Witness: Steven P. Jacobson

Date: 2004-08-24

Proceedings held August 24, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso

Day 1 of 4 for this witness

Court: San Mateo County Superior Court, Redwood City (People v. Scott Peterson)

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Direct Examination by Rick Distaso

DISTASO: Investigator Jacobson, what is your current job?

JACOBSON: I'm assigned to the Stanislaus Drug Enforcement Agency as a criminal investigator with the district attorney's office.

DISTASO: And how long have you been a sworn peace officer in the State of California?

JACOBSON: Oh, about 13 years.

DISTASO: As part of your duties at the Stanislaus County Drug Enforcement Unit, are you involved in investigating, well, what type of crimes do you investigate there?

JACOBSON: Sir, I'm a public servant for the folks in Stanislaus County. I investigate just about anything.

DISTASO: And what kind, what type of crimes come through the drug unit? I mean, obviously drug-type crimes, but what types does your agency mostly deal with?

JACOBSON: We basically deal with major narcotic violators. People that are pushing pretty good quantities of drugs out on our streets. Or manufacturing.

DISTASO: Let me, as part of your investigative duties, are you involved, do you get involved in working with the phone companies?

JACOBSON: Yes, sir, we do.

DISTASO: And why is that?

JACOBSON: Well, commonly, with these major narcotic violators, we use wiretaps, and also PEN registers, to trace and track folks, and also listen in on conversations.

DISTASO: Okay. Do you, as part of your duties, do you deal with gathering phone records from companies?

JACOBSON: Yes, sir, I do.

DISTASO: And does that include fraud records?

JACOBSON: Yes, sir, it does.

DISTASO: And do the fraud records, we've heard a ton of testimony about already, but the fraud records contain cell site information; is that right?

JACOBSON: Yes, they do. They can.

DISTASO: The, you said you talked about, well, let me ask you this: Have you worked with the various phone companies? AT&T? Start there.

JACOBSON: Yes, sir, I have.

DISTASO: What about Sprint?

JACOBSON: Yes, sir.

DISTASO: What about Nextel?

JACOBSON: Yes, sir.

DISTASO: Verizon?

JACOBSON: Yes, sir.

DISTASO: So are you familiar with the basic records that these types of companies keep?

JACOBSON: Yes, sir, I am.

DISTASO: You said, you tell the jury something about PEN registers. Can you very briefly tell them what that is?

JACOBSON: Basically a PEN register is used to trace incoming or outgoing phone calls that a person's made, or that a person makes. You basically receive the data from the phone, everything about the phone basically in the phone calls, except for the actual voice. You don't get any audio but just all the data that comes across from that phone. That's what a PEN register basically is.

DISTASO: Now, you also talked about, with the jury about being involved in wiretaps. Let's just start from the beginning. How many wiretaps have you been involved with, either state or federal?

JACOBSON: I'd probably say about ten or more.

DISTASO: And does that include actually acting as a monitor of particular phone calls during the wiretap?

JACOBSON: Sir, probably includes different aspects.

DISTASO: Well, yeah, let me stop you. I mean, when you say you've been involved in these wiretaps, for some of them, as part of the duties, have you also been involved as a monitor who listens in on the conversations?

JACOBSON: Yes, sir.

DISTASO: Okay. And what other types of duties have you had in regards to the wiretap, to wiretapping operations?

JACOBSON: For the wiretap operations, I've been a supervisor that has supervised a wire room. I've also been a monitor, as the district attorney stated. I've been out in the field doing surveillance, based on what information was coming over the phones. I've been the affiant. I've written wiretap applications to the magistrates.

DISTASO: And let me stop you. When you say you've been the affiant, is that the person who actually goes to the judge, writes out the legal requirements for the wiretap and presents it to the judge?

JACOBSON: Yes, sir, it is.

DISTASO: And then the judge either authorizes it or not?

JACOBSON: Yes, sir.

DISTASO: The, what type of training is required under the law for someone to be a monitor in a wire room? That means sit there and listen to a conversation?

JACOBSON: You need to be certified through the State of California Department of Justice.

DISTASO: And,

JACOBSON: And you must receive your certificate.

DISTASO: I'm sorry, how does that happen? Is there some instruction that's involved?

JACOBSON: Yes, sir. There's formal training that's involved for your certification through the California Department of Justice.

DISTASO: And then you have to take a test?

JACOBSON: Yes, sir.

DISTASO: And then, if you pass the test, you're eligible to be someone who can actually monitor conversations?

JACOBSON: Yes, sir.

DISTASO: And you have done that?

JACOBSON: Yes, sir, I have.

DISTASO: What, are you familiar with how the equipment works?

JACOBSON: Yes, sir, I am.

DISTASO: And have you actually been instructed by the company representatives in how the wiretapping equipment works?

