

Santa Clara County Office of the Sheriff

Surveillance Use Policy for the Flash Camera

Approved: 08/14/2018

1. Purpose

FlashCAM manufactured by Q-Star Technology (“Flash Cameras”) is a vandalism-deterrent system, set up by patrol deputies or community services officers in locations where property crimes (e.g., vandalisms, burglaries, thefts) or other crimes are occurring or have been reported.

2. Authorized and Prohibited Uses

Flash Cameras shall only be used to monitor a location within the county for an active criminal investigation. Flash Cameras shall be positioned in a lawful public location; or on private property with the consent of the owner or custodian of the property; or pursuant to a valid search warrant or court order.

Flash Cameras shall not be used for personal or non-law-enforcement purposes.

3. Data Collection

Flash Cameras shall be activated by movement and record only photo images.

4. Data Access

Access to data from the Flash Cameras shall be limited to Sheriff’s Office personnel assigned to an incident or criminal investigation regarding which the equipment is deployed, including supervisors and administrative command staff, and to other county personnel designated 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

Flash Cameras shall be installed by a division supervisor or authorized Sheriff’s employee in designated locations. The equipment shall be encased in a box locked with a controlled key, which shall only be accessible by Sheriff’s enforcement supervisory personnel. Data obtained from Flash Cameras shall be kept in a secured facility, subject to state and federal evidentiary laws and Sheriff’s Office policy.

6. Data Retention

Data may be printed or downloaded onto an electronic storage device only for the purposes of documentation or evidence in an investigation. All such data shall be maintained and retained in accordance with applicable state and federal evidentiary laws and Sheriff’s Office policy. All data not downloaded shall be deleted from the Flash Cameras no longer than 180 days of retrieving the equipment.

7. Public Access

Information obtained from Flash 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 for the Flash Cameras 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 to civil litigation, 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 Flash Cameras shall be provided by Sheriff's Office personnel to authorized users. All Sheriff's Office employees who utilize Flash Cameras or their data shall be provided a copy of this Surveillance Use Policy.

10. Oversight

A Sheriff's supervisor shall have access to the equipment and the key to unlock the case to install the system, and shall ensure that the Flash Camera is utilized in accordance with this policy. An audit log shall be maintained by a Sheriff's supervisor or administrator for usage of Flash Cameras, which will be reviewed by Sheriff's administration as it deems necessary, and at least annually, to ensure compliance with this Surveillance Use Policy.

Approved as to Form and Legality

 6/19/18

Rob Coelho
Office of the County Counsel