

Santa Clara County Office of the Sheriff
Surveillance Use Policy for Digital Cameras and Video

Approved: 08/14/2018

1. Purpose

Digital cameras and/or video shall be utilized by Sheriff's Office personnel to photographically document the physical condition of people, and the physical condition of evidence, locations, or property. In designated areas of the Sheriff's Office, video cameras are installed to monitor only ingress and egress.

2. Authorized and Prohibited Uses

County digital cameras and video cameras shall only be used for:

- Evidence Collection;
- Safety and security;
- Sheriff's Office purposes if approved by the Sheriff or designee(s) (e.g., to record events significant to the Sheriff's Office, such as Academy graduations and deputy-promotion events);
- Other law enforcement or first responder uses not prohibited by law.

County digital cameras and video cameras shall not be used for personal or other non-law enforcement purposes.

3. Data Collection

The following data may be obtained by the use of a digital camera and/or video:

- Digital still images;
- Video;
- Audio.

4. Data Access

Access to recorded data shall be limited to Sheriff's Office personnel involved in the criminal or administrative investigation, including Sheriff's Office Executive Command Staff members. As part of administrative cases, access to recordings may be provided to Labor Relations, County Counsel, and others who are authorized by the Sheriff or designee(s) to have access for a legal business reason.

The Sheriff or designee(s) may grant Sheriff's Office personnel access to recordings of events significant to the Sheriff's Office, such as Academy graduations and deputy-promotion events.

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5. Data Protection

Data downloaded from digital cameras and videos shall be maintained in a secure, non-public location, such as a location requiring security access or badge access.

6. Data Retention

Data may be downloaded onto an electronic storage device for purposes of documentation or evidence in a criminal or administrative investigation. Downloaded, copied, and printed data for such purposes shall be maintained in accordance with applicable state and federal laws and Sheriff's Office policies and procedures. The original data shall be deleted from the equipment after download no later than 90 days after the original recording.

Data downloaded to document or memorialize significant events to the Sheriff's Office or for historical documentation purposes may be retained indefinitely at the discretion of the Sheriff, and so long as it is not in violation of state or federal law.

7. Public Access

Criminal law enforcement videos, photographs and information, and other data from digital 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

Data-sharing from this equipment shall be limited to only the following:

- 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;
- Other law enforcement offices as part of a specific criminal or administrative investigation;
- Parties in a 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.

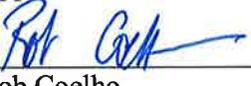
9. Training

Training for the operation of the digital camera and/or video cameras shall be provided by Sheriff's Office personnel. All Sheriff's Office personnel with access to this equipment shall be provided a copy of this Surveillance Use Policy.

10. Oversight

Division Commanders for divisions utilizing digital cameras and/or video cameras shall oversee compliance with this Surveillance Use Policy.

Approved as to Form and Legality

 6/19/18

Rob Coelho
Office of the County Counsel