JACOBSON: Yes, sir, I have.

DISTASO: And when I say wiretapping equipment, since I'm sure the jury has never sat in a wire room, can you explain to them what it is that we're dealing with?

JACOBSON: I'm actually glad that you haven't sat in a wire room. It's pretty boring, to be honest. It's a small office that's basically set up with computer systems or work stations, and it has basically a computer as your central function of the wiretapping. It's a collection server. It's your, basically your database. Incoming phone calls go into this collection server, along with data, and this collection server then sends this information to monitoring work station, where the people sit. And at these work stations, these folks are able to monitor, monitor these conversations.

DISTASO: And were you the wire room supervisor for the two wiretaps that were authorized in this particular case?

JACOBSON: Yes, sir, I was.

DISTASO: Hold on one second. What was the first wiretap's number designation?

JACOBSON: The first wiretap was designated Stanislaus County wiretap number 2.

DISTASO: Okay. And let me stop you. Why did that one get the Stanislaus County number 2?

JACOBSON: Because that was the first, that was the second wiretap that was used in Stanislaus County on the state side, for our particular county.

DISTASO: So for Stanislaus County, that was, this was our second wiretap?

JACOBSON: Yes, sir.

DISTASO: And the other wiretaps that you talked about were federal wiretaps; is that right? When you said you've been involved in these wiretaps, you've been involved in wiretaps on the

federal side as well?

JACOBSON: I've been involved in wiretaps on the state and federal side. Stanislaus County wiretap number one I was involved with as well.

DISTASO: Okay. And,

JUDGE: And that's completely unrelated to this case?

JACOBSON: It's completely unrelated, your Honor.

DISTASO: Right.

DISTASO: The, what were the dates that wiretap number two was up and running?

JACOBSON: January 10th, sir.

DISTASO: It started on January 10th?

JACOBSON: Yes, sir.

DISTASO: And when was, when did it close down?

JACOBSON: On February 4th, 2003.

DISTASO: 2003?

JACOBSON: Yes, sir.

DISTASO: And --

JUDGE: Wait. 1/10 03 to what date?

JACOBSON: February 4th, 2003, your Honor.

JUDGE: Okay.

DISTASO: And then the second wiretap that was authorized in this case was authorized on what date?

JACOBSON: April 15th, I believe, to April 18th.

DISTASO: So just for that three day period?

JACOBSON: Yes, sir.

DISTASO: And what was that wiretap's designated number?

JACOBSON: That was designated as Stanislaus County wiretap number three.

DISTASO: And why, I mean, I'm sorry, were you the wire room supervisor for that wiretap as well?

JACOBSON: Yes, sir, I was.

DISTASO: What phone numbers were actually tapped in this particular case?

JACOBSON: The phone numbers were, in the first wiretap, Stanislaus County wiretap number two, the first two numbers, it was a two-number wire intercept. The first one was (209) 505-0337.

DISTASO: Okay, let me stop you. And that phone number was subscribed to the defendant?

JACOBSON: Yes, it was.

DISTASO: Okay. Let me stop you again. And did you actually monitor calls during that time and hear the defendant speaking on that phone?

JACOBSON: Yes, sir, I did.

DISTASO: Okay. And what was the second phone number?

JACOBSON: The second phone number was area code (209) 499-8427. Both of these phones being AT&T.

DISTASO: And was that phone also subscribed to the defendant?

JACOBSON: Yes, it was.

DISTASO: And during the course of the wiretap, did you listen to phone calls and identify the defendant speaking on that phone?

JACOBSON: Yes, sir, I did.

DISTASO: For the wiretap number three, what phone numbers were actually listened to on that particular, I mean monitored on, for that wiretap?

JACOBSON: It was the same for the first one, the (209) 505-0337. And then there was a different number for the second number.

DISTASO: And what was that?

JACOBSON: That was an 858 number.

DISTASO: Do you know what it is?

JACOBSON: I could look really quick.

DISTASO: Go ahead and look it up.

JACOBSON: It was (858) 232-2203.

DISTASO: Your Honor, that pretty much covers the preliminaries.

JUDGE: Okay. Who was that second number, the 858?

JACOBSON: Your Honor, that second number, the 858, was subscribed to the defendant's mother, Ms. Jacqueline Peterson, and,

DISTASO: I'm sorry, go ahead. Finish your answer.

JACOBSON: The wire intercept didn't actually go up on that phone itself. We had the authorization, but we didn't invoke that authority.

DISTASO: Okay, so that phone,

JUDGE: So you didn't tap Mrs. Peterson's phone?

JACOBSON: No, sir.

JUDGE: You had authority but you didn't do it?

JACOBSON: No, sir.

JUDGE: Okay. This is as far as you can go?

DISTASO: That's fine.

<evening recess>