



AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: Darren Allison
Interim Chief of Police

SUBJECT: Cellebrite Technology

DATE: February 15, 2024

City Administrator
Approval


Jestin Johnson (Feb 29, 2024 15:26 PST)

Date Feb 29, 2024

RECOMMENDATION

Staff Recommends That The City Council Approve A Resolution Approving The Oakland Police Department's Universal Forensic Extraction Device Use Policy And Impact Report In Order To Update Existing Technology.

EXECUTIVE SUMMARY

For approximately a decade, the Oakland Police Department (OPD) has used Cellebrite mobile device extraction technology to assist with criminal and administrative investigations. The technology consists of a universal forensic extraction device (UFED) (hardware) and the Cellebrite Physical Analyzer (software). Together, the hardware and software extract data from mobile devices. The extraction technology must be updated in order to keep up with the advancement of mobile device technology. The technology will be used as described in the UFED use policy and accompanying impact report. (See **Attachments A and B.**)

BACKGROUND AND LEGISLATIVE HISTORY

The advancement of mobile technology and the rise of social media has led to the mobile device being a vital accessory, frequently carried by individuals on a near constant basis. As such, mobile devices, and the digital evidence associated, have become an essential part of any criminal investigation. With the current outdated technology available at OPD, investigators are not able to fully and effectively take advantage of all the digital evidence available in each criminal case. This in turn negatively impacts the solvability of many violent and non-violent crimes.

Currently, a forensic analysis of a mobile device will provide the investigator the following:

- Understanding of whom the suspect(s) communicated with
- The method and content of said communication
- The location of the suspect over a period of time
- Insight into the modus operandi of the suspect.

Public Safety Committee
March 12, 2024

However, with the advancement of mobile device technology, a large amount of this data only exists on the mobile device itself. Without access to the correct mobile device data and the new methods to obtain these data, we are unable to obtain the digital content of those mobile devices for our investigations. This has led to valuable data rendered useless and lost from the investigation.

Investigators currently utilize an older Cellebrite UFED (hardware), and the Cellebrite Physical Analyzer (software) in the forensic analysis of mobile devices for their investigations. The current UFED was originally purchased about a decade ago by the department. Given the advancement of mobile devices in the years since, there is an ever-growing number of mobile devices that OPD is unable to forensically extract or analyze to further criminal or administrative investigations. The UFED is simply outdated and in turn valuable evidence necessary to solving homicides, robberies, or sexual assaults goes undiscovered. **Attachment C**, items 4, 5, and 7 are the hardware updates for the UFED.

OPD has developed Department General Order (DGO) I-30 Universal Forensic Extraction Device Use Policy (**Attachment A**) and accompanying impact report (**Attachment B**) and presented them to the Privacy Advisory Commission at the regularly scheduled Privacy Commission meetings on November 2, 2023, and December 7, 2023.

On December 7, 2023, the Privacy Advisory Commission voted unanimously to adopt DGO I-30 and recommended that the City Council adopt DGO I-30 and the accompanying impact report.

ANALYSIS AND POLICY ALTERNATIVES

This policy action advances the citywide priority of responsive, trustworthy government. OPD is committed to reducing crime and serving the community through fair, quality policing. OPD can more effectively save lives, reduce harm, and reduce crime through the use of the UFED.

Authorized Purposes and Legal Authority

Per policy, as outlined in the accompanying resolution, OPD would be limited to using UFED technology to extract electronic information from mobile devices in the following scenarios:

- Administrative investigations involving OPD work phones
- Criminal investigations with the issuance of a search warrant to search the mobile device
- Criminal investigations with documented consent to search the mobile device by authorized possessor of the device or owner of a device that has been reported lost or stolen
- Criminal investigations where OPD has a good faith belief that an emergency involving danger of death or serious physical injury to any person requires access to the electronic device information.

In the case of an identified exigency, a contemporaneous application for a search warrant shall be made whenever possible and no later than 48 hours after use.

What Universal Forensic Extraction Device Does

The UFED is designed to extract electronic information stored on mobile devices. It consists of a physical port that connects to common mobile devices, and a computer memory storage to extract electronic information to a computer. The extracted information is then produced into a viewable report form by the physical analyzer software. During this process, the user of the UFED and physical analyzer software will apply constrictions to the extraction process in accordance with the limitation set by the legal authorization.

The generated report allows OPD investigators to access, and review electronic evidence without indirectly altering the content of mobile devices and in accordance with industry best practices.

What Universal Forensic Extraction Device Does Not Do

The UFED cannot access any electronic data stored in the cloud that the mobile device has access to. The UFED can only extract electronic data that is already stored on the mobile device.

The UFED is not designed to extract information from desktop or laptop computers.

The UFED also does not store the extracted electronic information into a cloud-based system.

Oversight by OPD

The OPD Policy and resolution that accompanies this report requires each use of the UFED by OPD be documented for tracking purposes. Each use of the UFED also requires the proper legal authority to be documented prior to the UFED's usage.

The Chief of Police, Privacy Advisory Commission, and the Public Safety Committee will be provided with an annual report that includes information on each use of the UFED.

PUBLIC OUTREACH / INTEREST

OPD staff collaborated with the Privacy Advisory Commission in the creation of the policy. This collaboration included presentation, discussion, and revision at meetings of the Privacy Advisory Commission. The policy will be placed on the OPD website upon City Council approval of the accompanying resolution.

COORDINATION

This report and legislation have been reviewed by the Office of the City Attorney. The use policy was approved unanimously by the Privacy Advisory Commission December 7, 2023.

FISCAL IMPACT

OPD is expected to pay an annual subscription for approximately ninety thousand dollars (see **Attachment C**).

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this report.

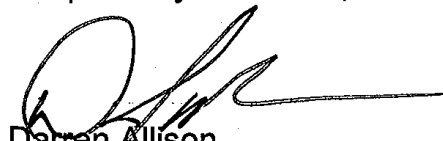
Environmental: There are no environmental opportunities associated with this report.

Race and Equity: All residents benefit from greater public safety. Successful investigations and more prosecutions of criminal activity will likely occur from the implementation of this upgrade.

ACTION REQUESTED OF THE PUBLIC SAFETY COMMITTEE

Staff Recommends That The City Council Approve A Resolution Approving The Oakland Police Department's Universal Forensic Extraction Device Use Policy And Impact Report In Order To Update Existing Technology.

Respectfully submitted,



Darren Allison
Interim Chief of Police
Oakland Police Department

Reviewed by:
Tracey Jones, Police Services Manager
OPD, Research and Planning

Prepared by:
Yun Zhou, Sergeant of Police
OPD, Criminal Investigation Division, Homicide

Attachments (3):

Public Safety Committee
March 12, 2024

- A: DGO I-30 Universal Forensic Extraction Device policy
- B: Surveillance Impact Report: Universal Forensic Extraction Device (UFED)
- C: Carahsoft Technology Corp. (Cellebrite) Price Quotation