received outside of the data retention period of 30 days.

Nextel recycles phone numbers once a subscriber deactivates service. It is critical that all Subpoenas contain the Subscriber's PTN (the Nextel phone number assigned to the handset, including area code) and the relevant time frame of the requested information. This will insure that Nextel provides the correct subscriber information the agency is seeking.

## Required Documentation for Court Orders

The Nextel Law Enforcement Administrator will review all court orders to verify that the court order contains the necessary information required to comply with the desired surveillance request. It is imperative that all court orders contain accurate and valid information to facilitate the implementation of the court order.

All court orders submitted to Nextel *must* contain the following customer information:

- ◆ Subscriber's name and billing address if known
- ◆ Subscriber's PTN (the Nextel phone number assigned to the handset, including area code)

Also requested but not required:

- ◆ Subscriber's IMEI (International Mobile Equipment Identifier) and IMSI (International Mobile Subscriber Identifier).

If the customer information contained in the court order does not match the customer information found in the Nextel billing systems, Nextel will notify the LEA that the court order must be modified.

In addition to accurate and valid customer information, it is imperative that the following information be included in the court order:

- Correct citation to relevant statutes for the type(s) of surveillance being requested.
- Expiration date or the desired length of time for the surveillance.
- If appropriate, text describing the desired surveillance requirements, if any, should Law Enforcement require surveillance beyond the jurisdiction of the authorizing court.
- If appropriate, text describing the desired surveillance requirements, if any, should the target subscriber change handsets or the associated PTN

Besides the formal documentation that is required in the actual, official court order, Nextel requires some additional information to complete the administration and implementation of the court order. All of this information should be provided in writing, but the documentation can be as informal as a written request on an agency's letterhead or fax cover sheet. This information includes:

- The dial-up number for all Title III requests
- The Nextel switches to be included in the desired surveillance
- The Nextel switches to be added to an existing surveillance
- The desire to request the termination of a court order prior to the authorized expiration date
- The billing name and address for the Law Enforcement agency so that Nextel can be reimbursed for reasonable costs associated with the surveillance

## **Billing Information**

Nextel will seek reimbursement for reasonable costs associated with supporting and maintaining Law Enforcement requests on the Nextel wireless network, as authorized through applicable statutes. At the conclusion of each service provided, Nextel will invoice the LEA for the appropriate fees associated with that request. The LEA shall be responsible for reimbursing Nextel in a timely manner.

Nextel reserves the right to change the rate structure at any time to ensure compensation for reasonable costs associated with supporting Law Enforcement Requests. The current rate structure is as follows:

### Installation Fees

#### **Initiation charge for Interconnect and Dispatch Pen Register or Title III Wiretap - \$1500 per target**

The \$1500 charge will include installation in all requested switches within the market. In the event that the law enforcement agency requests that the court order be implemented in a switch outside of that market, Nextel will charge an additional **\$500 per target, per switch** outside of that initial market.

#### **Monthly maintenance fee for Interconnect and Dispatch Pen Register or Title III Wiretap - \$250 per target**

The \$250 charge will be applied for each month after the month of initiation, and the monthly maintenance charge will be applied for partial months. A partial month will be billed as a complete month of maintenance. No pro-rating will be done by Nextel.

**Charge for providing “real-time” location information (pinging a phone) - \$150 per ping**  
**Charge for Call-to-Destination Searches or cell site information - \$125 per number, per request**

Charge for providing call detail cell site support via reports from Nextel’s fraud management system - **\$125 per target, per report**

Additional Cost

In addition to the standard fees that are charged for the installation and maintenance of each electronic surveillance request, LEA’s t may also be requested to pay for the service and airtime charges that a subscriber incurs to keep the account active, if the account is delinquent or has been identified as a possible fraudulent account.

**Court Order Duration**

Nextel Communications, personnel capable of terminating access to a pen register, trap and trace or eavesdropping warrant are generally not on duty outside the hours of 8:00 am and 11:00 p.m. (E.S.T) Monday through Friday. Nextel will notify the LEA in writing that we intend to disable the surveillance access according to the instructions in the court.

**Technical Support for Electronic Surveillance**

In the event that an LEA loses its Interconnect or Dispatch wiretap capability, the LEA should contact Nextel’s Law Enforcement Administrator at (703) 433-4398. The Law Enforcement Administrator at Nextel will work with the LEA to determine whether the outage is due to the closure of a target account or a provisioning issue (i.e. termination of a warrant).

If the wiretap failure is due to a closed account or a provisioning issue, the Law Enforcement Administrator will advise the LEA accordingly.

