



Office of the District Attorney Alameda County

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January 14, 2019

AGENDA _____ February 4, 2020

Honorable Board of Supervisors
County of Alameda
1221 Oak Street, Suite 536
Oakland, CA 94612

**SUBJECT: ACCEPT AND RECEIVE THE DISTRICT ATTORNEY'S
ANNUAL REPORT REGARDING USE OF CELL-SITE SIMULATOR
TECHNOLOGY FOR 2019**

Dear Board Members,

RECOMMENDATION:

Accept and receive the District Attorney's 2019 Annual Report regarding the use of cell-site simulator technology.

DISCUSSION/SUMMARY:

The use of cell-site simulator technology by the Alameda County District Attorney's Office is governed by the Alameda County District Attorney's Policy for Use of Cell-Site Simulator Technology. This Policy required that the District Attorney prepare and present to the Board an annual report summarizing the use of the cell-site simulator technology and compliance with the Policy. The report for calendar year 2018 is attached for your review.


FINANCING

This request will not impact net County cost in FY 2019-2020 or in subsequent years.

VISION 2026 GOAL:

Receipt of the Cell-Site Simulator Use report meets the 10x goal pathway Crime Free County in support of our shared vision of Safe and Livable Communities.

Sincerely,


NANCY E. O'MALLEY
District Attorney

ALAMEDA COUNTY DISTRICT ATTORNEY'S ANNUAL REPORT REGARDING USE OF CELL-SITE SIMULATOR TECHNOLOGY

2019

INTRODUCTION:

The use of Cell-Site Simulator (CSS) technology by the Alameda County District Attorney's Office is governed by the *Alameda County District Attorney's Policy for Use of Cell-Site Simulator Technology*. This Policy requires the following: "On January 15th of each year, or at the next closest regularly scheduled Board meeting, the District Attorney shall prepare and present to the Board an annual report summarizing the use of the cell-site simulator technology and compliance with the Policy." This annual report is submitted for the year 2019.

The Policy governs the content of the annual report, and provides as follows:

This report shall not include any personally identifiable information, proprietary information, or any other information expressly prohibited by law from disclosure. The report shall include the following:

1. An overview of the number of requests for use of the equipment, how many requests were authorized, and how many times the equipment was deployed in the following categories: A) To effectuate an arrest; B) To locate an at-risk person; and C) To aid in search and rescue efforts.
2. A list of outside agencies that were authorized to use the equipment.
3. A list of outside agencies that received information from use of the equipment.
4. The number of any violations of the Policy.
5. Total additional costs for maintenance, licensing and training, if any.
6. The results of any internal audits, and if corrective action was taken.

REPORT:

1. **An overview of the number of requests for use of the equipment, how many requests were authorized, and how many times the equipment was deployed in the following categories: A) To effectuate an arrest; B) To locate an at-risk person; and C) To aid in search and rescue efforts.**

There were three requests to use the CSS in 2019. All three requests were authorized. The CSS was deployed once, relating to the category: "To effectuate an arrest." In two instances where requests were authorized, the CSS was not deployed because the subjects were arrested before deployment.

2. **A list of outside agencies that were authorized to use the equipment.**

Alameda County District Attorney's Office
Fremont Police Department
Oakland Police Department

3. **A list of outside agencies that received information from use of the equipment.**

Alameda County District Attorney's Office

4. **The number of any violations of the Policy.**

There were no known violations of the Policy in 2019.

5. **Total additional costs for maintenance, licensing and training, if any.**

There were no additional costs for maintenance, licensing, or training, in 2019.

6. **The results of any internal audits, and if corrective action was taken.**

The Policy requires the District Attorney's Office to ensure that the CSS is used in conformance with law and the Policy. The Policy also requires the District Attorney's Office to report any violations of the Policy in the Annual Report. Moreover, the Policy specifically provides: "The District Attorney's Office shall implement an auditing program to ensure that the data is deleted in the manner described above. This audit shall take place not less than once every six (6) months."

Accordingly, the District Attorney's Office has developed an audit protocol designed to assess compliance with all of the requirements described above. The audit protocol

includes, but it not limited to, the following: Review of records related to CSS deployment including search warrants and affidavits; Consultation with supervisor of CSS program within Inspector's Division of the Alameda County District Attorney's Office; Review of records related to operators of CSS; Consultation with operators of CSS; Physical examination of CSS.

Only one audit was performed for 2019 because the CSS was only deployed one time. The audit was completed on December 17, 2019. The audit revealed no instances of non-compliance with law or the Policy. The audit confirmed proper deletion of data.

Prepared By: John J. Brouhard
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Electronic Intercept Coordinator

Approved By: Nancy E. O'Malley
District Attorney

Dated: December 17, 2019