



DATE: March 24, 2020
TO: Mayor and Members of the City Council
FROM: Shawny K. Williams, Chief of Police
SUBJECT: **PURCHASE AGREEMENT WITH KEYW CORPORATION FOR RADIO FREQUENCY DETECTOR/CELL SITE SIMULATOR; RESOLUTION AUTHORIZING PURCHASE AND IMPLEMENTATION OF POLICY**

RECOMMENDATION

Authorize the City Manager to execute the agreement between the City and KeyW Corporation to purchase a radio frequency detector/cellular site simulator, including a vehicle and installation in an amount not to exceed \$766,018 and adopt a resolution authorizing the Chief of Police to acquire the equipment and implement a usage and privacy policy.

REASONS FOR RECOMMENDATION

The Vallejo Police Department Crime Reduction Team (CRT) is currently tasked with the tracking and apprehension of serious violent offenders, covert surveillance during criminal investigations, human trafficking, and other plain clothes investigative operations aimed at reducing violent crime and protecting life in the community.

The ongoing advancement of cellular telephones and cellular telephone networks have made traditional methods of locating victims of violent crime, missing-at-risk persons, 9-1-1 callers, and suspects increasingly difficult or impossible without accurate real-time information.

The use of specialized technical equipment is necessary to help victims and locate persons. The Vallejo Police Department has determined that a radio frequency detector/cellular site simulator is the only available tool to effectively and efficiently accomplish those goals. A radio frequency detector/cellular site simulator is capable of doing in minutes what could take CRT detectives dozens of hours to accomplish. It operates by detecting, triangulating and measuring cellular phone radio frequencies.

A radio frequency detector/cellular site simulator would enhance CRT's ability tackle current cellular phone technological limitations and provide an effective solution in these situations. It will allow the department the ability to find missing victims and injured persons, apprehend violent and high-risk offenders, which otherwise may not be possible. This will enhance public safety by reducing violent crime within the community.

BACKGROUND AND DISCUSSION

In accordance with California Penal Code 1546.1 and the Vallejo Police Department Lexipol Policy, the radio frequency detector/cellular site simulator is only to be used in conjunction with a valid search warrant duly issued by a judge. The equipment does not retain data and is not capable of intercepting and listening to calls, text messages, dialed numbers or any other such content. This is not a device to search cellular phones but

**Subject: PURCHASE AGREEMENT WITH KEYW CORPORATION FOR RADIO FREQUENCY
DETECTOR/CELL SITE SIMULATOR; RESOLUTION AUTHORIZING PURCHASE AND
IMPLEMENTATION OF POLICY**

merely analyzes cellular radio frequencies. The device is a main frame computer which must be mounted inside of a vehicle.

In November of 2019, an outside agency used a cellular site simulator for the Vallejo Police Department on several occasions. During the use of a cellular site simulator, CRT detectives were able to apprehend four homicide suspects, one robbery suspect, and gained valuable intelligence for several ongoing homicide cases. It should be noted that CRT detectives reported they would not have been able to locate these persons without that equipment. CRT detectives reported a 100% success rate with the equipment. CRT detectives have stated that this would greatly enhance their operational capabilities and that it would be regularly used.

Uses of the equipment will be for, but not limited to, natural disaster search and rescue, human trafficking, missing/exploited children, missing at-risk persons, kidnapping, sexual predators, mass casualty events, and violent crimes.

A major benefit of the radio frequency detector/cellular site simulator is that it works independent of cellular towers or satellites and therefore can be used in natural disaster situations where cell towers have been rendered inoperable. This will allow emergency personnel to find persons missing under those conditions.

The cost of the equipment with vehicle and installation, on-site training, three years of warranty, 24/7 technical assistance, unlimited usage, and software updates is \$766,018. The estimated life expectancy of the equipment is approximately 7-10 years or longer depending on the advancement of cellular phone technology.

Privacy

The Vallejo Police Department seeks to be transparent regarding its use of the cellular site simulator. It should be noted that California Government Code 53166, which went into effect in January 2016, was specifically designed by the legislature to allow local law enforcement to own and operate cellular site simulators and to provide guidance on its usage. The policy adopted by the Vallejo Police Department regarding the cellular site simulator and related privacy issues has been crafted to be in full compliance with that code.

Maintaining individual privacy is of the utmost importance the Vallejo Police Department. The cellular site simulator only captures IMSI numbers, not telephone numbers. The device will not see any telephone numbers of cellular devices. An IMSI number is a 15 digit number unique to a SIM card within a cellular phone. An IMSI number by itself is virtually anonymous and meaningless to law enforcement. For any personal information to be obtained from an IMSI number a search warrant must be obtained. The search warrant must detail the probable cause for why information on an IMSI is needed. That information is retained by cellular phone providers and is not released absent a warrant. As a matter of practice IMSI numbers captured by the cellular site simulator are cleared out when the system is turned on/off.

Vendor Selection

Due to the unique capabilities of the radio frequency detector/cellular site simulator, the equipment is

**Subject: PURCHASE AGREEMENT WITH KEYW CORPORATION FOR RADIO FREQUENCY
DETECTOR/CELL SITE SIMULATOR; RESOLUTION AUTHORIZING PURCHASE AND
IMPLEMENTATION OF POLICY**

developed and owned exclusively by the KeyW Corporation with all rights reserved. The KeyW Corporation maintains sole propriety ownership of this product line and it the only distributor of this product for law enforcement use. Therefore, staff is requesting an exemption to the competitive purchasing requirement based upon Vallejo Municipal Code section 3.20.090(A)(2), which allows for a sole source exemption when there is no adequate substitute.

Over the past several years the Vallejo Police Department CRT has contacted multiple vendors who offer radio frequency detectors/cellular site simulators. During this time a common supplier of the equipment stopped sales to non-Federal/Military purchasers. Due to that change, the only company to make a device that meets specifications set forth by the Vallejo Police Department is KeyW which is based out of Maryland. KeyW currently sells a radio frequency detector/cellular site simulator which meets the guidelines and specifications set forth by the Vallejo Police Department.

Department Policy

Department staff, along with the City Attorney's Office, have prepared and approved Vallejo Police Department Lexipol Policy 610 which details the nature of the equipment, authorized users, privacy issues, approved uses of the system, mandated training for authorized users, and interagency cooperation for the usage of the system. Upon purchase of the equipment, Lexipol Policy 610 will be issued.

FISCAL IMPACT

There will be no fiscall impact in the General fund associated with the approval of this item. Funds totaling \$766,018 are available in the FY 2019-20 budget to cover the purchase agreement. The General Fund will provide up to \$400,000 in funding for this equipment. The remainder of cost will be funded by Supplemental Law Enforcement grant funds in the amount of \$204,018 and Asset Seizure program funds in the amount of \$162,000. Staff does not anticipate any on-going costs for this equipment in future years, excluding regular vehicle maintenance conducted by the Public Works Fleet division.

ENVIRONMENTAL REVIEW

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

ATTACHMENTS

1.	Purchase Agreement Packet Draft (1) stamped_Redacted
2.	CSS Resolution Stamped CAI

CONTACT

Shawny K. Williams, Chief of Police (707) 648-4540
shawny.williams@cityofvallejo.net