If the wiretap failure is not due to a closed account or a provisioning issue, the Law Enforcement Administrator will open an internal trouble ticket and the appropriate Nextel personnel will be engaged to troubleshoot up to the LEA DMARC. Once the issue has either been resolved or ruled out by Nextel’s engineers as a Nextel issue, the LEA will be contacted by the Law Enforcement Administrator and updated as to the findings. If the problem is identified to be on LEA’s side (i.e. a LEM or LEAR failure), it is the LEA’s responsibility to troubleshoot from the DMARC back to their collection facility.

In the event that the LEA needs to gain access to the Nextel MSO during normal business hours, Nextel Security and Fraud will coordinate the date and time of access to Nextel’s MSO and MSO personnel will grant access to the facility provided that the LEA presents a picture ID for proper identification. No one may enter the Nextel MSOs without proper identification, or prior coordination with Nextel’s Law Enforcement Administrator. If the failure is identified during non-business hours, Nextel will provide access to the MSO on the next business day. If the failure occurs during a live wiretap, Nextel will provide access to the MSO as soon as reasonably possible.

## Surveillance Requests for Nextel Partners

Nextel Partners, Inc., based in Kirkland, Washington is a digital mobile wireless service provider licensed to use the Nextel brand in throughout the United States. The company offers its customers the same differentiated, integrated package of digital wireless communications services that Nextel provides customers in its markets allowing customers to roam between the two companies. Although Nextel Partners is a separate company from Nextel, Nextel has agreed to offer Nextel Partners operational support implementing electronic surveillance. Current Nextel Partners Markets are:

<i>Alabama</i>	<i>Auburn, Dothan, Mobile, Montgomery, Opelika</i>
<i>Arkansas</i>	<i>All of Arkansas</i>
<i>Florida</i>	<i>Tallahassee</i>
<i>Georgia</i>	<i>Macon, Warner Robbins, Albany, Columbus</i>
<i>Hawaii</i>	<i>All Islands</i>
<i>Idaho</i>	<i>Boise, Twin Falls</i>
<i>Illinois</i>	<i>Bloomington, Champaign, Peoria</i>
<i>Indiana</i>	<i>Evansville, Terre Haute</i>
<i>Iowa</i>	<i>Cedar Rapids, Davenport, Des Moines, Dubuque</i>
<i>Kentucky</i>	<i>Bowling Green, Lexington, Louisville, Owensboro</i>
<i>Louisiana</i>	<i>Alexandria, Lafayette, Lake Charles</i>
<i>Minnesota</i>	<i>Duluth, Rochester</i>
<i>Mississippi</i>	<i>Pascagoula, Hattiesburg, Jackson,</i>
<i>Nebraska</i>	<i>Lincoln, Omaha</i>
<i>New York</i>	<i>Albany, Buffalo, Rochester, Syracuse</i>
<i>Pennsylvania</i>	<i>Erie, Harrisburg, Scranton, Wilkes Barre</i>
<i>Tennessee</i>	<i>Bristol, Johnson City, Kingsport</i>
<i>Texas</i>	<i>Beaumont, Bryan, College Station, Corpus Christi, Long View, Texarkana, Tyler, Abilene, Laredo, Brownsville, Harlingen, McAllen</i>
<i>Virginia</i>	<i>Blacksburg, Charlottesville, Roanoke</i>
<i>Wisconsin</i>	<i>Eau Claire, Fond Du Lac, Green Bay</i>

To request subpoena or court order assistance for a Nextel Partners subscriber, the following procedures should be followed:

- Reference Nextel Partners as the service provider, or carrier in the Subpoena or the Court Order.
- All Subpoena request should be directed to the Nextel Partners contact identified below.
- All Court Order request should be directed to Nextel Partners contact listed below. A copy of the court order should also be sent to Nextel Communication for processing.
- Exigent circumstance requests absent court orders should be handled through Nextel Partners, as described above.

### **Nextel Partners Contact**

#### **Nextel Partners**

**Attention: Vicky Culpepper, Law Enforcement Compliance Officer**

**6880 Bermuda Rd; Suite 100**

**Las Vegas, NV 89119**

**Phone: (702) 614-2310**

**Fax: (888) 566-3422**

**Email: NPILegal@nextelpartners.com**

Appendix A



## Receipt of Court Order Conformation

Date:

Fax Number:

Agency Name:

Contact Name:

Billing Address:

Target Number/IMSI:

Dispatch only: Warrant Case ID: \_\_\_\_\_ Surv. ID: \_\_\_\_\_ Surv. Password: \_\_\_\_\_

Dear Sir/Madam:

Nextel Communications has received a court order from your agency for the above telephone(s). Pursuant to United States v. Gangi, 33 F.Supp.2d 303 (S.D.N.Y. 1999) and according to your order Nextel calculates that the authorization for the court-ordered access will expire on the following date:

Your order states:

*from date of order*     *from implementation*     *when agency begins collecting*

Your order was implemented on \_\_\_\_\_ @ \_\_\_\_\_ EST.

