



AGENDA _____ January 23, 2018

January 2, 2018

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 2017**

Dear Board Members:

RECOMMENDATION:

Accept and receive the District Attorney's 2017 Annual Report regarding the use of cell-site simulator technology

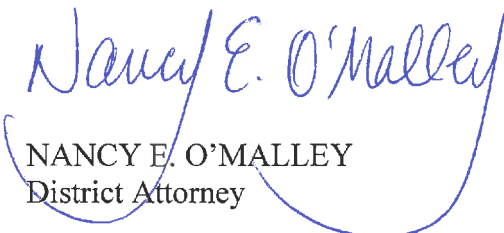
DISCUSSION/SUMMARY:

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 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." The report is attached for your review.

FINANCING:

This request will not impact net County cost in FY 2017-2018 or in subsequent years.

Sincerely,


NANCY E. O'MALLEY
District Attorney

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

2017

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 2017. During the early part of 2017, the CSS had not yet been placed into service. The CSS equipment was still in the process of being installed and configured for use. The CSS was subsequently placed into service and was first used in May of 2017.

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 four requests to use the CSS in 2017. Three of the requests were authorized. The CSS was deployed three times, all relating to the category: "To effectuate an arrest."

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
Oakland Police Department

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

There were no known violations of the Policy in 2017.

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

In 2017, there were CSS maintenance costs of \$624.32.

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.

The audit was completed on December 12, 2017. Only one audit was conducted in 2017 because the CSS was deployed only once in the first six months of the year. This single deployment did not present a sufficient sample size to warrant an audit for the first six months of the year.

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
Assistant District Attorney
Electronic Intercept Coordinator

Approved By: Nancy E. O'Malley
District Attorney

Dated: January 2, 2018