

# **Santa Clara County Office of the Sheriff**

## **Surveillance Use Policy for Court Security Video Cameras**

### **1. Purpose**

The Court Security Video Camera System including its cameras (System) shall be used in designated areas of the court facilities in Santa Clara County to monitor public work spaces, courtrooms, public hallways, stairwell landings, the perimeter of courthouses, and inmate holding areas. Court security video cameras at each court building are controlled by a Pelco Digital Sentry System. The System is owned and maintained by Courts Administration (California Judicial Branch) and operated by Sheriff's personnel.

In August 2018, the Sheriff's Office was advised that the Superior Court approved the placement of conspicuous signage at or near the entrance of each of its Courthouses where the Court Security Video Camera System is utilized, in order to advise those who enter that the premises are under recorded video surveillance. The Sheriff's Office shall ensure such signage is posted as long as authorization for such signage continues to be approved by the Superior Court.

A search warrant is not required for use of the Court Security Video Camera System.

### **2. Authorized and Prohibited Uses**

The System shall be used for security purposes in areas described above and may also be used for investigative purposes. Investigative purposes shall include only an investigation regarding a suspected violation of law, a suspected administrative or policy violation, or a matter involving possible civil liability. Also, if an incident is captured on the System that has training value for Sheriff's personnel or court personnel, the footage may be used for training purposes for that personnel.

The System shall not be used in any location where there is a reasonable expectation of privacy, such as a restroom. Sheriff's personnel shall not access video or recordings for personal or non-security or non-law enforcement or non-training purposes. Video and recording access shall be for only security, investigative, prosecutorial, or training purposes. All other uses of the System and its data shall be prohibited.

The Court Security Video Camera System shall not be used to harass, intimidate, or discriminate against any individual or group.

### **3. Data Collection**

Court security video cameras produce live video, which is also recorded. Still-photo images may also be captured from the video.

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#### **4. Data Access**

Access to System data shall be limited to the following authorized Sheriff's staff and authorized Court personnel:

- Court Technicians assigned to operate the equipment;
- Sheriff's personnel responsible for security at the court facility;
- Court Administration, including when auditing or observing security operations;
- Investigations or Enforcement staff when related to a suspected criminal violation;
- Sheriff's Internal Affairs Staff, Supervisors, or Administrators when related to a possible policy violation or suspected Administrative case;
- Training Unit staff, when applicable;
- Other county personnel designated in writing by the Sheriff or the Sheriff's designee if they determine that access reasonably necessary for a County business reason, which may include a specific criminal, civil, or administrative investigation or action.

#### **5. Data Protection**

Live-stream video monitoring shall occur in a secure location. Video footage, including copies, shall be maintained in a secure location requiring security access.

#### **6. Data Retention**

It shall be permissible for data to 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. The original data shall be deleted from the System no longer than 12 months from the date of the recording.

#### **7. Public Access**

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-sharing from the System 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;

- Court Administration;
- Other law enforcement agencies 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 System shall be provided by Sheriff's Office personnel.

**10. Oversight**

The Court Division Commander shall oversee the operation of the System and ensure compliance with this Surveillance Use Policy. An audit log shall be retained to track when recordings are downloaded from the System. Sheriff's administration shall review the audit log as it deems necessary, and at least annually.

Approved as to Form and Legality

 11/19/18  
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Rob Coelho  
Office of the County Counsel