

SANTA CLARA COUNTY

Board approval required for all County Departments Other than the Sheriff and District Attorney that are:	Board approval of a Surveillance Use Policy at for all County Departments Other than the Sheriff and District Attorney that are :	Law enforcement exemption for Sheriff's Office and District Attorney and associated duties	Enforcement
1) Seeking funds for surveillance technology including applying or accepting grants, state or federal funds or in-kind or other donations		The Sheriff's Office and the DA's Office may temporarily acquire or temporarily use surveillance tech in exigent circumstances. The Board shall not obstruct the investigative function of the Sheriff nor the investigative or prosecutorial functions of the DA	Violations resulting from arbitrary or capricious action or conduct by the County or an officer thereof in his or her official capacity, the prevailing complainant in an action for injunctive relief may collect from the County reasonable attorney's fees
2) Acquiring new surveillance technology (whether or not money changed hands)	Acquiring new surveillance technology (whether or not money changed hands)	If the Sheriff's Office or the DA's Office does acquire or use surveillance tech, that Office must 1) report that acquisition or use to the Board of supervisors in writing within 90 days,	Intentional misuse of County-owned surveillance technology is a misdemeanor
3) Using surveillance technology for a purpose, in a manner, or in a location not previously approved by the Board	Using surveillance technology for a purpose, in a manner, or in a location not previously approved by the Board	And 2)submit a proposed surveillance use policy to the Board	
4) Entering into an agreement with non-County entity to acquire, share or use surveillance technology or information	Entering into an agreement with non-County entity to acquire, share or use surveillance technology or information	And 3) include that surveillance technology in the department's next Annual Surveillance Report to the Board	

SANTA CLARA COUNTY continued

Transparency Requirements	Determination by Board that Benefits Outweigh Costs and Concerns	Compliance for Existing Surveillance Technology	Oversight Following Board Approval
<p>The County department seeking approval for surveillance tech must submit to the Board an Anticipated Surveillance Impact Report and a proposed Surveillance Use Policy before the public meeting</p>	<p>The Board shall assess whether the benefits to the impacted County department(s) and the community of the surveillance technology outweigh the costs- including both the financial costs and reasonable concerns about the impact on safeguards for privacy, civil liberties and civil rights.</p>	<p>Each County department possessing or using surveillance technology before the date of the Ordinance shall submit a proposed Surveillance Use Policy no later than 180 days after the effective date of the Ordinance</p>	<p>Annual Surveillance Report required from each County department</p> <p>The Board will utilize the Annual Surveillance Report to determine whether the benefits to the County departments outweigh the costs and concerns</p>
<p>The County shall release printed copies of both documents before the public meeting</p>			<p>If the benefits do not outweigh the costs the Board shall consider (1) directing that the use of the tech cease, (2) requiring modifications to the Surveillance Use Policy, and (3) a report back from the department regarding the Board’s concerns.</p>
			<p>The Board will annually hold a public meeting and release a report on the summary of all requests for surveillance tech and all Annual Surveillance Reports submitted.</p>