

Santa Clara County Office of the Sheriff
Digital Voice Recorders
Annual Surveillance Report: July 1, 2022 – June 30, 2023

1. Description of How the Technology Was Used

During this reporting period (July 1, 2022, and June 30, 2023), authorized Sheriff's Office personnel routinely utilized digital voice recorders for the purpose of documenting victim, witness, and suspect statements during a criminal investigation. Digital voice recorders were also utilized by Internal Affairs investigators to memorialize the statements of subject officers, witness officers and others that are a party to an administrative investigation.

2. Data Sharing with Outside Entities

Consistent with the Board-approved Surveillance Use Policy, audio recordings obtained with digital audio recorders were routinely shared with the District Attorney's Office as evidence in criminal investigations to assist in filing decisions and aid in prosecutions. In instances where criminal charges were filed, associated audio recordings are released by the District Attorney's Office to the Public Defender's Office and private criminal defense attorneys pursuant to California discovery laws but are not tracked by the Sheriff's Office. Furthermore, audio recordings are released to Sheriff's Office Internal Affairs and County Counsel when an administrative investigation or civil litigation arises from a criminal investigation.

3. Community Complaints or Concerns

Any community complaint regarding the use of the Digital Voice Recorders is routed to Lt. Sugey Jaimez in Internal Affairs for tracking and response.

To date, there have been no formal complaints or concerns expressed by the community either through department email, phone calls or via the complaint process at the Sheriff's Office.

4. Audits / Policy Violations

All Sheriff's Office staff are provided all Surveillance Use Policies via an internal web-based portal requiring review and a completed attestation of acknowledgement.

Oversight by Sheriff's supervisors occurs for authorized personnel who utilize Digital Voice Recorders. Data collected was in accordance with the Board-approved Surveillance Use Policy for Digital Voice Recorders. Sheriff's supervisors did not discover any data obtained by employees for personal or non-law enforcement purposes during this reporting period.

There is no evidence to suggest that this technology was used disproportionately affecting lower-income community members or community members of color.

5. Effectiveness in Achieving its Identified Purpose

The identified purposes of a digital voice recorder are to provide a record of statements of victims, suspects and/or witnesses in criminal, internal or administrative investigations. This valuable evidence is routinely submitted to the District Attorney's Office. Audio recordings are also routinely reviewed by Internal Affairs in connection with investigations into alleged employee misconduct. The position of the Sheriff's Office is that the digital voice recorders are not only an effective tool, but completely necessary to conduct thorough criminal, administrative and internal investigations.

6. Public Records Act Requests

The Sheriff's Office has a process in place to track Public Records Act requests, with designated staff to receive and respond to each request. During this reporting period, there were no California Public Records Act requests for audio data from Digital Voice Recorders.

7. Annual Costs

During this reporting period there were no additional ongoing annual costs related to the digital voice recorders operated by the Sheriff's Office, apart from the replacement of batteries.