

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY  
AND RECORD OF ACTION**

August 22, 2023

**FROM**

**JASON ANDERSON, District Attorney**

**SUBJECT**

Budget Adjustment and Purchase of Drive Test Scanner System for Crime Investigation

**RECOMMENDATION(S)**

1. Approve the purchase of a Drive Test Scanner System from Five Eight Group, LLC, as an unbudgeted fixed asset, for a total not to exceed \$178,200, to analyze cellular tower coverage and historical cellular phone activity for defendants and suspects, to assist with investigations of crimes.
2. Authorize the Purchasing Agent to issue change orders up to \$10,000, for non-financial/non-material changes, subject to County Counsel review.
3. Authorize the Auditor-Controller/Treasurer/Tax Collector to post the budget adjustments to the District Attorney's 2023-24 budget as detailed in the Financial Impact section, for the purchase identified in Recommendation No. 1 (Four votes required).  
(Presenter: Michael Fermin, Chief Assistant District Attorney, 382-3662)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Operate in a Fiscally-Responsible and Business-Like Manner.**

**Provide for the Safety, Health and Social Service Needs of County Residents.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The cost of the Drive Test Scanner System (Scanner) is \$178,200 and includes hardware, firmware, firmware updates, vendor support, warranty, and training for a three-year period. The District Attorney (Department) will make the purchase using a combination of Federal Asset Forfeiture funds and reimbursement from Justice Assistance Grant (JAG) funds from the Law and Justice Group Administration. Federal Asset Forfeiture reserves will fund any balance of expenditures that is not reimbursed with JAG funds. Ongoing costs to maintain the equipment are minimal and will be included in the Department's future recommended budgets.

Approval of Recommendation No. 1, authorizes the Auditor-Controller/Treasurer/Tax Collector to make the following budget adjustments necessary for the needed purchases:

<b>Fund Center</b>	<b>Commitment Item</b>	<b>Description</b>	<b>Action</b>	<b>Amount</b>
4500002680	37008880	Fund Balance Reserves – Available Reserves	Decrease	\$18,200
4500002680	52002445	Other Professional & Specialized Services	Increase	\$8,000
4500002680	52942941	Conference/Training/Seminar	Increase	\$4,000

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<b>Fund Center</b>	<b>Commitment Item</b>	<b>Description</b>	<b>Action</b>	<b>Amount</b>
		Fees		
4500002680	54404040	Equipment	Increase	\$166,200
4500002680	55415017	Fixed Assets Transfers In	Increase	\$160,000

**BACKGROUND INFORMATION**

The Department is the public prosecutor and has the mandated responsibility to prosecute crimes committed within San Bernardino County pursuant to Government Code Section 26500. The Department bears the responsibility to provide the burden of proof (beyond a reasonable doubt) for crimes committed. This means that during prosecution, the Department must provide evidence, motive, and the means, or ability, to commit crimes.

As the Department prosecutes cases that are submitted by law enforcement agencies, often additional evidence is needed to ensure justice is achieved and to further prove the defendants are guilty of the crimes charged. The Department's Bureau of Investigation uses investigative tools to retrieve forensic and other types of evidence for this purpose.

One such tool is the Scanner. Several years ago, the Department began participating in a program offered by ZetX that allowed law enforcement agencies to borrow and use a Scanner for the investigation and prosecution of cases. The Scanner uses publicly available information to create a map of the location and strength of cellular tower signals. It is now common for cellular tower coverage to overlap to reduce the number of dropped calls. The overlap results in simultaneous communication from several towers with a cellular device. The simultaneous communication creates difficulty in demonstrating that an individual was in proximity to the location of a crime.

However, the Scanner's map of the cell towers can demonstrate which cellular towers received the most and strongest cell activity and therefore quickly match the location of the target phones with the location of the crime. In addition, the information provided by the Scanner can significantly narrow the search radius for the geographical location of a crime. The Department has used the Scanner on a number of cases and in a recent case, the identified search radius allowed investigators to discover significant physical evidence much sooner than would occur without the use of the Scanner. These benefits reduce the amount of time needed during investigations and provide needed evidence during prosecution.

Several other counties in Southern California participated in the same program offered by ZetX and due to the high demand to borrow the Scanner, the Department has to wait several months in between cases before the Scanner becomes available. In May 2021, ZetX was purchased by LexisNexis, who continued the program but doesn't currently offer Scanners for sale.

The Department requests approval to purchase its own Scanner to eliminate the delays of waiting for a Scanner to become available. It is much more advantageous to investigate cellular activity shortly after the commission of a crime than waiting months before discovering additional evidence. The delays in analyzing the data can result in delays to the prosecution of cases. The Scanner has proven to be a useful and efficient tool by demonstrating a strong link between cell phone communication with particular cellular towers at the location of a crime and assisting investigators in narrowing a search radius to find physical evidence associated with crime.

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The Department requests delegation of authority to the Purchasing Department for change orders to allow for minor expenses such as recalibration of the equipment and if needed, replacement of fragile components.

**PROCUREMENT**

County Policy 11-04 requires Board of Supervisors approval of an unbudgeted fixed asset purchase of \$10,000 or more and the Scanner costs \$178,200. In addition, the purchase is non-competitive as there is only one manufacturer in the United States who manufactures the Scanner specific to law enforcement use. In addition, Five Eight Group, LLC is the only reseller willing to program the Scanner to interface with Department's existing software that analyzes cell phone data. There is only one other reseller who sells Scanners for law enforcement use but they require customers to purchase their complete package of a Scanner and software, at a cost exceeding \$200,000.

The Scanner is very specialized equipment and needs to be programmed to interface with the Department's existing software. The Purchasing Department concurs with the justification of the non-competitive purchase of the Scanner.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Katherine Hardy, Deputy County Counsel, 387-5455) on July 31, 2023; Auditor-Controller/Treasurer/Tax Collector (Charlene Huang, Auditor-Controller Manager, 382-7022) on August 7, 2023; Purchasing (Leo Gomez, Purchasing Manager, 387-2063) on July 31, 2023; Finance (Kathleen Gonzalez, Administrative Analyst, 387-5412, and Allegra Pajot, Administrative Analyst, 387-5005) on August 7, 2023; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on August 7, 2023.

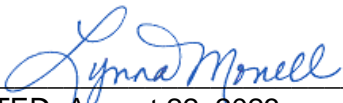
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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

Moved: Joe Baca, Jr. Seconded: Curt Hagman  
Ayes: Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.  
Absent: Col. Paul Cook (Ret.)

Lynna Monell, CLERK OF THE BOARD

BY  \_\_\_\_\_  
DATED: August 22, 2023



cc: File - District Attorney  
JLL 08/23/2023