

Office of Pretrial Services
Electronic Alcohol Monitoring Devices
Annual Surveillance Report for July 1, 2022 – June 30, 2023

1. Description of How the Technology Was Used

Technology Use: The Office of Pretrial Services (PTS) utilized electronic alcohol monitoring devices (EAMD), to fulfill the primary objectives of monitoring and recording the consumption of alcohol by court-ordered pretrial release defendants, preventing negative criminogenic behaviors, and promoting and reinforcing positive, safe, and healthy behaviors. For clarity, this technology only tracked and captured information regarding members of the public, who were suspected of engaging in unlawful conduct; specifically, individuals supervised by the Office of Pretrial Services under a court order requiring alcohol monitoring, as a condition of their release from custody, while their criminal charges were pending. As planned, EAMD monitored and recorded alcohol consumption by way of continuous collection of the following information and data:

- transdermal substantive alcohol detection and measurement
- body temperature measurement
- spatial distance measurements (laser measuring space between anklet and ankle)
- alcohol in breathed air compared to a presumptive estimate of blood alcohol content.
- simultaneous-to-testing photographic facial images for comparison with an initial photo and for observation of composure.

Frequency and Quantity of Use: Upon assignment to a PTS client, EAMD are operational and in use on a 24-hour per day and 7-day per week basis. PTS used at times more than 400 EAMD devices daily to monitor over 400 clients at a time (over 1,000 clients served during the reporting period, who to date, have accumulated over 100,000 EAMD days). PTS EAMD services promoted and reinforced safe and healthy decision-making and court order-compliant behaviors, thus aiding individuals in addressing and overcoming substance abuse and dependence, while remaining out of jail custody, and in the community, productively contributing to their families and to the community, and preparing themselves for criminal court proceedings, such as trials.

System and Process for Tracking of Usage and Record Keeping: PTS administration, which includes the Custodian of Record, the Assistant Director, and the Director used a four-part accountability system and process to track usage, record keeping, and auditing of the same. PTS administration cross-references this system information for the processes of billing, inquiries on performance, research, data requests, and staffing and scheduling purposes. The four-part system and process includes:

1. EAMD software (contractor-hosted and PTS staff and administration-monitored)
2. POPS (Pretrial Online Production system), the Technology Services and Solutions Department (TSS), administered PTS electronic client and case management system.
3. Staff-wide shared daily equipment inventory email log (also tracked in EAMD software)
4. Release of Information Log

PTS administration only grants access to EAMD software, hardware, data, and information to properly trained staff, as specified in writing in job specifications and assignments; such employees must possess a need and a right to access it. The contractor and PTS provide adequate training (with relevant checklists), as well as any remedial training and constant updates on upgrades and changes. All said records are specific to clients and employees, to the software, and to the uniquely numbered hardware units.

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The above-described record keeping system and process continuously helped PTS administration to ensure prompt, timely, and thorough usage, protection, and record keeping for clients, employees, software, data, information, and hardware.

2. Data Sharing with Outside Entities

If staff have a reasonable cause to believe that a client subject to EAMD monitoring has violated his or her conditions of pretrial release, staff may include EAMD data in court reports, which are shared with the assigned or specially appearing deputy district attorney and defense attorney or defendant. With supervisory review, staff submitted numerous routine reports to the Court last year. Staff is required to defer all external requests for access to EAMD data and information to PTS administration, exclusively. All external requests are tracked in the Release of Information Log. During this reporting period, PTS received only one (1), request for EAMD surveillance data or information, pursuant to valid search warrants, arrest warrants, bench warrants, subpoenas, and/or other court orders. The alcohol monitoring data request came from the County of San Mateo Probation Department, which PTS granted upon receiving a signed release of information document.

- The County of San Mateo Probation Department

3. Community Complaints or Concerns

During the period for this annual report, no complaints or concerns were reported to PTS regarding EAMD surveillance. In general, and community-wide, a shared desire and operational plan exist to ensure only the least restrictive conditions/interventions, which are reasonably necessary to mitigate risk and to assure safety, and court compliance and attendance, are applied.

4. Non-Privileged Internal Audits / Policy Violations

Consistent with the Surveillance Use Policy for EAMD, the associated software, hardware, data, and information were monitored and safeguarded by PTS supervisors and administration during their daily operations, ensuring strict adherence to the Use Policy and other PTS policies and procedures. PTS neither detected nor reported any Use Policy violations during this reporting period, therefore PTS has issued no sanctions. The County's agreement with the current EAMD vendor requires the vendor to comply with the data retention schedules established by County policy, including PTS' Surveillance Use Policy for EAMD. PTS is successfully collaborating with the vendor and ensuring timely record destruction, pursuant to the retention schedules in the policy.

PTS administration and PTS supervisors, with TSS assistance, carried out employee and client-specific and software and hardware audits using all four parts of the system above. PTS did not detect or receive reports of any Use Policy violations during this reporting period therefore, PTS did not report any violations nor issue any sanctions.

5. Effectiveness in Achieving its Identified Purpose

PTS successfully utilized an increasingly higher volume of EAMD than in previous years during this reporting period, reaching at times an approximate average daily EAMD client population of over 400 individuals, serving over 1,000 court-ordered individuals, who have benefitted from over 100,000 EAMD days. EAMD enabled effective, efficient, and economic, automated surveillance services, thus conserving

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and reinvesting time, effort, and other resources for both EAMD clients and PTS employees. Such services simply cannot be effectively performed manually. EAMD surveillance also ensures fairness and accuracy in alcohol consumption monitoring, measuring, and record keeping, which are unmatched by manual human operations. As a result of PTS EAMD efforts, the vast majority of EAMD clients successfully maintained sobriety and remained out of jail custody, and in the community with supportive EAMD services for supervision durations ranging from two months to two or more years.

6. Public Records Act Requests

PTS tracks public records requests for EAMD data in the Release of Information Log. During this reporting period, the PTS did not receive any requests for EAMD data under the California Public Records Act.

7. Annual Costs

The current annualized EAMD rate of use results in annual anticipated costs of about \$1 million. This expenditure, investment, and rate of use enabled EAMD services for over 1,000 individuals within the reporting period. Said clients benefitted from over 100,000 cumulative EAMD days. The annual cost of EAMD is a fraction of what the actual cost of incarceration would have been if the clients had remained in jail for the same amount of time. EAMD is a direct alternative to incarceration. Unfortunately, the collateral societal and financial costs and related savings are incalculable. Presently, between five and seven PTS FTEs are partially devoted to EAMD supervision. The estimated, combined, and annualized costs of their EAMD-devoted services is \$500,000. Therefore, the annualized budget impact of EAMD services is \$1.5 million. EAMD is mostly funded by County general fund dollars and partially by AB109 funds.