

County of Santa Clara

Department of Parks and Recreation Surveillance Use Policy

Closed-Circuit Cameras

1. Purpose

The County Parks and Recreation Department uses Closed-Circuit Cameras for two primary purposes: (1) to monitor and record wildlife and environmental impact activity (excluded from this Policy); and (2) for law enforcement and security-related purposes tied to individuals accessing County Parks and facilities on those parks (the subject of this Policy).

Wildlife/Environmental Impact Cameras: The first purpose falls outside the scope of the County's Surveillance-Technology and Community-Safety Ordinance because the cameras shall not be used, designed, or primarily intended to collect, retain, process, or share information specifically associated with—or capable of being associated with—any individual or group. Although at times, individuals may walk in a field-camera's scope, the cameras are primarily intended to collect data on wildlife and environmental issues, not any individual person or group of people. This camera use typically includes, but is not limited to, areas such as protected bird nesting sites, cattle grazing monitoring, and areas of mountain lion sightings. The purpose is to help the Department fulfill its stewardship obligation of environmental protection, habitat management, and public safety related to wildlife interactions. Camera locations and activity observed change as the need to observe habitats and wildlife movement changes.

Law Enforcement and Security-Related Cameras: Closed-Circuit Cameras intended for law enforcement and security-related purposes are subject to this Surveillance Use Policy. For these purposes, cameras may be used to monitor building entrances, publicly accessible work spaces near and around County facilities including park lands, Department safes, or areas where employees and volunteers work and/or handle money. The purposes for using Law Enforcement and Security-Related cameras shall include:

- To provide a safe work environment for staff members.
- To assist in identifying and preventing threats to employees and the public.
- To assist in identifying, apprehending, and prosecuting criminal offenders.
- To assist in gathering evidence for criminal court actions.
- To help emergency services personnel respond to emergency events.
- To assist in resolving a citizen or employee complaint or an internal affairs or other County or law enforcement investigation.

2. Authorized and Prohibited Uses

Law enforcement and security-related cameras and their recordings shall be used for only the County-related purposes described in the Purpose section above (See Section 1). For example, it

shall be permissible for the cameras and related data to be used for the following public safety, security, and County investigative purposes:

- Department Park Rangers may use closed-circuit cameras as part of their peace officer investigative responsibilities, in conjunction with the Office of the Sheriff Park Patrol Program, related to burglary, theft, vandalism, and other crimes committed in County Parks. If a court order or search warrant is legally required, the Department shall coordinate with Sheriff's Office personnel to obtain a court order or search warrant.
- Data from closed-circuit cameras may be used for County administrative/personnel, civil, and criminal investigations and related actions, cases, and prosecutions.

Closed-circuit cameras and their recordings shall be used in a lawful manner. They shall not be used in locations where there is a reasonable expectation of privacy, such as restrooms, and shall not be used to harass, intimidate, or discriminate against any individual or group.

Law enforcement and security-related cameras shall not be used for personal, non-County purposes.

3. Data Collection

Closed circuit cameras collect video and still images.

4. Data Access

See Section 2 of this Surveillance Use Policy regarding Authorized and Prohibited Uses. Access to the live video feed or the stored data (recordings) shall be limited to:

- Parks Department Director, Deputy Directors, or their written designees for the County business purposes set forth in Sections 1 and 2 of this Policy;
- Parks Department Manager of Park Ranger Operations, Chief Park Ranger, and Financial Administration Manager;
- Parks Department staff designated in writing by the Parks Department Director or Deputy Directors as having a County business need to access the data, on a case-by-case basis, in compliance with this Policy;
- A County business purpose shall include a specific safety or administrative investigation that access is reasonably necessary for a specific criminal, civil, or administrative investigation. For example, as part of administrative investigations and cases, access to recordings shall be provided to Labor Relations, County Counsel, and others who the Parks Department Director or Deputy Director authorizes to have access for purposes of the specific investigation or case.

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Efforts shall be made to keep the total number of designees with access to the closed-circuit camera data as low as possible within the constraints of this Policy. All designees given access for any incident shall be recorded in writing.

5. Data Protection

All recorded data generated by the security-related cameras shall be stored in a secure, non-public location, accessible to only authorized staff members, and password protected. Direct access to the recordings shall be limited to designees described in Section 4 of this Policy.

6. Data Retention

It shall be permissible for recordings capturing nature, wildlife, and non-human activity to be retained indefinitely for interpretive, educational, or historical purposes.

Other data captured by law enforcement and security-related cameras and not otherwise needed for specific County business reasons and maintained in the normal course of business shall be retained for a period of up to one hundred (100) days unless precluded by limitations of the system storage capacity (which may automatically record over previously recorded data based on data-storage limitations), or unless otherwise required by law to be retained for a different period of time.

The County business-reason exceptions to this retention timeline shall include:

- Recordings of secured rooms where cash handling occurs or where Department safes are located may be retained for a longer period as needed to support ongoing investigations, administrative proceedings, or criminal prosecutions.
- Recordings needed as evidence in a specific criminal, civil, or administrative investigation or proceeding shall be copied to an encrypted or password-protected data-storage device and stored in accordance with departmental evidence-handling or administrative investigation procedures.
- Recordings relating to potential criminal investigations, charges, or cases shall be copied to an encrypted or password-protected data-storage device and given to the Office of the Sheriff and/or the District Attorney's Office for retention in accordance with their retention policies.
- Recordings related to complaints of employee misconduct/Internal Affairs Complaints (whether externally or internally generated) shall be retained in accordance with Penal Code §832.5, until the matter has been resolved, or in accordance with County document retention policies and schedules relating to that data, whichever is later.

7. Public Access

If the Department receives a California Public Records Act (CPRA) request, subpoena, or court order for recordings from the closed-circuit cameras, the data shall be made public or deemed

exempt from public disclosure pursuant to state or federal law. County Counsel shall be consulted as appropriate to ensure legal compliance.

8. Third-Party Data-Sharing

With written approval of the Department Director or written designee, it shall be permissible for the Department to share recordings with law enforcement representatives or County-retained third-party investigators if the data show activity that appears to be unauthorized, improper, illegal, or in furtherance of illegal activity.

9. Training

All Department staff members who are involved in using closed-circuit cameras for law enforcement or security-related purposes, or accessing recorded data for that purpose, shall be appropriately trained and informed of this Surveillance Use Policy.

10. Oversight

The Chief Park Ranger shall oversee compliance with this Surveillance Use Policy with respect to Park Ranger staff members' use of closed-circuit cameras and their data relating to law enforcement activities. The Deputy Director of Visitor Services and Facilities and Financial and Administrative Services Manager or designee(s) shall oversee compliance with this Surveillance Use Policy with respect to non-Ranger staff members and all Department staff members regarding use of closed-circuit cameras for non-law enforcement related purposes.

Any employee(s) found to have violated this Surveillance Use Policy shall be subject to possible discipline, up to and including termination. Violations of this Policy shall be reviewed by the Parks Director with the assistance of the Labor Relations Department and the Office of the County Counsel.

The Deputy Director of Visitor Services and Facilities shall complete an annual compliance audit regarding compliance with this Policy. The Parks Department's Administrative Park Ranger Supervisor shall create and maintain accurate compliance-oversight records that document their monthly review of Parks Department surveillance records and provide a monthly report to the Chief Park Ranger addressing collected file size, total size of database, and any data requests received.

Approved as to Form and Legality

 1/8/20

Rob Coelho
Office of the County Counsel