

Attachment C: Cellular Site Simulator

Oakland Police Department (OPD) Department General Order (DGO) I-11: Cellular Site Simulator (CSS) Usage and Privacy, requires that OPD provide an annual report to the Chief of Police, the Privacy Advisory Commission (PAC), and the Public Safety Committee. The information provided below is compliant with these annual report requirements.

***The technology has reached its lifespan and is unusable. The company stopped building the machines.

2022 Annual Report Details

A. A description of how the surveillance technology was used, including the type and quantity of data gathered or analyzed by the technology:

The Cell Site Simulator Surveillance (CSS) Impact report explains that, "Cellular site simulators, as governed by this policy, function by transmitting as a cell tower. In response to the signals emitted by the simulator, cellular devices in the proximity of the simulator identify it as the most attractive cell tower in the area and thus transmit signals to the simulator that identify the device in the same way that they would a networked tower.

CSS receives signals and uses an industry standard unique identifying number assigned by a device manufacturer or cellular network provider to distinguish between incoming signals until the targeted device is located. Once the cellular site simulator identifies the specific cellular device for which it is looking, it will obtain the signaling information relating only to that particular phone, rejecting all others.

The authorized purposes for using CSS interception technology and for collecting information using that technology are to:

- a. Locate missing persons*
- b. Locate at-risk individuals*
- c. Locate victims of mass casualty incidents*
- d. Assist in investigations involving danger to the life or physical safety of an individual*
- e. Apprehend fugitives*

The technology was not used in 2022.

B. Whether and how often data acquired through the use of the surveillance technology was shared with outside entities, the name of any recipient entity, the type(s) of data disclosed, under what legal standard(s) the information was disclosed, and the justification for the disclosure(s):

DGO I-11 does provide that OPD may share CSS data with other law enforcement agencies that have a right to know and a need to know¹, such as an inspector with the

¹ DGO I-11 explains that a right to know is the legal authority to receive information pursuant to a court order, statutory law, or case law.

District Attorney's Office. However, no CSS data would be downloaded, retained, or shared. No data was generated or shared with any agency because it was not actually used in 2022.

- C. Where applicable, a breakdown of what physical objects the surveillance technology hardware was installed upon; using general descriptive terms so as not to reveal the specific location of such hardware; for surveillance technology software, a breakdown of what data sources the surveillance technology was applied to:

CSS is not attached to fixed objects.

- D. Where applicable, a breakdown of where the surveillance technology was deployed geographically, by each police area in the relevant year.

CSS was not utilized anywhere in the City in 2022.

- E. A summary of community complaints or concerns about the surveillance technology, and an analysis of the technology's adopted use policy and whether it is adequate in protecting civil rights and civil liberties. The analysis shall also identify the race of each person that was subject to the technology's use. The Privacy Advisory Commission may waive this requirement upon making a determination that the probative value in gathering this information to evaluate the technology's impact on privacy interests is outweighed by the City's administrative burden in collecting or verifying this information and the potential greater invasiveness in capturing such data. If the Privacy Advisory Commission makes such a determination, written findings in support of the determination shall be included in the annual report submitted for City Council review.

Staff reached out to each City Council office to ask about possible community complaints or concerns related to this surveillance technology. No community complaints or concerns were communicated to staff.

- F. The results of any internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response unless the release of such information is prohibited by law, including but not limited to confidential personnel file information.

There were no uses in 2022, and thus no need for any audits. There were no policy violations.

- G. Information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response.

There were no identifiable data breaches or unauthorized access during the year 2022.

- H. Information, including crime statistics, that helps the community assess whether the surveillance technology has been effective at achieving its identified purposes.

Tech was not used in 2022.

- I. Statistics and information about public records act requests regarding the relevant subject surveillance technology, including response rates.

There are no existing or new public records requests for the 2022 calendar year.

- J. Total annual costs for the surveillance technology, including personnel and other ongoing costs, and what source of funding will fund the technology in the coming year.

Zero (\$0.00). OPD did not incur any maintenance, licensing, or training costs.