

Santa Clara County Office of the Sheriff

Surveillance Use Policy for the Callyo Mobile Bug

1. Purpose

The Callyo Mobile Bug Service is a vendor service designed to assist investigating officers working undercover cases. The service facilitates audio-recording, GPS location, and texting, to assist with security for undercover deputies and informants. The Callyo Mobile Bug assists investigating officers to record conversations between victims, witnesses, and/or persons suspected of criminal activity. A search warrant shall be obtained before using the Callyo Mobile Bug in instances where a search warrant is legally required.

2. Authorized and Prohibited Uses

The Callyo Mobile Bug Service shall be used for only the following purposes:

- Monitoring (including GPS tracking) and audio-recording undercover officers, confidential informants, witnesses, or victims interacting with persons suspected of engaging in criminal activities, including to obtain real-time audio in order to provide security relating to those individuals;
- Collecting evidence, including audio-conversations between victims, witnesses, and/or suspects of criminal activity, and text conversations between investigating officers, undercover officers, and persons suspected of engaging in criminal activity;
- Assisting with other law enforcement or first responder uses not prohibited by law.

The Callyo Mobile Bug shall not be used for personal or non-law enforcement purposes.

3. Data Collection

The Callyo Mobile Bug shall capture only the following data:

- Real-time audio;
- Audio recordings;
- Text messages, including photo and/or video attachments;
- GPS tracking of undercover officer, witness, or confidential informant.

4. Data Access

Access to Callyo Mobile Bug data shall be limited to Sheriff's Office personnel involved in the criminal investigation that utilizes the Callyo Mobile Bug, including supervisors and administrators; 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 from the Callyo Mobile Bug shall be encrypted from the vendor. Credentials including login and password shall be required to access the system. Storage of data from the Callyo Mobile Bug shall be maintained in a secure, non-public location, such as server rooms or other locations requiring security access.

6. Data Retention

Data may be downloaded onto an electronic storage device or printed for the purposes of documentation or evidence in an investigation. Downloaded, copied, and printed data shall be maintained and retained in accordance with applicable state or federal evidentiary laws and Sheriff's Office policy and procedures. The original data shall be deleted from the Callyo Mobile Bug after download and retained no longer than 6 months from origination.

7. Public Access

Criminal law enforcement recordings from Callyo Mobile Bug 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 Callyo Mobile Bug 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 according 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 the Callyo Mobile Bug shall be provided by Sheriff's Office personnel. All Sheriff's Office employees who use the Callyo Mobile Bug shall be provided a copy of this Surveillance Use Policy.

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10. Oversight

The Special Operations Division Commander shall oversee the operation for the Callyo Mobile Bug, as well as compliance with this Surveillance Use Policy. An audit log shall be retained to track usage and ensure compliance with this surveillance policy. Sheriff's administration shall review the audit log as it deems necessary, and at least annually.

Approved as to Form and Legality

Handwritten signature of Rob Coelho and the date 6/19/18.

Rob Coelho
Office of the County Counsel

