

Santa Clara County Office of the Sheriff

Surveillance Use Policy for the In-Car Video Recording System “Dash-Cam System”

1. Purpose

The In-Car Video Recording System, referred to as the “Dash-Cam System” is currently composed of the Axon Fleet 2 Solution and shall be utilized to capture footage of people or events of interest during patrol and enforcement functions. The Dash-Cam System shall be attached to law-enforcement vehicles for the purpose of recording law enforcement interactions with the public, including a detainee/arrestee’s conduct in the back seat of the law-enforcement vehicle. The Dash-Cam System shall be set up so that the cameras turn on when Sheriff’s Office personnel activate the vehicle’s emergency equipment or when the equipment is manually turned on by the operator. A search warrant is not required for the use of the Dash-Cam System.

The Dash-Cam System shall be affixed to Sheriff’s Office patrol vehicles, and may be affixed to other Sheriff’s Office vehicles. Patrol vehicles not affixed with the Dash-Cam System due to mechanical issues or budgetary constraints shall not be in violation of this Surveillance Use Policy.

The Dash-Cam System consists of two cameras: one installed in the front of the vehicle, pointing forward in a windshield mount, and the second pointed at the law enforcement vehicle’s back seat. When the vehicle is running, the cameras shall be powered by the vehicle. If the vehicle’s ignition is shut off, an inline Axon Fleet power unit shall provide power for up to 4 hours of recording.

2. Authorized and Prohibited Uses

The Dash-Cam System shall be used to record law-enforcement activities from a camera in the patrol car, including the following types of law-enforcement activities:

- Vehicle enforcement stops
- Vehicle pursuits
- Detention of persons
- Consensual encounters
- Transportation of arrestees or others
- Evidence Collection
- Other law-enforcement or first-responder uses not prohibited by law

The Dash-Cam System shall not be integrated with facial recognition technology.

The Dash-Cam System and its data shall not be used to harass, intimidate, or discriminate against any individual or group, nor shall it be used for personal or non-law enforcement

purposes.

3. Data Collection

The Dash-Cam System shall record video and audio. Still images may be generated from the video.

4. Data Access

Sheriff's Office enforcement personnel may see and hear Dash-Cam System data through the vehicle's Tablet display monitor. Sheriff's Office personnel shall only download data from the Dash-Cam System to a DVD, disc, thumb drive, or other storage device for the purpose of preserving the data as part of a specific criminal, civil, or administrative investigation, or for training purposes. Access to downloaded data shall only be for the purposes of a specific criminal, civil, or administrative investigation, or for training purposes.

Supervisors and command staff may also review data to ensure compliance with Sheriff's Office policies or to identify training needs. Other County personnel designated in writing by the Sheriff or the Sheriff's designee may receive access to the extent that the Sheriff or Sheriff's designee determines that access is reasonably necessary for a specific criminal, civil, or administrative investigation or action. Access to downloaded data for the purpose of training shall be limited to Sheriff's supervisors, command staff, and training staff for the purpose of training, and deputies may see and hear such data only for a training purpose.

5. Data Protection

The Dash-Cam System shall upload data to a protected, secure server or storage cloud once the vehicle is in a designated parking location at Sheriff's Office Headquarters, the West Valley Patrol Division station, the Transit Patrol Division station, or the South County Patrol Division station. Dash-Cam data maintained on the secured server or in a secured cloud shall be encrypted and require a username and password to access.

Data (including copies) downloaded onto a disc or electronic storage device shall be retained in a locked, secure facility.

6. Data Retention

All data, including data stored on Axon's Evidence Management System, not downloaded or retained as part of a criminal or administrative investigation, or as evidence in a civil suit, or for training purposes, shall be deleted no later than 12 months after the recording occurred.

Data may be downloaded onto an electronic storage device only for the purposes of a specific criminal or administrative investigation, or as evidence in a civil suit, or for training purposes. Such data shall be maintained and retained in accordance with applicable state or federal evidentiary laws. Data retained for a specific criminal or administrative investigation, or for a civil suit shall be retained only for the duration of a specific case and shall be deleted

or destroyed at the closing of the case in compliance with legal retention requirements, or in the absence of a legal retention requirement, retention shall not exceed one year after the closing of the case. Data downloaded for training purposes shall be retained only as long as it is deemed by the Sheriff's Training Unit Captain to have training value. Such training data shall be deleted as soon as practical and no longer than 90 days once it is determined to no longer hold training value.

7. Public Access

The public does not have access to view data directly from the mounted Dash-Cam System. Data downloaded from the Dash-Cam System as part of a criminal or civil case may be made public in a jury trial. Data retained by the Sheriff's Office within the 12-month period that has not gone to jury trial shall either be made public or deemed exempt 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 Dash-Cam System shall be limited to 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 agencies as part of a specific criminal or administrative investigation;
- Parties to civil litigation, in response to a subpoena or civil discovery;
- County Personnel Board, arbitrator, or Court regarding a county administrative action or litigation;
- Defendant in a traffic matter, in response to a valid subpoena;
- Other third parties, pursuant to a Court Order.

9. Training

Training for the Dash-Cam System's operation shall be provided by Sheriff's Office personnel to authorized users. Data used for training purposes shall be redacted or edited to ensure compliance with applicable state and federal privacy protection laws. All Sheriff's Office personnel with access to the System shall be provided a copy of this Surveillance Use Policy.

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10. Oversight

The Dash-Cam System shall be maintained by the Sheriff's Office, including its Information Systems Division.

Sheriff's Patrol Captains shall oversee compliance with this Surveillance Use Policy. The Dash-Cam System shall employ an audit feature, and Sheriff's Administration shall conduct audits of the system as it deems necessary, and at least annually, to ensure appropriate use of the system and compliance with this surveillance policy.

Approved as to Form and Legality

A handwritten signature in blue ink that reads "Rob Coelho" followed by a date "10/1/19". The signature is written over a horizontal line.

Rob Coelho
Office of the County Counsel