

County of Santa Clara
Office of the District Attorney Annual Use Report
Global Positioning System (GPS) Trackers

July 1, 2022 – June 30, 2023

1. Description of How the Technology Was Used

Global Positioning System (GPS) trackers are designed to track the movements and precise location of vehicles, cargo, machinery, and/or individuals. GPS trackers owned by the Santa Clara County District Attorney's Office track only travel speed and/or location data for the object to which they are attached, such as vehicles. GPS trackers maintained by the District Attorney's Office REACT Task Force were utilized eight times during the current reporting period. The eight uses involved five separate criminal investigations and one use during scheduled training. Four of the uses related to gang and illegal weapons investigations by the District Attorney's Office and task force investigators. The fifth was part of a task force investigation into grand theft, bank skimming, and ID theft. The one use during scheduled training was monitored and planned by supervisors. Location data collected by the trackers proved critical in establishing the targets' patterns of criminal activity. Location data was not knowingly collected for anyone other than the suspects.

In all five investigations, use of the GPS trackers required, and received, judicial authorization and supervisor approval. Additionally, GPS trackers are regularly monitored by REACT supervisors, and users must complete an equipment sign-out log for all approved uses.

Location data collected by GPS trackers can be accessed in real time by the investigating officer. Location data can also be accessed by authorized District Attorney's Office and REACT Task Force investigators when multi-investigator real-time surveillance operations occur in tandem with location tracking. Location data collected by the trackers is retained in the case file by the investigating officer for investigatory, prosecutorial, and evidence retention purposes. REACT supervisors monitored and audited system usage to ensure compliance with the GPS Trackers Surveillance Use Policy (SUP).

2. Data Sharing with Outside Entities

Location data collected by GPS trackers was regularly shared with authorized personnel in the District Attorney's Office, including investigators, attorneys, paralegals, and justice systems clerks. Prosecutors and defense counsel could share the data with other members of their respective teams, including retained expert witnesses. The data was also shared with members of the multi-jurisdiction taskforces who utilized the trackers. These taskforces are supervised by the District Attorney's Office, and team members represent local, state, and federal law enforcement partnerships.

Data was shared with outside law enforcement organizations when authorized and relevant to ongoing criminal investigations and prosecutions involving various crimes, including bank fraud,

elder fraud, and grand theft. Data is securely shared in a number of ways, including hand delivery of hard copies or storage devices to authorized persons, electronic mail and file sharing to law enforcement and government controlled computer systems, and by use of evidence management systems. After data has been shared, we rely on the receiving agency (law enforcement, prosecutors office, defense counsel, etc.) to safeguard and protect the data as required by their internal rules and policies, and the law. All data sharing was done in conformity with the Board-approved SUP.

GPS trackers maintained by the District Attorney's Office REACT Task Force were utilized eight times during the current reporting period. Trackers were used four times between September 2022 and December 2022, twice between January 2023 and February 2023, and twice between March 2023 and June 2023. The trackers were deployed on vehicles in conformity with the SUP. Of the five criminal investigations in which trackers were utilized, data from only one investigation was shared with the following law enforcement agencies:

Out-of-State Agencies

Mt. Pleasant Police Department (Wisconsin)

Federal Agencies

Federal Bureau of Investigation
U.S. Attorney's Office, Northern District of California
DHS - Homeland Security Investigations

3. Community Complaints or Concerns

The District Attorney's Office did not receive any complaints regarding the use of GPS trackers during the period covered by this Annual Report.

4. Audits and Policy Violations

All use of GPS trackers by District Attorney's Office investigators and REACT Task Force members received judicial authorization, supervisor approval, and completion of the equipment sign-out log. All new hires and newly assigned staff are trained on the County's Surveillance Use Ordinance and required SUP. All current District Attorney's Office investigators and REACT Task Force members received training on the County's Surveillance Use Ordinance and District Attorney's Office investigators electronically read and acknowledged the ordinance and SUP as required by our Policy & Procedure Manual. Location data collected by the trackers has been retained in conformity with the SUP.

GPS trackers maintained by the REACT Task Force must remain charged between authorized uses. When not in use, they are stored powered down, but remain connected to their charging cables in a designated tracker storage area. The required sign-out log is kept with the trackers, and supervisors are readily able to visually see the charging trackers and sign-out log.

Supervisors conduct visual inspections of the trackers on a daily basis. Two audits of the sign-out log were performed by supervisors, and there were no detected violations of the SUP.

5. Effectiveness at Achieving Identified Purposes

As a general proposition, data gleaned from GPS trackers is useful in criminal investigations and prosecutions. Location data collected by trackers utilized during the current reporting period proved critical in establishing the targets' patterns of criminal activity and led to the seizure of a firearm in Santa Clara County.

6. Public Records Act Requests

The District Attorney's Office received no Public Records Act requests for information collected by GPS trackers during the period covered by this Annual Report.

7. Annual Costs

The State of California completely funded the costs for the GPS trackers assigned to the District Attorney's Office REACT Task Force during the reporting period covered by this Annual Report. The State transmitted funds to the County's Trust Fund, and the County transferred those funds to the REACT Trust Fund so they could be used to compensate vendors for products and services. The County is not expected to incur expenses in the next year.