

Office of the Public Defender-Alternate Defender Digital Audio Recorders

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

1. Description of How the Technology Was Used

The digital audio recorders are used for case investigation and case preparation purposes only, recording people, places, or things relevant to a case within the Public Defender's Office or Alternate Defender's Office.

During the specified reporting period, there was no reported use of the digital audio recorders by the Public Defender's Office and the Alternate Defender's Office.

2. Data Sharing with Outside Entities

Audio data files captured by digital audio recorders is obtained and kept in the course of a client's case preparation. Audio data files 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 digital audio recordings 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

Any community complaints regarding the use of the digital audio recorders are routed to Public Defender Administration.

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 audio recorders during the specified reporting period.

4. Audit and Policy Violations

During the period covered by this annual report, the Office of the Public Defender - Alternate Defender conducted an internal audit of the digital audio recorders for each respective unit through the review of utilization logs which record usernames, check out and return date and case/business purpose. A review of logs for each unit revealed the audio recorders were not used during the aforementioned reporting period. As such, there were no policy violations related to the digital audio recorders.

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

5. Effectiveness at Achieving Identified Purpose

The digital audio recorders have been effective in providing the Office of the Public Defender- Alternate Defender with a tool to record investigative interviews as needed.

6. Public Records Act Requests

Public records requests are tracked by the department administration.

The Office of the Public Defender-Alternate Defender did not receive any Public Records Act requests regarding the digital audio recorders during the specified 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 there were no expenses incurred.