



OPERATIONS ORDER

Radio Frequency Measurement Equipment

The purpose of this Order is to memorialize policy and procedures for the use of Radio Frequency Measurement Equipment (RF Equipment) such as cellular site simulators.

I. Policy

- A. The use of RF Equipment shall occur only when judicially authorized.
- B. In all cases, use of RF Equipment, including cellular site simulators, shall be reasonable and reflect a level of necessity that balances public safety and the safety of officers with the safety and privacy of involved, or uninvolved, civilians.
- C. The Sacramento County Sheriff's Department (Department) shall delete all RF Equipment data at the conclusion of each use.
- D. The Division Commander, or designee, must authorize any use of RF Equipment.

II. Procedures

- A. The use of RF Equipment technology is permitted only as authorized by law and policy.
- B. The party desiring to use RF Equipment shall author a request for judicial authorization.
 - 1. The request for judicial authorization shall include:
 - a. An advisement that the RF Equipment will send signals to all cellular devices within range which will cause the devices to emit unique identifiers.
 - b. An advisement when the intent is to determine unique identifiers at multiple locations and/or multiple times.
 - c. An advisement that all data collected during use of the RF Equipment will be deleted at the conclusion of the use.

2. As a means of protecting investigative integrity and operational capabilities of the RF Equipment, the author shall:
 - a. Request the court order that all papers in support of any application for judicial authorization be sealed unless otherwise ordered.
 - b. Address privileged information as it relates to California Evidence Code 1040.

C. Exigent Circumstances

1. As an exception to the general requirement that use of RF Equipment shall occur only when judicially authorized, use without judicial authorization may occur in exigent circumstances. Examples of exigent circumstances may include, but are not limited to the following:
 - a. Missing persons
 - b. Disaster response
 - c. Any circumstance where death or great bodily injury may be imminent.
2. The use of RF Equipment in exigent circumstances requires evaluation of four factors:
 - a. Magnitude: If the use of RF Equipment does not occur is there a potential loss of life or great bodily injury?
 - b. Probability: If the use of RF Equipment does not occur is there a greater probability the potential harm may occur?
 - c. Imminent: Is the probability and magnitude of harm an imminent consideration?
 - d. Less Intrusive: Is there an alternative that addresses the previous three elements and is less intrusive?
3. In exigent circumstances, the Commander with authority over use of the RF Equipment shall:
 - a. Advise the Chief Deputy of Field Services regarding the use of RF Equipment.
 - b. Identify the justifications for not obtaining judicial authorization.

D. Operation of Equipment

1. RF Equipment data shall not be used to support probable cause for a search warrant or arrest. Officers from the Department and allied agencies shall develop independent probable cause for any search warrant or arrest.
2. Only sworn law enforcement personnel will operate RF Equipment.
3. Training for the equipment shall include, at the minimum, a basic operator course approved by the manufacturer.
4. All operators must complete the following United States Department of Justice Bureau of Justice Assistance Center for Task Force Leadership and Integrity
 - a. Criminal Intelligence Systems Operating Policies (28 CFR Part 23).
 - b. Safeguarding Privacy, Civil Rights, and Civil Liberties in Task Force Operations
5. Any Sheriff's Department Manager associated with supervising RF Equipment must complete the same annual classes as an operator and the following courses:
 - a. Task Force Commander Leadership and Management Training
 - b. Executive Leadership

E. Assisting Allied Agencies

1. The Department may assist any Federal, State, or local law enforcement agency after the requestor provides the following information:
 - a. A copy of the signed judicial authorization as may be necessary under the circumstances.
 - b. A summary of the need for assistance. The summary should address how alternative investigative procedures have failed or are unlikely to succeed and/or why alternative procedures excessively impair public safety or are excessively dangerous for personnel.
2. Prior to the Department assisting allied agencies, such agencies will be notified that information collected shall not be used to

support probable cause and that independent probable cause must be developed.

III. Disclosure of Information and Records

- A. No member of the Sacramento County Sheriff's Department shall disclose operational capabilities of RF Equipment.
- B. No member of the Sacramento County Sheriff's Department shall disclose RF Equipment information or records subject to privilege or otherwise exempt from disclosure under law.

References: California Evidence Code 1040
California Government Code 53166