



Policy Type: Board

Category: Administrative Practices

Policy Name: Surveillance – Technology and Community Safety

Policy Owner: County Counsel

Policy Purpose

The purpose of this policy is to provide County employees with access to the Surveillance – Technology and Community Safety Ordinance (the Surveillance Ordinance) and related use policies presented to the Board.

Policy Summary

The Surveillance Ordinance provides a wide-ranging regulatory framework governing the acquisition and use of surveillance technology by County officials, including the Sheriff and the District Attorney. The Surveillance Ordinance became effective on July 21, 2016, and can be found at Division A40 of the Santa Clara County Ordinance Code - https://www.municode.com/library/ca/santa_clara_county/codes/code_of_ordinances?nodeId=TITAGEAD_DIVA40SUECCOAF.

Requirements of the Surveillance Ordinance

County officials who want to purchase and use surveillance technology must provide analysis of the privacy and due process implications of the technology they wish to acquire, submit for approval a set of “use policies” governing the use of the technology before acquisition or use, and report back annually on the use of the technology, in order to provide some measure of accountability.



Definitions

1) **"Surveillance Technology"** means any electronic device, system using an electronic device, or similar technological tool used, designed, or primarily intended to collect, retain, process, or share audio, electronic, visual, location, thermal, olfactory or similar information specifically associated with, or capable of being associated with, any individual or group. Examples of surveillance technology include, but are not limited to, drones with cameras or monitoring capabilities, automated license plate readers, closed-circuit cameras/televisions, cell-site simulators, International Mobile Subscriber Identity (IMSI) trackers, Global Positioning System (GPS) technology, radio-frequency identification (RFID) technology, biometrics-identification technology, and facial-recognition technology.

For purposes of the Policy, surveillance technology does not include standard word processing software; information technology protection tools such as web filtering; medical equipment used to diagnose, treat, or prevent disease or injury; Public Defender or District Attorney case-management databases; publicly available databases; or standard telephone-message equipment that stores the author of a document or the time a phone message was left on a County voicemail, for example.

2) **"Surveillance Use Policy"** or **"Use Policy"** means a publicly released policy for use of the surveillance technology, vetted through County Counsel and submitted to and approved by the Board at a properly noticed public meeting on the regular (non- consent) calendar.

Frequently Asked Questions

None.

Related Policies



- Surveillance – Technology and Community Safety - Division A40 - https://www.municode.com/library/ca/santa_clara_county/codes/code_of_ordinances?nodeId=TITAGEAD_DIVA40SUECCOAF

Related Forms and Information

- Office of the County Executive – List of Surveillance Use Policies for Surveillance Technologies – <https://countyexec.sccgov.org/surveillance-technology-and-community-safety-ordinance>
- Sample Annual Surveillance Report -
[url]/sites/policies/FormsrelatedtoPolicies/Surveillance-Use/Sample-Annual-Surveillance-Report.pdf
- Sample Anticipated Surveillance Reports -
[url]/sites/policies/FormsrelatedtoPolicies/Surveillance-Use/Sample-Anticipated-Surveillance-Report.pdf
- Sample Surveillance Use Policy -
[url]/sites/policies/FormsrelatedtoPolicies/Surveillance-Use/Sample-Surveillance-Use-Policy.pdf

Revision History

Date	Changes Made
4/11/2017	Submission of Surveillance Use Policies – April 11, 2017 Board of Supervisors Meeting
1/10/2017	Submission of Surveillance Use Policies – January 10, 2017 Board of Supervisors Meeting
9/29/2016	Page uploaded. (David Bruno)
6/7/2016	Ordinance Adopted. View legislative file.



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