

**ALAMEDA COUNTY SHERIFF'S OFFICE**  
**SHERIFF GREGORY J. AHERN**

"Striving For Excellence Through Public Safety Education"

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## **TRAINING BULLETIN**

### **"SENATE BILL 741 – MOBILE COMMUNICATIONS AND PRIVACY" NUMBER 16-10**

**DATE: April 6, 2016**

**PURPOSE:**

This training bulletin alerts members of the Alameda County Sheriff's Office (ACSO) to the passage of Senate Bill 741, called the "*Mobile Communications: Privacy Act.*" The bill was signed into law, and became effective January 1, 2016.

This bill would impose specific requirements for all law enforcement agencies, who operate any "cellular communications interception technology (i.e., Stingray device)," to maintain reasonable operational, administrative, technical and physical safeguards to *protect any information gathered* from the device(s), from any unauthorized access or use.

Certain guidelines, such as the existence of departmental policies, usage and privacy procedures, legal authority, agency operations requirements, possible civil remedies for data breaches, citizen concerns and the opportunity for public input prior to implementing any policy or activation of such devices. The changes are implemented in Government Code 53166 (Cellular Communications Interception).

**OVERVIEW:**

Senate Bill 741 is summarized in the following:

Existing law makes it criminal to possess, manufacture, sell, assemble, transport, advertise for sale, import or furnish a device, which was designed specifically for the "*unauthorized interception and collection*" of an individual's cellular communications data and information.

Mobile or cellular communications interception technology as defined in the bill, as:

*"Any device that intercepts mobile telephony calling information or content, including an international mobile subscriber identity catcher or other virtual base transceiver station that masquerades as a cellular station and logs mobile telephony calling information."*

In summary, the device acts or simulates as a cell tower, to allow cellphones within the device's range, to identify themselves and transmit their signals to that particular device.

The new law would require law enforcement agencies, who *own or operate* cellular communication interception technology, to maintain reasonable security procedures and practices to protect the collected information, as a result of using this particular technology.

Agencies must also monitor and implement policies on usage and privacy rights, if they own or operate this technology. This would include the usage and sharing of information, time considerations in collecting the information, and ultimately the disposing the information. Furthermore, public notification is required prior to using this technology.

### **SUMMARY:**

The Alameda County Sheriff's Office *does not currently own or operate* any "cellular communications interception technology." The Alameda County District Attorney's Office has the capability and can employ the use of cellular communication interception technology.

Although our Agency does not own or currently operate such a device or technology, there are certain instances when our agency may work in conjunction with the Alameda County District Attorney's Office in the use of such technology. Because of that possibility, we are required to follow the guidelines set forth by Senate Bill 741.

The Alameda County District Attorney's Office currently has a policy on the usage of cellular communications interception technology. The policy follows all the guidelines set forth by the bill, including but not limited to, privacy usage and rights, legal processes and guidelines, search warrants, management controls, authorization, technological application, training coordination, data collection and disposal, and auditing processes.

Pursuant to the posting requirements set forth by Senate Bill 741, the following link below contains the "Cellular Communications Interception Technology" policy created by the Alameda County District Attorney's Office.

Link: [Alameda County District Attorney's Office Cellular Communications Technology Policy](#)

The same policy can also be found on the Alameda County Sheriff's Office Website:

Link: [www.alamedacountysheriff.org](http://www.alamedacountysheriff.org)

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