

Santa Clara County Office of the Sheriff

Surveillance Use Policy for the Trail Cameras

Approved: 08/14/2018

1. Purpose

The Sheriff's Office utilizes Bushnell Trophy Cameras Model #119466 ("Trail Cameras"), which are motion-activated. Trail Cameras shall only be utilized to gather evidence of illegal or suspected illegal activity on private property or public lands for investigative cases of the Santa Clara County Sheriff's Office. If legally required, a search warrant shall be obtained to use the Trail Cameras.

2. Authorized and Prohibited Uses

Trail cameras shall be used only for the following purposes:

- Surveil subjects suspected of engaging in illegal activity on private and/or public lands;
- For private property, utilization of the trail cameras shall only occur with authorization from the land owner or custodian of the property, or pursuant to a search warrant;
- Evidence Collection in a criminal or administrative investigation;
- Other law enforcement uses not prohibited by law.

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

3. Data Collection

Trail Cameras record video images, and may record audio.

4. Data Access

Access to video and audio recording of Trail Cameras shall be limited to Sheriff's Office personnel engaged in a specific criminal or administrative investigation, including supervisors and 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

Data downloaded from Trail Cameras shall be maintained in a secure, non-public location, such as a secured server room, or a location requiring security access.

6. Data Retention

Data shall only be downloaded onto an electronic storage device 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 deleted no later than 180 days after retrieving the equipment.

7. Public Access

Data retrieved from Trail 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 Trail 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 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 Trail Cameras shall be provided by Sheriff's Office personnel to authorized users.

10. Oversight

Division Commanders for divisions utilizing Trail Cameras shall oversee compliance with this Surveillance Use Policy. An audit log shall be kept for usage of Trail Cameras. Sheriff's Administration shall review the audit log as it deems necessary, and at least annually, to ensure compliance with this Surveillance Use Policy.

Approved as to Form and Legality


Rob Coelho
Office of the County Counsel