

Annual Use Report

Clerk of the Board of Supervisors Audiovisual Recording Devices

October 16, 2018 – August 31, 2019

1. Use of the Technology

Pursuant to the approved Clerk of the Board Surveillance Policy for Audiovisual Recording Devices, during the reporting period the Office of the Clerk of the Board of Supervisors (COB) used fixed and portable audio and video recording devices in meetings rooms including Board Chambers, Isaac Newton Senter Auditorium, Room 157, and other locations for the purpose of recording public meetings.

During the reporting period, handheld recorders were utilized for approximately 300 meetings. Fixed audiovisual recording devices were utilized for approximately 260 meetings.

During those meetings, the surveillance technology captured images and sounds of members of the public who are not suspected of engaging in unlawful conduct. Members of the public were captured providing public testimony to various meeting bodies, and also on camera when camera feeds were directed toward the audience. Any personal information captured was provided by the members of the public themselves, at a meeting that they knew was open to the public.

2. Data Sharing with Outside Entities

Pursuant to the Surveillance Use Policy, video recordings of Brown Act meetings were made available to the public on the County agenda portal as well as YouTube. No specific sharing of audiovisual data occurred beyond the distribution of recordings noted below under Public Records Act Requests.

3. Community Complaints and Concerns

COB did not receive any community complaints or concerns relating to use of audiovisual recording devices during the reporting period.

4. Results of Internal Non-Privileged Audit

COB management audited the handheld recorder checkout log and identified certain minor issues.

1. Some entries were signed with initials instead of a printed name, reducing legibility.
2. Some recorders were returned to the central storage area but not checked back in.
3. Some recorder check-outs were logged in a manner that made it unclear what meeting they were checked out for:
 - a. The name of a meeting room.
 - b. The name of an employee (a different employee checked out the recorder on the log).

- c. A notation of “Union mtg” (COB management believes this may have related to a reclassification request, in which case it may fall within a non-primary but acceptable use pursuant to the Surveillance Policy).

COB management has provided instructions to staff regarding proper logging of handheld recorder use, including printing initials or name instead of signing the log, and noting the name of the meeting; furthermore, the Surveillance Policy has been redistributed to all staff.

Three handheld recorders were not present in the centralized storage location, and no current checkout could be located on the log. COB staff subsequently reviewed property-disposal records, as handheld recorders undergo considerable usage and require periodic replacement. Three recorders were sent to property disposal on July 12, 2019; while the identifiers for those three recorders were not logged at the time of their disposal, COB management believes that the missing recorders were those disposed.

When handheld recorders reach end-of-life in the future, the disposal procedure will include tracking of recorder identifiers.

5. Effectiveness of Surveillance Technology

COB utilizes the recordings created with the surveillance technology as part of the permanent record of proceedings of the Board of Supervisors, Board Policy Committees, and other County Brown Act bodies. The technology has been effective at achieving this purpose.

Use of the surveillance technology provides direct and indirect benefits to the public. Audiovisual recordings enable members of the public to view and/or listen to the full proceedings and deliberation of the recorded meeting bodies, and therefore provide benefits both to individuals who are unable to attend the meetings in question, as well as those who wish to review the proceedings after their conclusion. Additionally, recordings are utilized in the refinement of minutes for each meeting, and without the usage of the surveillance technology, the Clerk of the Board would either have less accurate minutes, or would be required to hire court reporters to provide verbatim real-time transcripts. The Clerk of the Board believes that the limitations in the Surveillance Policy, which limit usage of audiovisual recording devices to circumstances in which there is no expectation of privacy, provide reasonable safeguards to address concerns regarding privacy, civil liberties, and civil rights.

6. Public Records Act Requests

The COB Records Division received and fulfilled 26 requests for audio recordings during the reporting period, as follows:

- Assessment Appeals Boards: 18 requests for 21 recordings
- Board of Supervisors: 1 request for 1 recording
- Citizens’ Advisory Commission on Elections: 1 request for 1 recording
- Historical Heritage Commission: 2 requests for 2 recordings
- Parks and Recreation Commission: 2 Requests for 2 recordings
- Recycling and Waste Reduction: 2 Requests for 2 recordings

Additionally, the COB Assessment Appeals Division received and fulfilled 26 requests for 26 recordings of Assessment Appeals Boards meetings.

7. Annual Costs

In July 2019, the Office of the Clerk of the Board performed an upgrade of fixed cameras within the Board of Supervisors Chambers. The project cost a total of \$770,000, including permits, equipment, and installation.

Ongoing costs per year are as follows:

1. Equipment (software/hardware) and licensing: \$85,000
2. Professional Services and support (excluding Business Relationship Management Team and Technology Services and Solutions Department time/support): \$50,000
3. Replacing handheld recorders at end of life: approximately \$150 each

Major upgrades to Chambers, including upgrades that fall under the category of surveillance technology, are addressed through the 10-Year Capital Improvement Program. Requests for technological modifications are submitted through the Information Technology Governance Group, and subsequently addressed through the annual budget process each Fiscal Year.

Due to their frequent use, handheld recorders are expected to require periodic replacement. Recorders are replaced on an individual basis at end of life, and the most recent handheld recorders were purchased in January 2018. The cost of replacing handheld recorders is absorbed within the Clerk of the Board's normal operating budget.