

**Santa Clara County Office of the Sheriff
Booking-Photograph Cameras
Surveillance Use Policy**

Approved: 01/15/2019

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

1. Purpose

Booking-photograph cameras shall be used to create a photographic record of an arrested individual and to allow for identification by victims, investigators and other law enforcement personnel. Booking-photograph cameras currently used by the Sheriff's Office are Canon EOS Rebel T1i.

2. Authorized Uses

Booking-photograph cameras shall be used only when deputies are receiving a new arrestee or processing an individual for a self-commit. Booking-photograph cameras shall only be used for:

- Documentation (taking a photograph of) of the individual being booked.
- Other law enforcement and custody uses not prohibited by law.

Booking-photograph cameras shall not be used for personal or non-law enforcement or non-custody purposes; and shall not be used to harass, intimidate, or discriminate against any individual or group. All uses not authorized above shall be prohibited.

3. Data Collection

Regular digital still images shall be collected through the use of Booking-photograph cameras.

4. Data Access

Access to digital images of the Booking-photograph cameras shall be limited to Sheriff's Office personnel involved with the custody and care of inmates, Sheriff's Office personnel involved in a specific criminal or administrative investigation including Sheriff's Office Executive Command Staff members, and to other county personnel designated in writing by the Sheriff or the Sheriff's designee to the extent that the Sheriff or the Sheriff's designee determines that access is reasonably necessary for a specific criminal, civil, or administrative investigation or action.

5. Data Protection

Booking-photograph cameras shall be permanently affixed within the jail facilities, which are secure, non-public locations requiring security access. Access to the Booking-Photograph database for Sheriff's Office personnel shall require Sheriff's Office network access and a username and password. The Booking-photograph database shall be contained and maintained in a secure, legally compliant environment (local server or storage cloud).

//

6. Data Retention

Photographs captured through booking-photograph cameras shall be saved on secure local servers or securely in a storage cloud, and stored indefinitely. Data downloaded onto an electronic storage device shall be maintained in accordance with applicable state and federal laws.

Digital still images may be printed or downloaded onto an encrypted electronic storage device only for the purposes of custody management, or for documentation or evidence in a specific criminal or administrative investigation, or for the purpose of public disclosure and shall be maintained in accordance with applicable state and federal laws and Sheriff's Office policies and procedures. Digital still images captured through Booking-photograph cameras shall be saved on legally compliant local servers or storage cloud with access requiring a user name and login password, and shall be stored indefinitely consistent with California Penal Code 7 (21) (defining "book" as signifying the recordation of arrest in official police records, and the taking by the police of fingerprints and photographs of the person arrested), and *People v. McInnis* (1972) 6 Cal.3d 821, 825-826 ("Commonly known as 'mug shots,' the [booking] photos are kept in permanent files regardless of the eventual disposition of the case.").

7. Public Access

Data from Booking-photograph cameras shall be made public or deemed exempt from public disclosure pursuant to state or federal law. For public requests for data, the Sheriff's Office shall confer with County Counsel to determine whether the requested data is exempt from disclosure pursuant to the California Public Records Act, or is legally required to be disclosed, and shall respond to requests in compliance with applicable law.

8. Third-Party Data-Sharing

It shall be permissible for photographs from booking cameras to be shared with only the following:

- Outside law enforcement offices as part of a specific criminal or administrative investigation;
- District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence;
- Public Defender's Office or criminal defense attorney via the District Attorney's Office in accordance with California discovery laws;
- Victims, witnesses, and others associated with a specific criminal investigation;
- Press or Media or general public as part of a press release or notification when allowable by law;

- Parties to civil litigation involving the County, in response to a subpoena or civil discovery;
- County Personnel Board, arbitrator, or Court regarding a county administrative action or litigation;
- Other third parties, pursuant to a Court Order.

9. Training

Training for the operation of the Booking-photograph cameras shall be provided by Sheriff's Office personnel. All Sheriff's personnel who use Booking-photograph cameras shall be provided a copy of this Surveillance Use Policy.

10. Oversight

Division Commanders for divisions utilizing Booking-photograph cameras shall ensure compliance with this surveillance policy. Sheriff's administration shall conduct audits as necessary and at least annually of access to the Sheriff's Office Booking-photograph database to ensure appropriate use the Booking-photograph cameras and database in compliance with this Surveillance Use Policy.

Approved as to Form and Legality

 10/29/18

Rob Coelho
Office of the County Counsel