**Interconnect**

**Digital Dispatch**

Pen Register \_\_\_\_\_

Pen Register \_\_\_\_\_

Trap and Trace \_\_\_\_\_

Trap and Trace \_\_\_\_\_

Eavesdropping \_\_\_\_\_

Eavesdropping \_\_\_\_\_

Please be advised that Nextel Communications maintains regular business hours of 8:00 a.m. to 11:00 p.m. (E.S.T), Monday through Friday. In order to comply with the orders served upon Nextel Communications, Nextel will terminate access at the above referenced date and time unless Nextel is served with an extension order beforehand or the Court Order specifies an exact time the surveillance must be terminated.

Please verify the billing address listed above. Please contact our office via fax at **(877) 293-9824** to update our records with the correct address if applicable.

Please feel free to contact a Law Enforcement Administrator at **(703) 433-4398** if you have any questions.



Appendix B

**EXIGENT CIRCUMSTANCES FORM**

From: \_\_\_\_\_  
(Name/Title/Law Enforcement Agency/Phone Number)

Subject: Emergency Interception/Installation

I hereby certify that I am specially designated by the Attorney General, the Deputy Attorney General, the Associate Attorney General or the principal prosecuting attorney of the State or subdivision thereof acting pursuant to a statute of that State.

I have reasonably determined that an emergency exists that involves

- immediate danger of death or serious physical injury (i.e., murder or kidnapping),
- conspiratorial activities threatening the national security interest (i.e., a terrorist bomb or plot), or
- conspiratorial activities characteristic of organized crime (i.e., mob-related activity, not including drug sales)

that requires interception of communications; installation of a trap and trace or pen register; or the release of cell site information; location information or subscriber information before an order authorizing it can be obtained, in due diligence, from a court.

I have determined that there are grounds upon which an order could be entered to authorize such interception, that no warrant or order is required by law, that all statutory requirements have been met and that carrier assistance as specified in Section 1 is required.

An application for an order will be made within 48 hours after the interception or installation has occurred or begins to occur. You are directed to cease all interception activities or remove the trap and trace or pen register device upon the earliest of:

- 48 hours if no order authorizing interception or installation is received;
- the communication or information sought is obtained; or
- notification that the application for an order has been denied.

Signature \_\_\_\_\_  
(Name/Title/Law Enforcement Agency/Phone Number)

**EXIGENT CIRCUMSTANCES FORM (Cont'd)**

1. INFORMATION, FACILITIES OR TECHNICAL ASSISTANCE REQUIRED

Signature \_\_\_\_\_  
(Name/Title/Law Enforcement Agency/Phone Number)





### Electronic Surveillance Request Form

Agency Name: \_\_\_\_\_

Agency Contact: \_\_\_\_\_

Contact Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

**Type of Request: (check one)**

Activate

Deactivate

**Type of Surveillance: (check all that apply)**

Interconnect Pen Register/Trap and Trace

Interconnect Title III

Dispatch Pen Register

Dispatch Title III

Please provide dial up number: \_\_\_\_\_  
*circle one* POTS line ISDN line

**Nextel Target Information ( \*\* indicates a required field)**

\*\* Target Number: \_\_\_\_\_

IMEI / IMSI: \_\_\_\_\_

\*\* Activation Date: \_\_\_\_\_

\*\* Expiration Date: \_\_\_\_\_

**Billing Information**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



*Appendix E*

**Nextel Communications Standard Fee**

**Effective Date: August 2, 2002**

<i>Interconnect Pen Register or Title III Wiretap:</i>	<i>\$1,500.</i>
<i>Monthly Maintenance Fee Interconnect:</i>	<i>\$250.</i>
<i>Digital Dispatch Pen Register or Title III Wiretap:</i>	<i>\$1,500.</i>
<i>Monthly Maintenance Fee Digital Dispatch:</i>	<i>\$250.</i>
<i>Real Time Location/Ping:</i>	<i>\$150. Per request</i>
<i>Calls to Destination Report</i>	<i>\$125. Per number</i>
<i>Reset Voicemail Box:</i>	<i>\$150. Per number</i>
<i>Handset-to-Handset Text Messages:</i>	<i>\$150. Per message</i>
<i>Call Dump:</i>	<i>\$125. Per number</i>