



99834

DATE: February 11, 2020
TO: Board of Supervisors
FROM: Miguel Marquez, Chief Operating Officer
SUBJECT: Annual Surveillance Reports

RECOMMENDED ACTION

Held from January 14, 2020 (Item No. 29): Consider recommendations relating to the Surveillance-Technology and Community-Safety Ordinance. (Office of the County Executive)

Possible action:

- a. Receive report from the Office of the County Executive with a summary of all requests for Board approval and all notifications and Surveillance Use Policies received by the Board pursuant to Ordinance Code section A40-2 or section A40-5.
- b. Receive Annual Surveillance Reports for the following:
 - i. Clerk of the Board of Supervisors - Audiovisual Recording Devices
 - ii. Consumer and Environmental Protection Agency - Audio Recorders
 - iii. Consumer and Environmental Protection Agency - Digital Cameras
 - iv. Consumer and Environmental Protection Agency - Vector Control System Campus Security Cameras
 - v. County Communications - 9-1-1 Audio Recording System
 - vi. County Communications - Video Cameras Used for Facility Security
 - vii. Countywide - Badge/Password-Access Technology for Multifunction Printer/Copying Machines
 - viii. Countywide - Computers and Mobile phones with Audiovisual Recording Capabilities
 - ix. Countywide - Facility Access Control Technology
 - x. Department of Child Support Services - ExacqVision Video Security System

- xi. Department of Parks and Recreation - Aerial Cameras and Global Positioning System Technologies
- xii. Department of Parks and Recreation - Closed-Circuit Cameras
- xiii. Department of Planning and Development - Audio Recorders
- xiv. Department of Planning and Development - Digital Cameras
- xv. Facilities and Fleet Department - Security Cameras and Collected Data within the Facilities and Fleet Department
- xvi. Facilities and Fleet Department - Telematics, A Vehicle Fleet Management Tool
- xvii. Finance Agency - Security Cameras
- xviii. Office of the Assessor - Digital Cameras Used to Assess Property
- xix. Office of the County Counsel - Digital Audio Recorders
- xx. Office of the County Counsel - Digital Cameras
- xxi. Office of the County Counsel - Network Server Camera
- xxii. Office of the County Executive - Digital Cameras
- xxiii. Office of the County Executive Equal Opportunity Department - Audio Recorders
- xxiv. Office of the County Executive Reentry Resource Center - Security Cameras
- xxv. Office of the District Attorney and Office of the Sheriff - County Government Center Security Camera Guidelines
- xxvi. Office of the District Attorney - Data Extraction/Examination Forensic Tools and Software
- xxvii. Office of the District Attorney - Digital Recorders
- xxviii. Office of the District Attorney - Video Surveillance and Recording of Evidence Storage Facility
- xxix. Office of the District Attorney Crime Lab - Access Card and Biometric Fingerprint Systems
- xxx. Office of the District Attorney Crime Lab - Digital and Multimedia Evidence Unit Software and Hardware
- xxxi. Office of the District Attorney Crime Lab - Security Cameras
- xxxii. Office of the Medical Examiner-Coroner - Digital Cameras
- xxxiii. Office of the Public Defender/Alternate Defender - Data Extraction and Examination Equipment
- xxxiv. Office of the Public Defender/Alternate Defender - Digital Audio Recorders
- xxxv. Office of the Public Defender/Alternate Defender - Digital Cameras
- xxxvi. Office of the Sheriff - Automated License Plate Reader Technology

