

AGENDA ITEM SUMMARY

City Council



STAFF

Kyle Bendzsa, Forensic Services Unit Sergeant, Police Services
Kerri Ishmael, Grants Administration

SUBJECT

Second Reading of Ordinance No. 012, 2024, Making a Supplemental Appropriation from the Colorado Division of Criminal Justice Synthetic Opiate Poisoning Investigation and Distribution Interdiction Grant for the Fort Collins Police Services Forensic Services Unit.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 6, 2024, supports Fort Collins Police Services' Forensic Services Unit work in the prevention and investigation of serious injuries and deaths caused by illegal synthetic opiate poisoning and for disrupting synthetic opiate distribution by appropriating \$40,000 of unanticipated grant revenue from the Colorado Department of Public Safety, Division of Criminal Justice (DCJ).

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

On October 6, 2023, the Fort Collins Police Services (FCPS), Forensic Services Unit (FSU) was awarded a grant through the Colorado Division of Criminal Justice, Office of Adult and Juvenile Justice Assistance, 2023 - Synthetic Opiate Poisoning Investigation and Distribution Interdiction Grant Program (Grant Program).

The intent of the Grant Program is to provide grant funding to law enforcement agencies for the purpose of investigating deaths and serious injuries caused by illegal synthetic opiate poisoning and for disrupting synthetic opiate supplies.

FSU will use the funds to purchase a 1-year license for Cellebrite Premium ES, three (3) adapters and training for the use of the Cellebrite software.

Cellebrite Premium ES is a software product produced by a company named Cellebrite. The software can unlock a smartphone and then extract the data contained within it which may be evidence in any criminal case. All unlocks and extractions will be done after proper legal authority has been obtained by investigators.

The software and the associated hardware will be utilized by the five Digital Forensic Examiners in FSU to obtain evidence from locked and unlocked smartphones to further investigations related to opiate poisoning, deaths, and distribution. The software can also be used for any other criminal investigations.

With FSU's current Cellebrite software, which consists of UFED 4PC and Physical Analyzer, an examiner can only unlock much older, "flip-style" smartphones which typically do not contain much usable data. The current software cannot unlock modern smartphones and therefore cannot extract any data. The current process when FSU encounters a locked smartphone that is not supported by FSU's current tools, is the device must be mailed to the United States Secret Service office so that they may attempt to unlock it with their Cellebrite Premium ES license. This time delay can be detrimental to time sensitive investigations. The grant will allow FCPS to purchase a Cellebrite Premium ES license which will allow an unlimited number of unlocks and extractions for supported smartphones for one year.

"Legal authority" is obtained through various means. Primarily in investigations which involve the extraction of smartphone data, legal authority is obtained through a search warrant, supported by probable cause and signed by a judge. Searches granted by a search warrant are limited in scope determined by probable cause. A search may be limited to a specific date range (i.e. May 1, 2023, to May 15, 2023). The warrant can also limit the scope to certain apps or certain areas of the device, such as photos, text messages, emails, call logs, etc. Police Officers and Detectives will include these parameters when they draft a warrant, and the Judge can modify the parameters before signing the warrant.

Legal authority can also be met via long-standing, legal exceptions to a search warrant, such as consent, death, and exigency.

Cellebrite and any other forensic tool that FCPS has access to are, and will continue to be, used to further any criminal investigation.

The prevention and investigation of serious injuries and deaths caused by illegal synthetic opiate poisoning and for disrupting synthetic opiate supplies is in keeping with the Vision of FCPS, to make Fort Collins the safest community in the nation.

The award is based on total project costs of \$40,000, with one hundred percent provided by DCJ. As presented in the Grant Agreement, total project costs pertain to a 1-year license for Cellebrite Premium ES, three (3) adapters and training for the use of the Cellebrite software. Pursuant to the grant application and award, this funding may only be utilized for the listed products. The project is from January 1, 2024, through June 30, 2024.

CITY FINANCIAL IMPACTS

This item appropriates \$40,000 in project costs for FCPS' FSU work in prevention and investigation around opiate poisoning and distribution from unanticipated grant revenue in the General Fund from DCJ.

This grant from the DCJ is a reimbursement type grant, meaning General Fund expenses will be reimbursed up to \$40,000.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration