

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

TELECOMMUNICATIONS CENTER RECORDING USE POLICY
SUBJECT

DATE: December 2, 2019

NO: B-6

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

INDEX: Recording Use Policy
Telecommunications Recordings

I. POLICY

- A. All voice logging recordings will be maintained by the Telecommunications Center for a period of 180 days.
- B. Recordings will be made available for listening and copying purposes to authorized persons, under the following conditions and arrangements.

II. PROCEDURE

- A. Stockton Police Department
 - 1. Professional Standards Section
 - a. Members of the Stockton Police Department conducting an investigation, who wish to listen to a recording or make a cassette copy of a recording, shall contact the Telecommunications Police Services Manager or the Telecommunications Center Shift Supervisor if the manager is unavailable to make arrangements to access the appropriate master voice recording. An incident date and time will be necessary in order to find the transaction on the master recording.
 - b. Members of the Stockton Police Department conducting an investigation, who wish to have a digital copy of a master voice recording made for them by Telecommunications Center personnel, shall contact the Telecommunications Police Services Manager. Normally, a minimum of forty-eight (48) hours will be required to provide a digital copy the incident.
 - 2. Internal Review.
 - a. Members of the Stockton Police Department, who wish to monitor or copy a master voice recording, will contact their supervisor or the on duty Watch Commander, and then schedule a time with the Telecommunications Police Services Manager or designated representative.
 - 3. Holding Recordings for Evidence
 - a. Department members requesting that recording(s) be held for evidence, shall supply the following information in writing to the on duty Telecommunications Supervisor:
 - (1) Date of recording
 - (2) Reason for request (our evidence; internal investigation; potential City liability, etc.)
 - (3) Officer Requesting

- (4) Department Reference Number
- b. Telecommunications will perform the following.
 - (1) Make 2 certified copies of the requested recordings.
 - (2) In the instance of a critical incident involving department employees, recordings of all six primary channels will be made beginning 30 minutes prior to the incident and concluding at such time when the scene is deemed "Code 4" or secure by the Watch Commander.
 - (3) Log and store in the secure file cabinet in Telecommunication.
- c. The Department member requesting the hold shall be responsible for picking up the recording within seven (7) working days from an on duty Telecommunications supervisor and will do the following.
 - (1) The investigators are instructed to book 1 copy along with the certification letter.
 - (2) The 2nd copy and letter may be kept as a "working copy" for the investigator.
 - (3) Document the booking of the recording in the appropriate report.
 - (4) If officers lose their working copy, or if the District Attorney's Office later needs more copies, it will be the case agents responsibility to do the following to maintain the chain of custody.
 - (i) Unbook the original certified recording
 - (ii) Bring the sealed recording to a Telecommunication Supervisor and request another Certified Copy be made. (iii) Rebook the original recording.
 - (iv) Cover this activity in a subsequent report

B. District Attorney's Office/ Investigators

- 1. Members of the District Attorney's Office conducting an investigation who would like to monitor a recording or obtain a digital copy of the master voice recording shall contact the Stockton Police Department Investigator assigned to the case, who will make the arrangements.
- 2. In the case where there is no specific investigator assigned to an incident, the District Attorney's Office may present the Telecommunications Police Services Manager with a subpoena or Office Memorandum for a certified digital copy of the master voice recording.
 - a. The request must be received within a minimum of seven (7) working days before the compact disc will be needed. If a compact disc copy of an incident is needed sooner, special accommodations may be made by contacting the Senior Telecommunications Supervisor.
 - b. Date, time, and case number must be provided.
 - c. Call receipt (phone calls), call dispatch (radio traffic), or both receipt and dispatch must be specified.
- 3. In the case where there is no specific investigator assigned to an incident, the District Attorney's Office may present the Telecommunications Police Services Manager with a subpoena or Office Memorandum for the certified copy of the computerized printout. The printout contains all the activity related to the call-for-service from receipt to dispatch. The printout will be returned in a sealed envelope.

- a. The request must be received a minimum of two (2) working days before the certified copy will be needed.
- b. Date, time, and case number must be provided.

C. Non District Attorney or Civil Attorney Requests

1. Criminal Defense must contact the San Joaquin County District Attorney's Office discovery requests and requests to monitor.
2. Civil Attorneys must contact the City Attorney's Office, City of Stockton for discovery requests and requests to monitor.
3. The District Attorney's Office shall be notified of a defense subpoena or request to monitor/copy the master voice recording for guidance.
4. In keeping with the California Government Code, a preparation fee will apply for any Civil subpoena processed where the City of Stockton or its employees are not party to the litigation.
5. The requirement for a subpoena or discovery order may be waived upon the request of the District Attorney's Office.

D. Other Persons Wishing to Monitor Or Copy Recordings.

1. All other persons desiring to listen to a master voice recording shall obtain a subpoena listing the date, time, and specific information to be monitored prior to their contact with the Telecommunications Police Services Manager who will establish an appointment time for such monitoring.
2. The subpoena or court order shall indicate whether the recording in question is to be monitored or copied.
3. Any person requesting a copy shall supply the recording device and all recording mediums.

E. Citizens Wishing to Monitor Recordings They Are Party To

1. Citizens wishing to listen to a master voice recording they were a part of shall submit a public records request which will be addressed with respect to the guidelines set forth in 6254 of the Government Code and General Order C-06 Tracking of Public Records Requests.