

County of Santa Clara
Office of the Public Defender-Alternate Defender
Digital Cameras

Annual Surveillance Report for July 1, 2022 – June 30, 2023

1. Description of How the Technology Was Used

During the reporting period of July 1, 2022, to June 30, 2023, the digital cameras were used by the office for case investigation and case preparation. Digital cameras were used to photograph and/or video record crime scenes, case-related localities, persons, documents, and physical evidence.

Investigators with the Public Defender-Alternate Defender utilized the digital cameras a total of twenty-four (24) times during the reporting period. The digital cameras were used for only the purposes identified in this section of the Board-approved Surveillance Use Policy.

2. Data Sharing with Outside Entities

Images and/or videos captured by digital cameras are obtained and kept in the course of a client's case preparation. They may be shared with retained third parties' experts, the Superior Court, the District Attorney's Office, private counsel and the client. The sharing is determined by each individual attorney on each case based upon the needs of the representation. Outside of ethical obligations, there is no required recording or monitoring as to when the images or videos are shared with the above-mentioned parties. Data is stored in a secure password protected network drive. The data is accessible by office staff with valid network credentials and permissions.

3. Community Complaints or Concerns About the Technology

Any community complaints regarding the use of digital cameras are routed to Public Defender Administration for tracking, investigation, and response.

Neither the Office of the Public Defender nor the Office of the Alternate Defender received any complaints or notification of any concerns regarding the digital cameras during the specified reporting period.

4. Audit/Policy Violations

During the period covered by this annual report, the Offices of the Public Defender and Alternate Defender conducted an internal audit of the digital cameras for each respective

unit. Digital camera utilization check-out logs containing usernames, check out and return dates, case/business purpose and data/image shared information were reviewed for the aforementioned reporting period.

The department has previously notified staff of the Surveillance Use Policy and is in process of providing the policy to all staff with completion of an acknowledgment receipt.

There were no identified policy violations related to the digital cameras.

5. Effectiveness at Achieving Identified Purpose

The digital cameras have been effective in providing the Offices of the Public Defender and Alternate Defender with a tool to capture images or video recording during investigations as needed.

6. Public Records Act Requests

Public records requests are tracked by the department administration.

The Office of the Public Defender-Alternate Defender received no Public Records Act requests regarding the digital cameras during the reporting period covered by this Annual Report.

7. Costs Incurred from July 1, 2022 - June 30, 2023

During the reporting period covered in this Annual Report, the Office of the Public Defender purchased two new cameras at a total cost of \$2,817.73. There were no direct maintenance expenses during the reporting period.