- xxxvii. Office of the Sheriff - Body Worn Camera System
- xxxviii. Office of the Sheriff - Callyo Mobile Bug
- xxxix. Office of the Sheriff - Command Vehicle Camera
- xl. Office of the Sheriff - Court Security and Safety Surveillance Equipment
- xli. Office of the Sheriff - Crisis Negotiations Team Emergency Negotiation Telephone Call Box and Rescue Phone System
- xlii. Office of the Sheriff - Digital Cameras and Video
- xliii. Office of the Sheriff - Digital Voice Recorders
- xliv. Office of the Sheriff - Flash Camera
- xlv. Office of the Sheriff - Integrated Helicopter Mapping System
- xlvi. Office of the Sheriff - L3 In-Car Video Recording System
- xlvii. Office of the Sheriff - Live Scan Machines and Mobile ID Fingerprint Machines
- xlviii. Office of the Sheriff - Live Trac PT-10 Plus Global Positioning System Tracking Devices
- xlix. Office of the Sheriff - Tactical Ball Cameras
- l. Office of the Sheriff - Trail Cameras
- li. Office of the Sheriff - VideOversight Interview Recording and Case Management System
- lii. Office of the Sheriff Custody Bureau - Booking Photograph Cameras
- liii. Office of the Sheriff Custody Bureau - Facility Security Cameras for Main Jail North and Elmwood
- liv. Office of the Sheriff Custody Bureau - Handheld Digital Cameras
- lv. Office of the Sheriff Custody Bureau - Inmate Telephone Monitoring
- lvi. Office of the Sheriff Custody Bureau - Safety and Security Surveillance Equipment
- lvii. Probation Department - Juvenile Hall Video Security System
- lviii. Probation Department - William F. James Ranch Video Security System
- lix. Technology Services and Solutions - Security Cameras
- c. Adopt finding that the benefits to the impacted County department(s) and the community of the surveillance technology outweigh the costs, and that reasonable safeguards exist to address reasonable concerns regarding privacy, civil liberties, and civil rights impacted by deployment of the above-listed surveillance technology.

FISCAL IMPLICATIONS

Approval of the recommended actions will have no fiscal impact.

REASONS FOR RECOMMENDATION

On June 21, 2016 (Item No. 180), the Board of Supervisors unanimously approved final adoption of the Surveillance-Technology and Community-Safety Ordinance (“Ordinance”).

Annual Report Providing Summary of Requests, Notifications, and Receipt of Surveillance Use Policies

Section A40-6, subsection (c) of the Ordinance provides:

No later than January 15 of each fiscal year, the Board shall hold a public meeting, with Annual Surveillance Reports agendized on the regular (non-consent) calendar, and publicly release a report that includes the following information for the prior year:

- (1) A summary of all requests for Board approval and all notifications and Surveillance Use Policies received by the Board pursuant to Section A40-2 or Section A40-5 of this Division, including whether the Board approved, rejected, or received the proposal or notification, and/or required changes to a proposed Surveillance Use Policy before approval; and
- (2) All Annual Surveillance Reports submitted.

Attached is a chart summarizing the Surveillance Use Policies submitted to the Board for approval or receipt since the Ordinance’s effective date.

Receipt of Annual Surveillance Reports and Findings regarding Benefits and Reasonable Safeguards

Section A40-6, subsection (a) of the Ordinance provides that a County department that obtained approval for the use of surveillance technology or the information it provides must submit an Annual Surveillance Report within 12 months of Board approval, and annually thereafter on or before November 1. An Annual Surveillance Report is also required if the Board received but did not approve a Surveillance Use Policy from the Sheriff’s Office or District Attorney’s Office because of limitations of the Board’s authority under Government Code section 25303. There are 59 Surveillance Use Policies in effect that required an Annual Surveillance Report to be submitted on or before November 1, 2019:

| Department | Name of Surveillance Use Policy | Date of Board Approval / Action |
|--|--|--|
| Clerk of the Board of Supervisors | Audiovisual Recording Devices | 10/16/2018 |
| Consumer & Environmental Protection Agency | Audio Recorders | 10/16/2018 |

