



March 23, 2020

VIA EMAIL

Mayor Bob Sampayan, Vice Mayor Hermie Sunga and Honorable Members of the Vallejo City Council: Hakeem Brown, Pippin Dew, Robert McConnell, Katy Miessner, Rosanna Verder-Aliga

Re: Proposed Purchase of Cell Site Simulator

Dear Mayor Sampayan and Honorable Members of the Council,

We write to ask you to deny the proposed purchase of a Cell Site Simulator, as proposed on your March 24 agenda, as it is not in the best interests of the Vallejo community.

Oakland Privacy is a citizens' coalition that works regionally to defend the right to privacy and enhance public transparency and oversight regarding the use of surveillance techniques and equipment. We were instrumental in the creation of the first standing municipal citizens' privacy advisory commission in the City of Oakland, and we have engaged in privacy enhancing legislative efforts with several Northern California cities and regional entities. As experts on municipal privacy reform, we have written use policies and impact reports for a variety of surveillance technologies, conducted research and investigations, and developed frameworks for the implementation of equipment with respect for civil rights, privacy protections and community control.

A Cell Site Simulator will not help the Vallejo community weather the COVID-19 pandemic, while spending \$400,000 on obtaining isolation facilities and medical equipment, or providing bridge money to local small businesses which might otherwise be forced into bankruptcy, or otherwise helping the most needy in the community may well be a more pressing concern.

The staff report fails to note that use of a cell site simulator can interfere with cell phone service for cell phones within the device's vicinity. Given the current coronavirus situation, the potential for disruption of cell phone service when people are attempting to call 911 or their doctor is something about which the City Council and public should be aware.

The purchase of this expensive tracking device is being put forward without a requirement to report on a regular basis about how the technology was used and whether the use of the technology achieved the goals. How will the City Council know if the technology is being properly utilized in conformance with a policy that doesn't yet exist? As surveillance experts, we always advise the City Council be presented with the usage policy for new equipment at the time of approval of the purchase.

Beyond the immediate national crisis, we believe there is no pressing need for Vallejo to purchase its own Cell Site Simulator. The Alameda County District Attorney, the Oakland Police Department and the Fremont Police Department all share one Cell Site Simulator without any problem - it has been used a total of eight times in three years.

The combined populations of Oakland and Fremont alone are more than five times that of the City of Vallejo: it seems a waste of taxpayer funds to purchase equipment which will likely be used so infrequently.

Cell site simulators pose profound civil liberties issues. While we are not opposed to using the technology in limited circumstances, under warrant, to locate and apprehend those posing a significant risk to the community, the potential for abusing this powerful tool is high. Cell site simulators have the ability to eavesdrop on calls and text messages, limited not by hardware but by software configuration, which can easily be modified.

Finally, the City Council should not be approving the purchase of any surveillance equipment, let alone a piece of hardware costing \$766,000,

- on a consent calendar;
- at a meeting where there will be little or no public participation;
- without prior publication, for public comment and input, of a use and privacy policy;
- without a requirement for reporting back annually on the use of the equipment, as is now being done in Oakland, so as to gauge the appropriateness and effectiveness of the technology.

We ask you to delay the purchase of this item until it can be discussed on an action calendar, at a meeting the public can attend, with adequate notice to the public, with a prepared draft usage policy for review and with an annual reporting requirement.

Thank you for your consideration.

Sincerely,

James P. Massar
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Tracy Rosenberg
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