

# **Office of the Public Defender-Alternate Defender Data Extraction and Examination Equipment**

## **Annual Surveillance Report for July 1, 2022 – June 30, 2023**

### **1. Description of How the Technology Was Used**

The Data Extraction Equipment was used to download all the data that was stored on client cellphones. The data was previously stored on the cellphones and transferred from the cellphones to the Extraction Equipment and then placed on an Office protected drive. The Data included items such as images, videos, text messages, and other commonly stored cellphone data.

Investigators with the Public Defender-Alternate Defender utilized the Data Extraction and Examination equipment a total of twenty-five (25) times during the reporting period. The Data Extraction and Examination equipment was used for only the purposes identified in this section of the Board-approved Surveillance Use Policy.

### **2. Data Sharing with Outside Entities**

Data obtained through the use of Data Extraction and Examination Equipment is kept in the course of a client's case preparation. Data may be shared with retained third parties' experts, the Superior Court, the District Attorney's Office, private counsel and the client. The sharing is determined by each individual attorney on each case based upon the needs of the representation. Outside of ethical obligations, there is no required recording or monitoring as to when data is shared with the above-mentioned parties. Data is stored in a secure password protected network drive. The data is accessible by office staff with valid network credentials and permissions.

### **3. Community Complaints or Concerns**

Any community complaints regarding the surveillance technology are routed to department administration for tracking, investigation, and response.

Neither the Office of the Public Defender nor the Office of the Alternate Defender received any complaints or notification of any concerns regarding the data extraction or examination equipment during the specified reporting period.

### **4. Audit and Policy Violations**

During the period covered by this annual report, the Offices of the Public Defender and Alternate Defender conducted an internal audit of the data extraction and examination equipment for each respective unit. The audit consisted of reviewing Cellebrite UFED 4PC Utilization log which contains username, date and time equipment accessed, case

name/business purpose and with whom the information was shared. Data obtained utilizing the equipment is saved in a secure password protected network drive. The information is accessible by office staff with valid network credentials and permissions. The office's IS staff can utilize FileAudit software to determine when a user opens or executes a file in a folder containing the extracted data. Each office has multiple certified users. The Supervising Investigator who is part of the certified user group maintains care and control of the data extraction device. The equipment is also accessible to the Chief Investigator, Supervising Attorney or office designee. Only certified users are permitted to use the equipment. The department adheres to a data extraction security protocol to ensure requests are processed in accordance with the surveillance use policy and data remains protected both on the network and password protected data extraction reports. Each certified user received a copy of Surveillance Use Policy prior to technology and equipment implementation.

There were no policy violations related to the data extraction and examination equipment.

## **5. Effectiveness at Achieving Identified Purpose**

The Data Extraction Equipment successfully and efficiently identified and extracted all the data that was stored on the targeted cellphones. The data was conveniently organized by the Equipment's software and stored in an easily accessible manner for future reference. The Equipment was effective in achieving its purpose in extracting data from electronic devices.

## **6. Public Records Act Requests**

Public records requests are tracked by the department administration.

The Office of the Public Defender-Alternate Defender did not receive any Public Records Act requests regarding the Data Extraction and Examination Equipment during the reporting period covered by this Annual Report.

## **7. Annual Costs**

During the reporting period covered in this Annual Report there were no direct maintenance expenses. The Data Extraction and Examination equipment incurred an annual ongoing cost of \$17,301.30 (\$9,566.30 for software license renewals and \$7,735 for training certifications). The ongoing cost will be absorbed in the PDO/ADO departmental budgets. Additionally, due to a hosted training agreement with Cellebrite Inc., the department received two (2) free Cellebrite Certified Operator and Cellebrite

Certified Physical Analyzer seats to a week-long training course in July 2022 which provided a training cost savings of \$7,700 to the County.