

Office of Pretrial Services
Global Positioning Satellite Monitoring Devices
Annual Surveillance Report for July 1, 2022 – June 30, 2023

1. Description of How the Technology Was Used

Technology Use: During this reporting period, the Office of Pretrial Services (PTS), utilized global positioning satellite electronic monitoring devices (GPSEMD), to fulfill the primary objectives of monitoring and recording pretrial release defendants' movements 24 hours per day and seven days per week. For clarity, this technology only tracked and captured information regarding members of the public, who were suspected of engaging in unlawful conduct and who had been ordered by the court, as a conditional alternative to incarceration, to wear GPS devices, to sustain their battery charge/life, and to obey all conditions of release. GPSEMD effectively, efficiently, and economically provided accurate and reliable real-time and historical tracking of pretrial clients. GPSEMD tracked clients in real-time, and the electronic monitoring system collected data regarding the GPSEMDs' approximate speed and time of movement and locations, and time durations. PTS was able to promote and reinforce in its clients, positive, safe, and healthy behaviors in the community, rather than them remaining in the custody of the local jails.

Frequency and Quantity of Use: Upon assignment to a PTS client, GPSEMD are operational and in use on a 24-hour per day and 7-day per week basis. At times, PTS used over 600 GPSEMD daily to monitor over 600 clients at a time. PTS GPSEMD services promoted and reinforced safe and healthy decision-making and court order-compliant behaviors, thus aiding individuals in addressing and overcoming negative criminogenic behaviors, while remaining out of jail custody, and in the community, productively contributing to their families and to the community, while 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. The four-part system and process include:

1. GPSEMD 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 GPSEMD software)
4. Release of Information Log

System and Process for Auditing of Usage and Record Keeping: PTS administration only grants access to GPSEMD software, hardware, data, and information to properly trained staff, as specified in writing in job specifications and assignments. Such staff must possess a need and a right to access the above. The contractor and PTS provide adequate training as well as remedial training and constant updates on upgrades and changes. All said records are specific to clients and employees, to the software, and to the numbered hardware units. The above-described record keeping system and process continuously help PTS administration to ensure prompt, timely, and thorough usage, protection, and record keeping for clients, employees, software, data, information, and hardware.

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Data Sharing with Outside Entities

If staff have a reasonable cause to believe that a client subject to GPSEMD monitoring has violated his or her conditions of pretrial release, staff may include GPSEMD 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 promptly defer all external requests for access to GPSEMD to data and information to PTS administration, exclusively. All external requests are tracked in the Release of Information Log. During this reporting period, GPSEMD data was requested from PTS thirty (30) times by seventeen (17) different entities, pursuant to valid search warrants, arrest warrants, bench warrants, subpoenas, and/or other court orders. After cautious reviews, PTS granted seventeen (17) GPSEMD data requests, and PTS denied thirteen (13) GPSEMD data requests.

Requestor and/or Recipient Entities:

- The County of Santa Clara County Communications Dispatcher
- The County of Santa Clara Office of the District Attorney
- The County of Santa Clara Office of the Public Defender
- The County of Santa Clara Office of the Alternate Defender
- The County of Santa Clara Superior Court
- The County of San Mateo Probation Department
- The City of Santa Clara Police Department
- The City of Campbell Police Department
- The City of Milpitas Police Department
- The City of San Jose Police Department
- The City of Los Gatos Monte Sereno Police Department
- The City of Gilroy Police Department
- The City of Mountain View Police Department
- The City of Livermore Police Department
- The City of Walnut Creek Police Department
- The San Mateo County District Attorney
- The City of Sunnyvale Department of Public Safety
- Drug Enforcement Agency (Miami, FL)

2. Community Complaints or Concerns

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

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3. Non-Privileged Internal Audits / Policy Violations

Consistent with the Surveillance Use Policy for GPSEMD, the associated software, hardware, data, and information were monitored and safeguarded by supervisors and PTS 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 has collaborated with the contractor and is ensuring through the newly devised functionality that GPSEMD data is deleted pursuant to the retention schedules in PTS's Surveillance Use Policy for GPSEMD.

Also, PTS administration, with TSS assistance, did in fact, carry out employee and client-specific 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.

4. Effectiveness in Achieving its Identified Purpose

PTS successfully utilized an increasingly higher volume of GPSEMD than in previous years during this reporting period, at times reaching an average daily GPSEMD client population of over 600 individuals. EAMD enabled effective, efficient, and economic, automated surveillance services, thus conserving and reinvesting time, effort, and other resources for both EAMD clients and supervising employees. Such services simply cannot be effectively performed manually. EAMD surveillance also ensures fairness and accuracy in client movement tracking and record keeping, which are unmatched by manual human operations. As a result of PTS GPSEMD efforts, the vast majority of GPSEMD clients successfully complied and remained out of jail custody and in the community with supportive GPSEMD services for supervision durations ranging from a few weeks to two or more years.

5. Public Records Act Requests

PTS tracks public records requests for GPSEMD data in the Release of Information Log. During this reporting period, PTS received only one (1), request for GPSEMD data under the California Public Records Act (CPRA). The CPRA request was from a family member (private citizen) of an alleged victim for policy information only. PTS granted the request as a public record request and provided policy information only. This request is in addition to the thirty (30) GPSEMD requests referenced above.

6. Annual Costs

The current annualized GPSEMD rate of use results in an annual cost, which is anticipated to exceed about \$1 million. This investment, expenditure, and rate of use have increasingly enabled GPSEMD services for over 1,800 individuals, within the reporting period. Said clients, who were served during this reporting period benefitted from over 150,000 cumulative GPSEMD days to date, which 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. GPSEMD is a direct alternative to

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incarceration. The collateral societal and financial costs and related savings are incalculable. Presently, between five to seven PTS FTEs are partially devoted to GPSEMD supervision. The estimated, combined, and annualized cost of GPSEMD-devoted services is \$500,000. Therefore, the annualized anticipated budget impact of GPSEMD services is \$1.5 million. GPSEMD is mostly funded by County general fund dollars and partially by AB109 funds.