

# Santa Clara County Office of the Sheriff

## Surveillance Use Policy Live Trac PT-10 Plus Global Positioning System Tracking Devices

### 1. Purpose

Live Trac PT-10 Plus GPS trackers are devices designed to track the movements of vehicles, cargo, machinery, and/or individuals. The trackers shall be utilized only during active investigations of suspected criminal activity. A search warrant shall be obtained for use of Live Trac PT-10 Plus GPS trackers when legally required.

### 2. Authorized and Prohibited Uses

GPS trackers shall be used in a lawful manner to gather evidence in an investigation involving criminal activity, and in compliance with Sheriff's Office policy. GPS trackers shall only be used pursuant to a valid search warrant; pursuant to court-ordered parole or probation conditions, if applicable; or with consent of the owner of the object to which the GPS tracker is attached.

GPS trackers shall not be utilized for personal or non-law enforcement purposes.

### 3. Data Collection

GPS Trackers shall provide only travel speed and/or location data for the object to which it is attached.

### 4. Data Access

Access to GPS tracking data shall be limited to Sheriff's Office personnel authorized to utilize Sheriff's GPS Tracker(s) for the purposes of conducting a specific criminal or administrative investigation, including Sheriff's supervisors and administrators, as well as 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

Data from a GPS tracker shall be encrypted from the vendor. Credentials including login and password shall be required to access the GPS tracker data from the system. Any storage of downloaded data shall be maintained in a secure, non-public location, such as a server room or other location requiring security access.

### 6. Data Retention

Data shall 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 onto an electronic storage device shall be stored

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electronically by the host company and shall be purged no longer than 90 days after it was collected.

**7. Public Access**

The public shall not have access via the Sheriff's Office to data maintained with the vendor. Data downloaded or printed from the GPS trackers shall be made available to the 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 GPS trackers shall be limited to 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 defense attorney via the District Attorney's Office in accordance with California discovery laws;
- Other law enforcement offices as part of a criminal investigation;
- 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 GPS trackers shall be provided by Sheriff's Office personnel to authorized users. All Sheriff's Office employees who use GPS trackers shall be provided a copy of this Surveillance Use Policy.

**10. Oversight**

Division Commanders for divisions utilizing GPS trackers shall ensure compliance with this Surveillance Use Policy. An audit log shall be maintained by Sheriff's supervisors or administrators for GPS tracker usage, which will be reviewed by Sheriff's administration as it deems necessary, and at least annually, to ensure compliance with this surveillance policy.

Approved as to Form and Legality

 6/1/18

Rob Coelho

Office of the County Counsel