

**Santa Clara County Office of the Sheriff
Inmate Telephone Monitoring
Surveillance Use Policy**

**Santa Clara County
Sheriff's Office
Custody Bureau**

1. Purpose

The Inmate Telephone Monitoring System (currently, Global Tel Link (GTL)) records inmate telephone conversations, which are monitored to assess safety and security issues within jail facilities. This system ~~helps~~shall be used to help the Sheriff's Office assess ~~the~~ risk to the Correctional Facilities based on information shared by inmates during calls that indicate security violations of inmates, introduction of contraband, escape plans, intentions to attack staff or others, attempts to direct or control criminal behavior inside of the facility, or plans to adversely impact the jail's operation.

2. Authorized and Prohibited Uses

Signs shall be prominently posted on site advising inmates that their telephone conversations are being monitored or recorded.

A. Authorized uses for the Inmate Telephone Monitoring System shall include only the following:

1. Housing Unit/ Intake Booking Phones

- a. Listening to or monitoring in-progress phone calls
- b. Reviewing recorded phone calls
- c. Evidence ~~Collection~~collection
- d. Other law enforcement, custody, or first responder uses not prohibited by law

2. Non-Contact Visiting Phones

- a. Listening to or monitoring in-progress phone calls
- b. Reviewing recorded phone calls
- c. Evidence collection
- d. Other law enforcement, custody, or first responder uses not prohibited by law

~~B. All other uses not referenced above shall be prohibited.~~

B. All uses not authorized above shall be prohibited. The Inmate Telephone Monitoring System shall not be used for personal or non-official purposes. It shall be used in a legal manner, and shall not be used to harass, intimidate, or discriminate against any individual or group.

C. If a phone call is made to the Public Defender's Office, Alternate Defender's Office, or a verified, pre-registered attorney's phone number, the call shall not be listened to or recorded. Once it is determined that a phone call is between the

inmate and the inmate's attorney, no listening to or recording of the call shall occur.

3. Data Collection

A. ~~The~~ It shall be permissible for the following data ~~may~~to be obtained through the inmate telephone monitoring system:

1. Housing Unit/-Intake Booking Phones

- a. Audio recording
- b. Inmate's booking number
- c. Date and time of call
- d. Number dialed by the inmate
- e. Duration of call
- f. Exact phone the call was placed on
- g. The Housing Unit/ Intake Booking Phones require the inmate to attach his/her booking number to all phone calls. The Inmate Telephone Monitoring System is activated every time a phone call is placed.
- h. If a phone call is made to the Public Defender's Office, the Alternate Defender's Office, or a verified, pre-registered attorney's phone number, the call shall not be recorded.

2. Non-Contact Visiting Phones

- a. Audio recording
- b. Inmate's booking number
- c. Date and time of call
- d. Number dialed by the inmate
- e. Duration of the call
- f. Exact phone the call was placed on
 - g. The Non-Contact Visiting Phones require the inmate to attach his/her ~~—~~booking number to all visits. The Inmate Telephone Monitoring ~~—~~System is activated every time a visit begins.
 - h. The Non-Contact Legal Phones and TTY hearing-impaired devices ~~—~~ shall not record privileged communications between an inmate and his/her lawyer.

4. Data Access

- A. Access to the ~~telephone monitoring system~~ Telephone Monitoring System and audio recordings ~~is~~ shall be limited to authorized Sheriff's Office personnel, which includes the Sheriff's Classification Unit, the Sheriff's Intel Unit, and Sheriff's personnel conducting a specific criminal or administrative investigation, and the contracted phone company (currently Global Tel Link (GTL)).
- B. ~~When~~ It shall also be permissible for recorded audio ~~may~~ to be accessed and listened to through the GTL management portal by Sheriff's investigators or other personnel granted access by the Support Services Captain.

5. Data Protection

~~A. The County's contract for telephone monitoring shall require that data from telephone recordings shall be maintained securely. Currently,~~ GTL provides secure hard drives, located at its Houston headquarters, to securely store all audio recordings captured by the Telephone Monitoring System. The audio recordings ~~are~~ shall be made available to the Classification Unit through a secure web-based management portal, hosted by GTL. All authorized staff with access to the GTL management portal shall observe all required security measures to ensure that access to the Telephone Monitoring System is limited to authorized personnel only.

~~B. Copies of audio recordings released within the Sheriff's Office shall be handled pursuant to applicable state and federal laws, and Sheriff's Office policy.~~

6. Data Retention

Audio recordings stored on GTL's hard drives shall be retained for no longer than two years. At that point, the GTL management portal ~~automatically purges~~ shall purge the information. ~~Data may~~ It shall be permissible for data to be downloaded onto an encrypted electronic storage device ~~(e.g., disc or flash drive)~~ evidence. Downloaded and copied data shall be maintained in accordance with applicable state and federal laws, and shall be retained as long as deemed necessary for administrative or criminal investigation and prosecution purposes. All other data shall be retained for no longer than two years.

7. Public Access

Inmate phone call recording shall not be released to the general public. Recordings utilized as evidence in a criminal case may be made public during the course of a public jury trial or pursuant to a Court Order, but shall otherwise remain confidential.

8. Third-Party Data-Sharing

- A. The extraction of audio recordings ~~requires~~shall require the submission of an Inmate Telephone Call/Visiting Recording Request Form or subpoena.
- B. The Request Form or subpoena shall include:
- ~~a.~~1. Date/time
 - ~~b.~~2. Requesting agency
 - ~~c.~~3. Name, badge, and contact number of requesting officer
 - ~~d.~~4. Associated case number
 - ~~e.~~5. Inmate name, personal filing number (PFN), and booking number
 - ~~f.~~6. Range of dates to search
 - ~~g.~~7. Receiving party's telephone number(s)
 - ~~h.~~8. Description of the reason for request
 - ~~i.~~9. Approval by an authorized Classification Deputy and the Classification Lieutenant
- C. The request form shall be reviewed and, if approved, signed by the Classification Lieutenant.
- D. ~~Audio~~It shall be permissible for audio recordings ~~may~~to be shared with only the following:
- ~~a.~~1. District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence
 - 2. Public Defender's Office or criminal defense attorney via the District Attorney's Office pursuant to California discovery laws
 - ~~b.~~3. Other law enforcement offices as part of a specific criminal or administrative investigation
 - ~~c.~~4. Parties to civil litigation involving the County, in response to a subpoena or civil discovery
 - 5. County Personnel Board, arbitrator, or Court regarding a county administrative action or litigation
 - ~~d.~~6. Other third parties, pursuant to a Court Order

9. Training

Training for the telephone monitoring system shall be provided by Sheriff's personnel and shall be limited to staff assigned to the Classification Unit. All Sheriff's Office personnel with access to this equipment shall be provided a copy of this Surveillance Use Policy.

10. Oversight

The Classification Captain shall ensure the Inmate Telephone Monitoring System is used in compliance with this Surveillance Use Policy. Sheriff's supervisors or administrators shall conduct audits of the system as necessary and at least annually to ensure appropriate use within the directives of this Surveillance Use Policy.

Approved as to Form and Legality

Rob Coelho
Office of the County Counsel