

Santa Clara County Office of the Sheriff

Surveillance Use Policy for Live Scan Machines & Mobile ID Fingerprint Machines

1. Purpose

Cal-ID AFIS Criminal Live Scan Machines (MorphoTrak LSS4000R), Applicant Live Scan Machines (MorphoTrust ED/HD 5000), and Mobile Identification Fingerprint Machines (“Mobile ID Machines” – Honeywell Intermec CN4) shall only be used to obtain fingerprints, 10-print and palm print documentation, or identification information and assistance regarding individual persons, for the purpose of identification.

2. Authorized and Prohibited Uses

The following shall be the authorized and prohibited uses of Cal-ID AFIS Criminal Live Scan Machines, Applicant Live Scan Machines, and Mobile ID Machines:

- A. Cal-ID AFIS Criminal Live Scan Machines are located on Sheriff’s Office property and shall be used to obtain finger and palm print documentation for individuals for booking, pre-booking, pre-processing, or to assist in the proper identification of individuals. Cal-ID AFIS Criminal Live Scan Machines shall also be used to verify and document court-mandated registration compliance (e.g., sex offender registration, narcotics offender registration, arson offender registration).
- B. Applicant Live Scan Machines shall be used to provide a public service on a voluntary basis for applicants, as required, for the purposes of employment, licensing, or volunteering. Applicant Live Scan Machines shall remain separate and distinct in location and purpose from Cal-ID AFIS Criminal Live Scan Machines.
- C. The Santa Clara County Sheriff’s Office coordinates a local law enforcement Mobile ID program in which local police agencies utilize Mobile ID Machines. Local law enforcement agencies shall be subject to their own policies governing the use of Mobile ID Machines. Santa Clara County Sheriff’s Office personnel shall be subject to this Surveillance Use Policy.
- D. Mobile ID Machines are portable devices that may be used by Sheriff’s sworn personnel during the course of their duties to assist in documenting contact with an individual or individuals, or for assistance in identifying an individual or individuals. Mobile ID Machines may, on occasion, be used to assist in determining the identity of a decedent under special or unique circumstances, including a mass casualty incident, and only with expressed permission or authorization from the Santa Clara County Medical-Examiner Coroner’s Office.
- E. Cal-ID AFIS Criminal Live Scan Machines and Mobile ID Machines may be used for other law enforcement or first responder purposes not prohibited by law.

Approved: 08/28/2018

F. All other uses for Cal-ID AFIS Criminal Live Scan Machines, Applicant Live Scan Machines, and Mobile ID Machines not referenced above shall be prohibited; and such technology shall not be used for personal or non-law-enforcement purposes.

3. Data Collection

Cal-ID AFIS Criminal Live Scan Machines, Applicant Live Scan Machines, and Mobile ID Machines collect digital images of an individual's fingerprints and/or palm prints.

4. Data Access

Access to Sheriff's Office collected Cal-ID AFIS Criminal Live Scan Machine, Applicant Live Scan Machine, and Mobile ID Machine data shall be limited to authorized Sheriff's Office personnel (including supervisors and administrators), Investigative staff, Records staff, authorized Information Systems staff and Sheriff's Identification Unit staff, as well as County personnel designated by the Sheriff or the Sheriff's designee to the extent that the Sheriff or Sheriff's designee determines that access is reasonably necessary for a specific criminal, civil, or administrative investigation or action.

5. Data Protection

Data on Cal-ID AFIS Criminal Live Scan Machines, Applicant Live Scan Machines, and Mobile ID Machines shall be password protected. Usernames and passwords shall be required to utilize the equipment. Storage of data from the Cal ID AFIS Criminal and Applicant Live Scan Machines and Mobile ID Machines shall be maintained and retained in secure locations with access restricted to authorized personnel.

6. Data Retention

Data compiled by the Sheriff's Office Cal-ID AFIS Criminal Live Scan Machines shall be maintained indefinitely as a criminal offender record as mandated under 28 U.S. Code section 534 and Penal Code section 11075. Data compiled by Applicant Live Scan Machines shall be deleted from the Machines no longer than 180 days from the date of collection, and shall not be retained on a server. Data compiled by Mobile ID Machines shall not be retained on the Mobile ID Machines and shall be deleted from the server no longer than 180 days from date of collection.

7. Public Access

Data from Live Scan and Mobile ID Machines 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 the Cal-ID AFIS Criminal Live Scan Machines, Applicant Live Scan Machines, and Mobile ID Machines shall be limited to only the following:

- Department of Justice;
- Automated Fingerprint Identification System database, which outside law enforcement agencies may access;
- The District Attorney's Office;
- The 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;
- County Personnel Board, arbitrator, or Court regarding a County administrative action or litigation;
- Other third parties, pursuant to a valid Court Order.

9. Training

Training for the operation of Live Scan and Mobile ID Fingerprint Machines shall be provided by Sheriff's Office personnel. All Sheriff's Office personnel who use Live Scan and Mobile ID Fingerprint Machines shall be provided a copy of this Surveillance Use Policy.

10. Oversight

Division Commanders for divisions utilizing Live Scan and Mobile ID Fingerprint Machines shall ensure compliance with this Surveillance Use Policy. Cal-ID AFIS Criminal Live Scan Machines shall maintain an audit trail of user access and use for at least 365 days. Mobile ID Fingerprint Machines shall maintain an audit trail for 180 days. Sheriff's administration shall conduct periodic audits of the audit trails for this equipment to ensure appropriate use of the equipment in compliance with this Surveillance Use Policy.

Approved as to Form and Legality

 6/19/18

Rob Coelho
Office of the County Counsel