| Department | Name of Surveillance Use Policy | Date of Board Approval / Action |
|--|--|--|
| Consumer & Environmental Protection Agency | Digital Cameras | 10/16/2018 |
| Consumer & Environmental Protection Agency | Vector Control System Campus Security Cameras | 10/16/2018 |
| County Communications Department | 9-1-1 Audio Recording System | 10/30/2018 |
| County Communications Department | Video Cameras Used for Facility Security | 10/30/2018 |
| Countywide | Badge/Password-Access Technology for Multifunction Printer/Copying Machines | 10/16/2018 |
| Countywide | Computers and Mobile Phones with Audiovisual Recording Capabilities | 10/16/2018 |
| Countywide | Facility Access Control Technology | 10/16/2018 |
| Department of Child Support Services | ExacqVision Video Security System | 10/30/2018 |
| Department of Parks & Recreation | Aerial Cameras and Global Positioning System Technologies | 10/30/2018 |
| Department of Parks & Recreation | Closed-Circuit Cameras | 10/30/2018 |
| Department of Planning and Development | Audio Recorders | 10/30/2018 |
| Department of Planning and Development | Digital Cameras | 10/30/2018 |
| Facilities and Fleet | Security Cameras and Collected Data within the Facilities and Fleet Department | 10/16/2018 |
| Facilities and Fleet | Telematics, A Vehicle Fleet Management Tool | 10/16/2018 |
| Finance Agency | Security Cameras | 10/30/2018 |

| Department | Name of Surveillance Use Policy | Date of Board Approval / Action |
|---|---|---|
| Office of the Assessor | Digital Cameras Used to Assess Property | 11/20/2018 |
| Office of the County Counsel | Digital Audio Recorders | 11/20/2018 |
| Office of the County Counsel | Digital Cameras | 11/20/2018 |
| Office of the County Counsel | Network Server Camera | 11/20/2018 |
| Office of the County Executive | Digital Cameras | 11/20/2018 |
| Office of the County Executive Equal Opportunity Department | Audio Recorders | 11/20/2018 |
| Office of the County Executive Reentry Resource Center | Security Cameras | 11/20/2018 |
| Office of the District Attorney | County Government Center Security Camera Guidelines | 06/23/15 (guidelines approved prior to adoption of Ordinance; used as sample of a Surveillance Use Policy) |
| Office of the District Attorney | Data Extraction/Examination Forensic Tools Software | 01/15/2019 |
| Office of the District Attorney | Digital Recorders | 01/15/2019 |
| Office of the District Attorney | Video Surveillance and Recording of Evidence Storage Facility | 01/15/2019 |
| Office of the District Attorney - Crime Lab | Access Card and Biometric Fingerprint Systems | 01/15/2019 |
| Office of the District Attorney - Crime Lab | Digital and Multimedia Evidence Unit Software and Hardware | 01/15/2019 |
| Office of the District Attorney - Crime Lab | Security Cameras | 01/15/2019 |
| Office of the Medical Examiner-Coroner | Digital Cameras | 11/20/2018 |

| Department | Name of Surveillance Use Policy | Date of Board Approval / Action |
|--|---|--|
| Office of the Public Defender/Alternate Defender | Data Extraction and Examination Equipment | 01/29/2019 |
| Office of the Public Defender/Alternate Defender | Digital Audio Recorders | 11/20/2018 |
| Office of the Public Defender/Alternate Defender | Digital Cameras | 11/20/2018 |
| Office of the Sheriff | Automated License Plate Reader (ALPR) Technology | 08/28/2018 |
| Office of the Sheriff | Body Worn Camera System | 01/24/2017 |
| Office of the Sheriff | Callyo Mobile Bug | 08/28/2018 |
| Office of the Sheriff | Command Vehicle Camera | 08/14/2018 |
| Office of the Sheriff | Court Security and Safety Surveillance Equipment | 08/14/2018 |
| Office of the Sheriff | Crisis Negotiations Team Emergency Negotiation Telephone Call Box and Rescue Phone System | 08/28/2018 |
| Office of the Sheriff | Digital Cameras and Video | 08/14/2018 |
| Office of the Sheriff | Digital Voice Recorders | 08/28/2018 |
| Office of the Sheriff | Flash Camera | 08/14/2018 |
| Office of the Sheriff | Integrated Helicopter Mapping System | 10/04/2016 |
| Office of the Sheriff | L3 In-Car Video Recording System ("Dash Cam System") | 08/14/2018 |
| Office of the Sheriff | Live Scan Machines and Mobile ID Fingerprint Machines | 08/28/2018 |
| Office of the Sheriff | Live Trac PT-10 Plus Global Positioning System Tracking Devices | 08/28/2018 |
| Office of the Sheriff | Tactical Ball Cameras | 08/14/2018 |
| Office of the Sheriff | Trail Cameras | 08/14/2018 |

