Community Police Oversight Commission

TO: Eugene Harris, Chief of Police, Pasadena Police Department
          Art Chute, Deputy Chief of Police, Pasadena Police Department

FROM: Esprit Jones, Chair, Community Police Oversight Commission

RE: Recommended Changes to Draft Cellular Site Simulator Policy

DATE: December 7, 2023

Background

At the November 2, 2023 Community Police Oversight Commission meeting, the Commission was asked to review and make recommendations on the Pasadena Police Department's Cellular Site Simulator policy. Because the Commission had limited time to review the draft policy, we continued the discussion to the December meeting and asked the Technology Ad Hoc Committee to create a recommendation for the full Commission's consideration.

Technology Ad Hoc Recommendation

After much discussion and collaboration with community members and each other, the members of the Technology Ad Hoc committee recommended that the Pasadena Police Department use the Vallejo Police Department's policy as a framework, with adaptations where necessary.

To help contextualize why the Technology Ad Hoc Committee felt that this draft policy is a better fit Pasadena, it includes the following enhancements:

1. A basis for the policy that lays out California law and requirements in more detail.
2. An explanation of the technology with a clear statement that Pasadena will not add software or otherwise modify the equipment in any way to enable cellular site simulator technology to capture or receive content like text messages, voicemails, etc.
3. Further description of information obtained for transparency and clarity to the public.
4. It changes should to shall when talking about how CSS data will not be used to support probable cause for an arrest warrant.
5. For exigent circumstances, it adds language to clarify that it should only be used with a concurrent application for a search warrant, not just receiving one within 72 hours.

6. It requires quarterly review of logs by IPA/PPD representative and any other review as needed, and the creation of deployment logs that are made public and posted online with redaction of any information related to ongoing investigations or other exempt materials.
7. It requires an Annual Report to the CPOC.
8. It lays out more comprehensive instructions on retention and disposal of information.

Additionally, one commissioner requested the consideration of additional language that would include the following:

1. The inclusion of a requirement that agencies requesting to use Pasadena's cellular site simulator have their own usage policy with annual reporting and a deployment log requirement.

PPD Review and Response

Prior to bringing this recommendation forward to the full Commission, the ad hoc committee sent PPD our proposed policy for their review and feedback. PPD agreed to the majority of recommendations made by the ad hoc committee, with some changes noted in a revised version given to the CPOC.

CPOC Recommendation

At the December 7, 2023 CPOC meeting, the Commission reviewed and discussed the Technology Ad Hoc Committee's recommended policy and PPD's revised version. After much dialogue, the Commission voted (9-0 vote, with one abstain and one absent) to recommend that the Police Department/City Council adopt the cellular site simulator policy based on the merged document of the Technology Ad Hoc's recommendations and PPD's edits, with the following changes:

1. Revise the paragraph added by PPD in Section 620.4 to ensure it is clear and that this is still with a proper search warrant and following all established privacy and use protocols, and make sure that the list of uses matches the list in 620.6.
2. In 620.6, provide definitions of what a missing person, at-risk individual, and victim are.
3. In 620.9, go back to quarterly instead of semi annually for the release of the deployment log.

4. In 620.11, add in language that says you will recommend that any agencies asking to use the cellular site simulator will have a draft policy of their own on its use.

Thank you for your collaboration and understanding of the importance of creating a policy that is workable for you while providing the community with privacy and transparency safeguards.