

County of Santa Clara
Office of the Sheriff



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Laurie Smith
Sheriff

DATE: July 26, 2019

TO: Honorable Board of Supervisors
Jeffrey V. Smith, County Executive

FROM: Laurie Smith, Sheriff
Jeff Rosen, District Attorney

SUBJECT: Inmate Telephone Recordings

Since the June 18, 2019 Board of Supervisors meeting, personnel from the Sheriff's Office have been proactively researching alternative and innovative ways to modernize the current process by which we receive and respond to requests for inmate telephone recordings by law enforcement agencies, including the District Attorney's Office. After extensive research and exploration with different solutions, a new workflow and process has been developed by the Sheriff's Office. It is believed that this modernized approach will meet the operational needs and concerns of all stakeholders while ensuring the chain of custody for inmate phone calls is maintained by the Office of the Sheriff.

The Sheriff's Office worked in collaboration with the District Attorney's Office and law enforcement partners to develop a new request process. The draft of the newly proposed request and delivery process was then shared with other law enforcement partners on July 11, 2019 at the Santa Clara County Police Chiefs' Association meeting. After the meeting, in an effort to finalize the new process, Sheriff Smith scheduled a follow-up meeting with DA Rosen to receive further input and ensure it was a collaborative process that would meet the various investigatory needs of our law enforcement partners. No additional input or changes were requested from either the Police Chiefs' Association or DA Rosen. Public Defender Molly O'Neill also reviewed the final process and concurred with the resolution and was especially thankful of the communication with her and her office throughout the development of the new process.

Framework of the new process:

- Requests for recorded inmate communications pertinent to a criminal investigation can be made by a member of any law enforcement agency or the District Attorney's Office on the Sheriff's Office digital form. The form has been modified to support the new

workflow and now can be submitted entirely online without printing any files and all required signatures can be obtained electronically.

- The agency head or high level manager from the requesting agency is required to approve all requests prior to submitting the request to the Classification Unit. This process can also be handled electronically.
- Telephone requests will only be accepted for critical circumstances and must be followed by an approved request form.
- Requests will now be received electronically and all media delivered to the requesting agency via secure electronic transfer directly from the vendor's system. This removes the major bottleneck in the process, which previously required the download all of the files that matched the requested criteria from the vendor's system to a local desktop computer. This download process was required before transferring the files to disc and could often take hours or days, depending on the number of files requested. This improved workflow process will allow the Sheriff's Office Classification Unit to process and respond to requests with a highly accelerated timeframe and removes the additional delivery delays and inconveniences inherent with the physical pick-up of a disc. Based on these technical enhancements, the Classification Unit has established new categories for requests and subsequent electronic delivery timeframes, as detailed below:
 - **Critical Requests:** Requests that pose an immediate and critical risk to public safety and must be processed immediately.
 - **Urgent Requests:** Requests that specify the reason for an expedited completion time.
 - **Standard Requests:** All other requests for recorded inmate communications. Requests will be processed within 48-hours absent extenuating circumstances.
- All requests will be delivered via a secure electronic delivery format to the requestor's email address. Requests that result in a large amount of recorded data may take longer to complete. When the processing of any request is expected to exceed the 48 hour timeframe, Sheriff's Office personnel will communicate that delay to the requesting agency.

- Recordings are available to the requestor for 7-days and can be played and/or downloaded and transferred to a disc. This method uses the same play-back software as recordings previously provided on disc.

This new procedure, and the accompanying workflow changes within the Sheriff's Office, will allow for a streamlined request process and accelerated delivery of the requested communications. Sheriff's Office personnel have worked collaboratively with the District Attorney's Office, Public Defender's Office, and other partners in testing and deploying the new process created to provide a mutually beneficial solution. Additional personnel within the Sheriff's Office have been trained to ensure staff are available around-the-clock to fulfill urgent and critical requests.

The Sheriff's Office will continue to refine this process based on feedback from our partner agencies and our staff. However, any substantive changes to this policy will be discussed with members of the requesting law enforcement entities and other stakeholders for discussion prior to implementation.

cc: Chief Board Aides
Miguel Marquez, Chief Operating Officer
James R. Williams, County Counsel
Megan Doyle, Clerk of the Board of Supervisors
Mary Ann Barrous, Agenda Review Administrator
Eric Pulido, Budget and Public Policy Analyst