| Department | Name of Surveillance Use Policy | Date of Board Approval / Action |
|--------------------------------------|--|--|
| Office of the Sheriff | VideOversight Interview Recording and Case Management System | 08/28/2018 |
| Office of the Sheriff Custody Bureau | Booking Photograph Cameras | 01/15/2019 |
| Office of the Sheriff Custody Bureau | Custody Bureau Facility Security Cameras - Main Jail North and Elmwood | 02/07/2017 |
| Office of the Sheriff Custody Bureau | Handheld Digital Cameras | 01/15/2019 |
| Office of the Sheriff Custody Bureau | Inmate Telephone Monitoring | 01/15/2019 |
| Office of the Sheriff Custody Bureau | Safety and Security Surveillance Equipment | 08/14/2018 |
| Probation Department | Juvenile Hall Video Security System | 01/24/2017 |
| Probation Department | William F. James Ranch Video Security System | 11/20/2018 |
| Technology Services and Solutions | Security Cameras | 10/30/2018 |

Annual reports for these 59 Surveillance Use Policies were preliminarily submitted to the Board at its October 22, 2019 (Item No. 53) meeting. Based on the preparation and submittal timelines, the Annual Surveillance Reports due on or before November 1st of each year will generally cover the period from September 1st of the prior year to August 31st of the current year. For those Surveillance Use Policies approved prior to August 14, 2018, the Annual Reports cover the full period. For those Surveillance Use Policies approved after August 14, 2018, the Annual Reports cover the period from Board approval through August 31, 2019.

An “Annual Surveillance Report” is a written report concerning specific surveillance technology that includes all of the following:

- (1) A description of how the surveillance technology was used, including whether it captured images, sound, or information regarding members of the public who are not suspected of engaging in unlawful conduct;

- (2) Whether and how often data acquired through the use of the surveillance technology was shared with outside entities, the name of any recipient entity, the type(s) of data disclosed, under what legal standard(s) the information was disclosed, and the justification for the disclosure;
- (3) A summary of community complaints or concerns about the surveillance technology;
- (4) The results of any non-privileged internal audits, any information about violations of the Surveillance Use Policy, and any actions taken in response;
- (5) Whether the surveillance technology has been effective at achieving its identified purpose;
- (6) Statistics and information about public records act requests;
- (7) Total annual costs for the surveillance technology, including personnel and other ongoing costs, and what source of funding will fund the technology in the coming year.

Section A40-6, subsection (b) of the Ordinance provides:

Based upon information provided in the Annual Surveillance Report, the Board shall determine whether the benefits to the impacted County department(s) and the community of the surveillance technology outweigh the costs and whether reasonable safeguards exist to address reasonable concerns regarding privacy, civil liberties, and civil rights impacted by deployment of the surveillance technology. If the benefits or reasonably anticipated benefits do not outweigh the costs or civil liberties or civil rights are not reasonably safeguarded, the Board shall consider:

- (1) Directing that the use of the surveillance technology cease;
- (2) Requiring modification to the Surveillance Use Policy that are designed to address the Board's concerns; and/or
- (3) Directing a report-back from the department regarding steps taken to address the Board's concerns.

County Administration requests that the Board receive the Annual Surveillance Reports and make a finding for each as required under Ordinance Code section A40-6, subsection (b).

CHILD IMPACT

The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT

The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

BACKGROUND

On June 21, 2016 (Item No. 180), the Board of Supervisors unanimously approved final adoption of the Ordinance.

