**TEMPLATE TO COPY & MODIFY**

**Working with Technologists at [Insert Agency / Organization]**
How State Regulatory and Enforcement Agencies Can Effectively Collaborate with Technical Experts

**What are technologists?** [Insert definition]

Technologists work alongside attorneys, economists, investigators, policy analysts, and other regulatory and enforcement professionals to hold companies accountable and ensure vibrant and fair markets for all Americans. Technologists apply their technical expertise in conducting investigations, developing public policy, and carrying out research, among other agency functions that promote competition and protect consumers.

**There are many types of technologists, and many different functions.**

[Instructions: Move the sub-bullets below between “What technologists here can do” and “What technologists here mostly don’t do” to help communicate what your team’s capabilities are. Here you will decide how to communicate your role in the agency by explaining your general positioning.]

**What technologists here can do: [MODIFY]**

1. **Technology Investigations.** Integrated deeply into case teams, technologists can provide technical expertise that tracks market developments, shapes investigation strategy, interprets complex evidence, and advises on technical aspects throughout the enforcement process to support the agency’s mission.
2. **Technology Policy Development.** Integrated into policy development teams, technologists can advise on how technical systems function and how policy options may collide with technical realities.
3. Liaising **with Technical Third Parties.** Offices frequently must interact with other parties that are highly technical who are used to speaking in jargon and about highly technical matters. Technologists can serve a bridging function to help explain complex technical systems in lay terms and aid communication with counter parties.
4. **Data Acquisition and Data Science.** Focuses on gathering large datasets and applying data science or machine learning methods to uncover patterns and insights relevant to cases.
5. **Implementation of Government Programs.** Some technologists bring expertise in designing web and mobile applications, user interfaces, and other aspects of online services that are invaluable for implementing government programs.

**What technologists here mostly don’t do: [MODIFY]**

1. **General IT and Compliance Support.** Responsible for procuring hardware and software, handling routine technical issues, and providing basic software installations. This work is typically managed by the agency’s IT department.
2. **Investigation-Specific Hardware/Software Support.** Provides access to specialized tools and secure environments needed for technical case analysis, but does not manage broad IT infrastructure or general tech support.

**Tool and Software Development.** Builds and improves software tools, automation, and efficiencies to support investigative work—such as natural language processing for document review.

**What skills can technologists bring to the agency?** [Modify based on skills available]

* Software engineering (e.g. Modern development process, Architecture, and/or Security)
* Design (e.g. Modern design processes, Product design, User experience design and/or User research)
* Research (e.g. Investigative data journalism and research, Qualitative or Quantitative research) / Policy (e.g. Public Policy, Tech Policy, Digital Markets) / Subject Matter Expertise and Domain Mastery
* Product (e.g. Product delivery, Product strategy, and/or Capacity building)

**How do technologists work with other staff?** [Modify as needed]

* **Establish technologists in agency leadership.** For technology expertise to meaningfully shape agency priorities, technologists need a seat at the decision-making table – not just as advisors, but as leaders (E.g. Chief Technologists). Technology now underpins nearly every sector of the economy. Whether the issue involves algorithmic harms, platform design choices, or infrastructure dependencies, early engagement enables more thoughtful, durable policy and enforcement strategies. It also builds internal capacity over time: technologists in leadership can mentor others, shape hiring practices, and help the agency stay ahead of emerging risks.
* **Integrate Technologists as Part of the Team.** Technologists are most effective when they’re treated as part of the core case or policy team—looped into regular meetings and ongoing conversations. This allows us to build context, follow the legal theories as they evolve, and proactively identify ways to support the effort. It’s much harder to be helpful when we’re brought in late or with limited visibility into the relevant questions.
* **Share Context Whenever Possible.** We can tailor our support much more effectively when we understand the bigger picture. What are the working theories of harm? What stage is the case in? What’s coming up in the next few weeks or months? Even a quick briefing helps us orient and focus our technical lens on the right questions.
* **Reach Out with Questions—Big or Small.** Whether you have a well-defined technical question or just a vague sense that “something here feels off,” we welcome outreach. If a technologist has been assigned to your case, don’t hesitate to reach out directly. And if they don’t have the right expertise or availability, we’ll do our best to connect you with someone who does.

