

**Probation Department
Electronic Monitoring Program Devices
(Global Positioning System, Radio Frequency, & Alcohol Monitoring Devices)
Annual Surveillance Report for July 1, 2022 – June 30, 2023**

1. Description of How the Technology was Used

Electronic Monitoring Program (EMP or EMP systems), was used during the reporting period as a custody alternative program that helps clients remain connected to their families and employment while preserving jail space in Santa Clara County resulting in cost savings. Using current technology and evidence-based practices, the Probation Department monitors suitable offenders, who would otherwise be incarcerated, in a manner that holds them accountable for their actions and protects the community. As a result, these clients can maintain their employment or education, and begin to pay their victim restitution.

Radio Frequency (RF), alcohol monitoring, and Global Positioning System (GPS) devices were used as part of the Probation Department's Electronic Monitoring Program (EMP or EMP systems), in compliance with court orders. The RF devices are essentially electronic transmitters that are attached to a person's ankle as part of court-ordered monitoring and in lieu of custody.

For GPS devices, ankle monitors (attached to a client's ankle) transmit cellular and Wi-Fi signals to satellites for precise tracking of the devices during the client's time on home detention as an alternative to County Jail. With GPS devices, exclusionary zones may be set up in cases where victim safety is a concern, as it would notify staff of any violation. In addition to home detention, GPS anklets are used for the supervision and monitoring of high-risk sexual offenders as determined by the STATIC-99 risk assessment instrument pursuant to Penal Code Section 290.04.

Continuous Alcohol Monitoring (CAM) comprise two different devices and deploy different methods of collecting alcohol consumption data. One is a Secured Continuous Remote Alcohol Monitoring (SCRAM) device that detects alcohol vapors emitted from a person's body through the skin (transdermal) 24/7. The SCRAM consists of two parts: an ankle bracelet, and a base station that electronically monitors alcohol activity transmitted from the ankle bracelet. The base station of the SCRAM device also allows for a Home Detention monitoring as whenever the anklet is not detected during a client's non-working hours, an alert will be sent to staff. The other alcohol monitoring device is a handheld remote breathalyzer. This portable device allows for the monitoring of alcohol consumption via randomized breath tests set throughout a client's waking hours (8 hours is allotted for a client each night to sleep

without interruption). Both CAM devices are used to address clients with alcohol related concerns during their time on home detention.

Equipment and Data Collection

During this reporting period an average 40 RF devices were used monthly. The devices were not equipped with video or audio capabilities. RF Tracking of clients was conducted via a private website portal (BI) provided and supported by the vendor. Daily activity logs were generated on every client.

During this reporting period an average of 90 clients per month were on GPS devices. GPS Tracking of clients was conducted via a private website portal (Allied Universal) provided and supported by the vendor. Daily activity logs were generated on every client.

During this past reporting period, an average of 35 CAM monitoring devices were used monthly. CAM Tracking of clients was conducted via private website portals (BI and AMS) provided and supported by the vendor. Daily activity logs were generated on every client.

Information Access

Access to the RF, GPS, and CAM vendor website portal was granted to staff/users by the Unit Supervisor or Manager. The EMP Unit Supervisor has access to the staff's daily logins to the system. This measure allows the supervisor to monitor for misuse, as well as limit and track staff who have access to the vendor. During this reporting period, an audit was conducted in August 2023, to determine users with this access complied with the Surveillance Use Policy.

2. Data Sharing with Outside Entities

RF devices within the EMP system collect data regarding the movements of the people wearing the devices pursuant to court orders. As described in the Purpose section of this Policy, RF devices may report missed call-backs, tampering, location failures, FMD disconnect, and power loss. This data is shared in the form of a report with the courts.

GPS and continuous alcohol monitoring data are kept within the Probation Department and will be provided at the request of the courts via printouts supplied by the vendor of specific information requested. Within the Probation Department, only staff with the need and right to know are able to access the data.

3. Community Complaints or Concerns

The Probation Department has a process to track community complaints and concerns with EMP surveillance technology via the Department's Internal Affairs Unit. The Department keeps a record of all such complaints. During this reporting period, there were no complaints or concerns regarding EMP surveillance technology.

4. Audits and Policy Violations

Surveillance Technology Tracking and Audit

The Supervisor of the EMP Unit utilized a process to track RF, GPS, and CAM usage by reviewing user system activity logs. This measure allowed the supervisor to monitor for misuse, as well as limit and track staff who have access to the technology.

During this reporting period audits of RF, GPS, and CAM usage were conducted as follows: August 2023, RF activity logs were reviewed due to staffing changes to ensure users of this database complied with the Surveillance Use Policy.

January 2023 and August 2023, GPS and CAM activity logs were reviewed due to staffing changes to ensure users of this database complied with the Surveillance Use Policy.

Personnel assigned to ensure compliance with the Surveillance Use Policy (SUP) have been identified as the Supervisors of the Adult EMP, Containment, and Juvenile EMP Units. The Supervisors of these units are the written designees and provide applicable staff with information on the SUP. Staff are emailed the SUP and must confirm they read and understood the SUP via written signature on the SUP. Currently the Department is moving to a digitized process where this acknowledgement will be memorialized via DocuSign.

There were no identified violations, and there have been no sanctions utilized with regards to any recurring violations or trainings on the SUP in this reporting period.

5. Effectiveness at Achieving Identified Purposes

RF devices have shown to be an effective intervention strategy to reduce the use of detention by serving as viable alternative, where appropriate. EMP is a best practice focusing on community and preventative resources keeping clients connected to their families and community.

GPS devices are effective in monitoring clients during home detention and holds them accountable in maintaining employment and attending court ordered programs and treatment needs, as opposed to incarceration. This type of monitoring also allows for clients to participate in verifiable activities such as working overtime for extended periods out of their home and obtaining any necessary treatment services during home detention. It also assists in cases with victim safety concerns by allowing exclusionary zones to be set up around a specified location. GPS is also effective for the supervision and monitoring of high-risk sexual offenders.

Continuous alcohol monitoring devices are primarily utilized for clients with alcohol related concerns and have been effective in holding clients accountable for their

actions. The capability of detecting alcohol continuously allows for any “slip ups” by the client to be immediately addressed by staff via counseling, redirection, and referral services.

The use of these electronic devices as part of home detention have helped clients remain in the community, kept their families in-tact, maintain their employment, be productive citizens, all while holding them accountable during home detention as opposed to custody time in County Jail.

6. Public Records Act Requests

The public does not have direct access to data collected or retained from the RF/GPS/Continuous Alcohol Monitoring technologies. Public requests for information obtained by that technology may be assessed pursuant to the California Public Records Act, and disclosure determinations are made on a case-by-case basis after consultation with County Counsel as needed. Public records requests are tracked by the Department. During this reporting period, there were no inquiries for surveillance technology data by the public.

7. Annual Costs

The Probation Department estimates that the annual preventative maintenance costs are the following:

Source of Funding:	General Fund
Annual RF equipment and monitoring Costs:	\$50,000
Annual GPS equipment and monitoring cost:	\$117,000
Annual SCRAM equipment and monitoring cost:	\$75,000
Annual Breathalyzer equipment and monitoring cost:	\$2,000