New Technologies

To comply with the Ordinance, departments are required to submit a Surveillance Use Policy before: (1) acquiring new surveillance technology, including, but not limited to, procuring that technology without the exchange of monies or other consideration; (2) using surveillance technology for a purpose, in a manner, or in a location not previously approved by the Board; or (3) entering into an agreement with a non-County entity to acquire, share, or otherwise use surveillance technology. With the exception of the Sheriff's Office and District Attorney's Office, departments must also submit a Surveillance Use Policy before entering into an agreement with a non-County entity to acquire, share, or otherwise use information that surveillance technology provides.

Existing Technologies

Each County department possessing or using surveillance technology before the effective date of the Ordinance was required to submit a proposed Surveillance Use Policy for that surveillance technology specifying the purpose, authorized and prohibited uses, information/data that can be collected, data access, data protection, data retention, public access, third-party data sharing, training, and oversight mechanisms. The Office of the County Counsel approved draft policies as to form and legality, and the Board of Supervisors received them at its January 10, 2017 (Item No. 21), and April 11, 2017 (Item No. 22) meetings.

Since the impact of adopting these policies may be subject to the meet and confer process, the Labor Relations Department provided notice of the proposed policies to the labor organizations, and, when requested, met and conferred with labor organizations over the potential impact of the policies.

At the August 10, 2017 (Item No. 5) Finance and Government Operations Committee ("Committee") meeting, the Committee requested that Administration submit completed policies to the Committee in order to provide a forum for public and Committee discussion. At the September 14, 2017 (Item No. 7) Committee meeting, the Committee requested further information be included in the policies prior to continued consideration.

Administration and County Counsel revised the proposed Policies, the Labor Relations Department provided notice of the revised policies to unions, and the policies were submitted

in batches to the Committee. Following the Committee's favorable recommendation, policies have been submitted to the Board of Supervisors for consideration.

CONSEQUENCES OF NEGATIVE ACTION

The Board will not: (1) receive the Annual Report providing a summary of requests, notifications, and receipt of Surveillance Use Policies; (2) receive the Annual Surveillance Reports for Surveillance Use Policies requiring a report by November 1, 2019; and (3) make findings as required under Ordinance Code section A40-6, subsection (b) based upon the information provided in each Annual Surveillance Reports

STEPS FOLLOWING APPROVAL

The Clerk of the Board shall send notification of the Board's action to Miguel Márquez, Chief Operating Officer; Rob Coelho, Assistant County Counsel; and Kim Forrester, County Counsel Legal and Compliance Officer.

LINKS:

- Linked To: 81387 : 81387
[June 21, 2016 Board Mtg., Item 180]
- Linked To: 77327 : 77327
[June 23, 2015 Board Mtg., Item 17]
- Linked To: 82483 : 82483
[October 4, 2016 Board Mtg., Item 16]
- Linked To: 84164 : 84164
[January 24, 2017 Board Mtg., Item 13]
- Linked To: 84673 : 84673
[January 24, 2017 Board Mtg., Item 18]
- Linked To: 84514 : 84514
[February 7, 2017 Board Mtg., Item 17]
- Linked To: 92773 : 92773
[August 14, 2018 Board Mtg., Item 27]
- Linked To: 93007 : 93007
[August 28, 2018 Board Mtg., Item 26]
- Linked To: 93611 : 93611
[October 16, 2018 Board Mtg., Item 21]
- Linked To: 93785 : 93785
[October 30, 2018 Board Mtg., Item 26]
- Linked To: 94209 : 94209
[November 20, 2018 Board Mtg. Item 20]
- Linked To: 94709 : 94709
[January 15, 2019 Board Mtg., Item 15]
- Linked To: 94793 : 94793
[January 29, 2019 Board Mtg., Item 21]

ATTACHMENTS:

