



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 323 – Release of Police Records

Office with Primary Responsibility:	SSO	Effective Date:	July 31, 2010
		Prior Revision Date:	October 01, 2009
Office(s) with Secondary Responsibilities:	PSC, PNC, TSC, FTC, IDC	Number of Pages:	2
Forms Referenced in Procedure:	SAPD Form #133-RPR	Related Procedures:	None

.01 INTRODUCTION

This procedure establishes a process for the accountability and responsibility of the release of records by the Records Office of the San Antonio Police Department. This procedure protects the integrity of the Department and safeguards the rights of private citizens from unlawful intrusion.

.02 TERMINOLOGY *(For specific use within this procedure, see Glossary)*

Computer Hardware
Personnel Record

Custodian of Records
Police Record

Local Government Record Personnel
Record

.03 REQUESTS FOR OPEN RECORDS

- A. Written requests for police records, other than by subpoena or by a Department employee in his official capacity, should be forwarded immediately to the Custodian of Records, or an assigned designee.
- B. Verbal requests for records should be referred to the Custodian of Records.
- C. The sale of records to the public is performed exclusively by the Custodian of Records, or an assigned designee, at the Headquarters Building or one of the decentralized sites.

.04 SUBPOENAED RECORDS

- A. Personnel served with a subpoena duces tecum issued by any entity other than the San Antonio City Attorney's Office or the Bexar County District Attorney's Office will, as soon as possible, forward the subpoena to the SAPD Legal Advisor's Office for review.
- B. Personnel ordered to produce records by way of a subpoena instanter will immediately contact the SAPD Legal Advisor's Office, as such a subpoena requires an immediate response.
- C. When the information sought by subpoena includes personnel records, as opposed to police records, all subpoenas, including those issued by the San Antonio City Attorney's Office, are forwarded to the SAPD Legal Advisor's Office for review.
 1. The Legal Advisor's Office will determine the validity of the subpoena and will advise the Department regarding the release of the records sought.
 2. The assistance of the Legal Advisor's Office may include the filing of a motion to quash a subpoena.
- D. Personnel ordered by subpoena to produce police records are required to produce only those records in their actual or constructive possession. The Legal Advisor's Office should be consulted with regard to this issue if a question arises.

.05 PROFESSIONAL (ON-DUTY) USE OF RECORDS BY PERSONNEL

- A. Officers may obtain a copy of their reports from the Records Office for incidents they were involved in during the official discharge of their duties, or that they are assigned to investigate, at no charge.



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- B. Officers may review criminal history checks and obtain mug shots of individuals they are investigating as part of their assigned duties as a San Antonio Police Officer. Actual copies of the criminal histories, fingerprint cards, and supplemental reports are only made available to follow-up unit detectives or designated follow-up unit personnel.
- C. Officers seeking to view a follow-up unit case file must obtain permission from the follow-up Unit Supervisor designated as being responsible for the case file. If the officer making the request has a legitimate police reason for viewing the case file, the follow-up unit member responsible for the case file will provide the officer access to the case file.
- D. Any personnel seeking access to a file for personal use shall be denied access and shall be referred to the Custodian of Records regarding their request.

.06 PERSONAL (OFF-DUTY) USE OF RECORDS BY PERSONNEL

- A. Personnel requesting records for their personal use are treated as open records requests and the request should be forwarded or referred, as applicable, to the Custodian of Records.
- B. Personnel obtaining records for their personal use shall pay the required fee for the records.
- C. Personnel working off-duty as private investigators, consultants, professional witnesses, security officers, or in any other off-duty capacity shall not access departmental records for use in the off-duty work capacity.

.07 ACCESS TO POLICE RECORDS IN THE RECORDS UNIT

- A. The Administrative Services Manager of Records Office is the official Custodian of Records for the SAPD. Considering the sensitive nature of records under their control, it is necessary to ensure that access to this area is controlled and recorded. Most official business can be conducted at the service windows. In some instances, it may be necessary to go inside the Records Office. All personnel will either sign in at the Security Desk or gain entry using their electronic identification card.
- B. During Normal Business Hours (0800 to 1600 hrs)
 - 1. The Security Desk personnel will no longer “buzz” personnel into the Records Office.
 - 2. Requests for police records during normal business hours must be made at the front counter window (denoting LAW ENFORCEMENT ONLY) for assistance. Requests will be made by completing SAPD Form #133-RPR.
 - 3. Cashiers will assist with requests or access will be granted for entry into the Records Office where someone will personally assist you.
 - 2. Records Office staff members will provide law enforcement personnel with the police records they are authorized to receive.
- C. After Normal Business Hours (1600 hours to 0800 hours)
 - 1. Members requiring access to the Records Office after hours will be required to complete the log located at the Security Desk.
 - 2. The Security Desk Personnel will contact someone within the Records Office to assist with records requests.
 - 3. Security Desk Personnel shall release police records only in accordance with Sections .05 and .06 of this procedure.