Santa Clara County Office of the Sheriff
Handheld Digital Cameras
Surveillance Use Policy

Santa Clara County
Sheriff's Office
Custody Bureau

1. Purpose

Sheriff's handheld Digital Cameras shall be used by only Sheriff's Office personnel, primarily for incident documentation, evidence collection, and to aid in the evaluation of internal processes. The following makes and models have been issued throughout the Custody Bureau facilities:

- Canon PowerShot ELPH-180
- Canon Power Shot A2300
- Canon Power Shot ELPH160

2. Authorized and Prohibited Uses

Handheld Digital Cameras shall only be used by Sheriff's Office personnel for the following purposes:

- Documentation;
- Evidence collection;
- Safety and security;
- Ceremonies or events;
- Social Media purposes;
- Other law enforcement or first responder uses not prohibited by law.

Handheld Digital Cameras shall not be used for any other purposes, unless approved by the Sheriff or Sheriff's designee for official Sheriff's Office purposes. For example, Sheriff's Office Executive Management may approve the use of Handheld Digital Cameras to record events significant to the Sheriff's Office, such as Academy graduations and deputy-promotional events.

Handheld Digital Cameras shall not be used for personal or non-official purposes; and shall not be used to harass, intimidate, or discriminate against any individual or group. The cameras shall be used in a legal manner, and shall not be used to surreptitiously record individuals in locations under circumstances where there is a reasonable expectation of privacy, such as restrooms, changing rooms, lactation accommodation rooms, or other areas where an individual would reasonably expect not to be recorded, while those rooms are being used for their intended purpose.

3. Data Collection

It shall be permissible for the following data be obtained through the use of digital cameras.

- Digital Still Images;
- Video;
- Audio.

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4. Data Access

Access to recorded data shall be limited to Sheriff's Office personnel involved in the care and custody of inmates or personnel involved in a criminal or administrative investigation, including Sheriff's Office Executive Command Staff members. As part of administrative cases, access to recordings may be provided to Labor Relations, County Counsel, and others who are authorized in writing by the Sheriff or Sheriff's designee to have access for a legal County business reason.

5. Data Protection

Data downloaded from Handheld Digital Cameras shall be maintained in a secure, non-public location, such as a secured server or location requiring security access. Downloaded electronic data shall be stored on an encrypted device (e.g. server, hard drive, flash drive).

6. Data Retention

A. It shall be permissible for data to be downloaded onto an electronic storage device for purposes of documentation, or as evidence in a criminal or administrative investigation. All downloaded, copied, and printed data shall be maintained in accordance with applicable state and federal laws and Sheriff's Office policies and procedures.

B. Original data shall be deleted from the Handheld Digital Camera no later than 90 days after the original recording.

C. Data procured for the purpose of evaluating jail processes may be archived and retained indefinitely as needed by Sheriff's administration.

D. Data procured at a ceremony or other authorized event by the Sheriff or Sheriff's designee may be retained indefinitely as authorized by Sheriff's administration.

E. Data procured for investigative or evidentiary purposes shall be retained in accordance with applicable state or federal evidentiary laws. Such data shall be retained according to Sheriff's Office retention policies governing investigatory files, and in all cases shall not be deleted before the adjudication process, to include applicable statute of limitations for any appeals processes.

F. All other data, unless required to be retained longer by law or policies, or necessary for an ongoing investigation or prosecution, shall be deleted no later than 90 days after a determination has been made that the data is not required to be retained.

7. Public Access

Data from Handheld Digital 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

It shall be permissible for data from Handheld Digital Cameras to be shared with 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 accordance with California discovery laws;
- Other law enforcement offices as part of a specific criminal or administrative investigation;
- Parties to 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 Court Order.

9. Training

Training for Handheld Digital Cameras shall be provided by Sheriff's personnel. All Sheriff's Office personnel with access to this equipment shall be provided a copy of this Surveillance Use Policy.

10. Oversight

Division Captains for divisions utilizing Handheld Digital Cameras shall ensure compliance with this Surveillance Use Policy.

Approved as to Form and Legality

Rob Coelho 10/29/18

Rob Coelho
Office of the County Counsel