**Contact:** [Insert name, role, email]

**How can we help with casework?** [Modify as needed]

| General stage | Potential tasks |
| --- | --- |
| **Pre-****investigation***Scoping, triage, issue spotting* | * Identify business practices and market trends relevant to enforcement and regulation
* Carry out ecosystem scans and landscape reviews to provide context for assessment of a business practice
* Analyze technical dimensions of practices to understand possible harms and alignment with legal requirements
* Distill key technical points of ongoing or past incidents, based on public reporting, for non-technical audiences
* Assess the extent to which reported business practices are technically plausible, novel, and currently in use
* Review public technical documentation to understand the design and implementation of products and services (e.g., APIs, privacy policies, terms of service, technical demos, product walkthroughs, and marketing materials)
* Suggest what types of technical expertise or data would be beneficial if a matter progresses and recommend additional experts
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| **Discovery***Crafting focused, technically grounded requests* | * Draft or review aspects of compulsory process (subpoenas, civil investigative demands, and similar) to cover necessary technical information and ensure accuracy, clarity, and feasibility
* Identify particular technical materials that would benefit an investigation (e.g., logs, databases, internal documentation, screenshots, system outputs, source code, and AI models)
* Flag requests that may be too vague or too broad, such that the recipient of the compulsory process may have opportunities to evade disclosure of key information or may be unnecessarily burdened
* Negotiate production of data (e.g. requesting a full data set if a company claims that producing a data subset is too burdensome)
* Participate in depositions to obtain information from technical personnel at the entity under investigation
* Anticipate how companies may attempt to withhold or obscure technical details and reduce the risks, including by providing more precise requests and clarifying examples
* Assist in preparing for and conducting depositions, especially involving engineers or product managers
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| **Investigation***Analyzing evidence and validating claims* | * Review and interpret technical materials produced in discovery (e.g., internal presentations, system diagrams, source code, database schemas)
* Resolve key factual questions, such as how an algorithm works or where data is stored”
* Identify inconsistencies or gaps in discovery responses
* Conduct testing on products and services to evaluate functionality, performance, biases, and other relevant attributes
* Assist in technical depositions
* Consult with external experts
* Provide technical context for litigation decisions
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| **Litigation***Developing and supporting legal arguments with technical expertise* | * Draft and reviewing technical portions of complaints, declarations, expert reports, motions, and other litigation filings
* Translate or interpret technical expert reports for other agency staff
* Develop visual aids (e.g., flowcharts, timelines, data flows) that could be used in court or public filings
* Support direct examining by identifying technical facts that strengthen the case
* Support cross-examination by surfacing technical contradictions or weaknesses
* Evaluate the feasibility of technical remedies or implementation timelines
* Act as a bridge between legal and expert technical consultants or vendors
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| **Settlement***Designing and vetting remedies*  | * Propose remedies that are meaningful and enforceable
* Evaluate the consequences of proposed settlements
* Design and determine monitoring or auditing mechanisms (e.g., data access logs, independent assessments, on-site supervision)
* Draft or review technical terms in consent decrees or final orders
* Translate vague remedy goals (e.g., “improve transparency”) into concrete technical commitments
* Collaborate on developing and testing user interface changes, opt-out flows, or design changes as part of settlement terms
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**What types of deliverables can technologists provide?** [Modify as needed]

* **Case teams:** Becoming part of the extended case team to provide technical expertise throughout a case’s lifecycle: pre-investigation, developing leads, discovery, CID/subpoena, analyzing complaints, investigation, litigation, settlement
* **Policy development teams**: As part of a policy team, technologists can provide expertise on the functioning of technological systems and help evaluate potential policy impacts.
* **Responsive Q&A:** Rapid technical guidance, including:
	+ One-off calls or virtual meetings to explain technologies, clarify jargon, or brainstorm approaches
	+ Rapid response emails to help assess technical claims made by companies
	+ Input on whether a certain system behavior is typical, feasible, or raises red flags
* **Memos.** Technologists can produce memos to answer specific technical questions that arise. These memos often synthesize public materials and expert analysis.
* **Industry Context Memos and Research on Broader Trends.** To help staff understand a company’s practices in context, technologists can prepare overviews of:
	+ How common a specific technical practice is across the industry
	+ How emerging technologies are deployed in practice
	+ What data brokers, ad tech platforms, or AI vendors typically offer and how they operate
* **Prototyping.** To quickly develop concepts and ideas into concrete, testable artifacts, technologists can prototype:
	+ Remedies that are effective and enforceable
	+ Notice design (“You mav have been included in a breach” vs. “Company X sold data Y about you to company Z on this date and time, for this purpose.”)
	+ Variations of interfaces for cognitive testing