- 2019 Annual Report Summary of Requests, Notifications, and Receipt of Surveillance Use Policies (PDF)
- Clerk of the Board of Supervisors Audiovisual Recording Devices Annual Report 2019 (PDF)
- Consumer and Environmental Protection Agency Audio Recorders Annual Report 2019 (PDF)
- Consumer and Environmental Protection Agency Digital Cameras Annual Report 2019 (PDF)
- Consumer and Environmental Protection Agency Vector Control System Campus Security Cameras Annual Report 2019 (PDF)
- County Communications 9-1-1 Audio Recording System Annual Report 2019 (PDF)
- County Communications Video Cameras Used for Facility Security Annual Report 2019 (PDF)
- Countywide Badge Password-Access Technology for Multifunction Printer Copying Machines Annual Report 2019 (PDF)
- Countywide Computers and Mobile Phones with Audiovisual Recording Capabilities Annual Report 2019 (PDF)
- Countywide Facility Access Control Technology Annual Report 2019 (PDF)
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- Department of Parks and Recreation Aerial Cameras and Global Positioning System Technologies Annual Report 2019 (PDF)
- Department of Parks and Recreation Closed-Circuit Cameras Annual Report 2019 (PDF)
- Department of Planning and Development Audio Recorders Annual Report 2019 (PDF)
- Department of Planning and Development Digital Cameras Annual Report 2019 (PDF)
- Facilities and Fleet Department Security Cameras and Collected Data Within Facilities and Fleet Department Annual Report 2019 (PDF)
- Facilities and Fleet Department Telematics - A Vehicle Fleet Management Tool Annual Report 2019 (PDF)
- Finance Agency Security Cameras Annual Report 2019 (PDF)
- Office of the Assessor Digital Cameras Used to Assess Property Annual Report 2019 (PDF)
- Office of the County Counsel Digital Audio Records Annual Report 2019 (PDF)
- Office of the County Counsel Digital Cameras Annual Report 2019 (PDF)
- Office of the County Counsel Network Server Camera Annual Report 2019 (PDF)
- Office of the County Executive Digital Cameras Annual Report 2019 (PDF)

- Office of the County Executive Equal Opportunity Department Audio Recorders Annual Report 2019 (PDF)
- Office of the County Executive Reentry Resource Center Security Cameras Annual Report 2019 (PDF)
- Office of the District Attorney and Office of the Sheriff County Government Center Security Cameras Annual Report 2019 (PDF)
- Office of the District Attorney Data Extraction and Examination Tools and Software Annual Report 2019 (PDF)
- Office of the District Attorney Digital Recorders Annual Report 2019 (PDF)
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- Office of the Sheriff Body Worn Camera System Annual Report 2019 (PDF)
- Office of the Sheriff Callyo Mobile Bug Annual Report 2019 (PDF)
- Office of the Sheriff Command Vehicle Camera Annual Report 2019 (PDF)
- Office of the Sheriff Court Security and Safety Surveillance Equipment Annual Report 2019 (PDF)
- Office of the Sheriff Crisis Negotiations Team Emergency Notification Telephone Call Box and Rescue Phone System Annual Report 2019 (PDF)
- Office of the Sheriff Digital Cameras and Video Annual Report 2019 (PDF)
- Office of the Sheriff Digital Voice Recorders Annual Report 2019 (PDF)
- Office of the Sheriff Flash Camera Annual Report 2019 (PDF)
- Office of the Sheriff Integrated Helicopter Mapping System Annual Surveillance Report 2019 (PDF)
- Office of the Sheriff L3 In-Car Video Recording System Annual Report 2019 (PDF)

- Office of the Sheriff Live Scan Machines and Mobile ID Fingerprint Machines Annual Report 2019 (PDF)
- Office of the Sheriff Live Trac PT-10 Plus Global Positioning System Tracking Devices Annual Report 2019 (PDF)
- Office of the Sheriff Tactical Ball Cameras Annual Report 2019(PDF)
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- Probation Department William F. James Ranch Video Security System Annual Report 2019 (PDF)
- Technology Services and Solutions Security Cameras Annual Report 2019 (PDF)

HISTORY:

01/14/20 Board of Supervisors HELD

Next: 02/11/20