



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 406 – Communications Holds, Transcripts, and Copies

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:	3
Forms Referenced in Procedure:	SAPD Form #119-C2	Related Procedures:	None

.01 INTRODUCTION

- A. This procedure establishes departmental policy regarding the holding and releasing of communication recording tapes, the copying of these tapes, and recovering the costs involved.
- B. Mandates from *The Texas Open Records Act* bear upon the matter in that they stipulate certain information that agencies may or may not divulge.

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

Copy Data Tape Hold Master Tape Tape Transcript

.03 ACCOUNTABILITY AND RESPONSIBILITY

- A. Unless a hold is properly placed on a master or data tape, the information contained on these tapes is retained for a period of not less than thirty (30) days and not to exceed ninety (90) days.
- B. The System Specialist (located in the Communications Unit):
 - 1. Maintains a complete and current inventory of all master tapes;
 - 2. Maintains a system of accountability for each tape within their custodial care at all times;
 - 3. Maintains a log to reflect all copies made and holds placed on any portion of the master tape; and
 - 4. Is the Department Records Custodian for the 911 tapes.
- C. Information Systems:
 - 1. Coordinates holds placed on data tapes with the Information Technology Systems Department (ITSD);
 - 2. Maintains a system of accountability for each data tape within their custodial care at all times; and
 - 3. Maintains a log to reflect all copies, holds, and transcripts of any portion of a data tape.

.04 REQUESTS FOR HOLDS

- A. An officer requiring a master or data tape to be held for investigative or evidence purposes:
 - 1. Prepares SAPD Form #119-C2, *Communications Request Form*.
 - 2. Submits the completed form to the officer's supervisor for approval (the detective responsible for investigating the case need not obtain the supervisor's signature);
 - 3. Retains a copy of the approved form with the case file; and
 - 4. Personally delivers or routes the approved request to:
 - a. The Communications Unit System Specialist for radio or telephone master tape holds; or



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- b. The Information Systems office for data tape holds or transcripts.
- B. In the event of an emergency request for a hold, the System Specialist and Information Systems office honor verbal requests to hold a master or data tape for five (5) working days. SAPD Form #119-C2 must be submitted to hold the master or data tape past the expiration of the five (5) working days.
- C. Master and data tape holds remain for a period of six (6) months or until the hold is released by the initiating officer or his unit commander. When the need no longer exists for a tape to be held, the officer who initiated the hold submits SAPD Form #119-C2 to cancel the hold request.

.05 NOTIFICATION OF HOLD EXPIRATION

- A. Ten (10) days prior to the expiration of a hold, the System Specialist or Information Systems office prepares written correspondence, directed to the commander of a unit having an active hold on a tape, notifying the commander of:
 - 1. Case number;
 - 2. Date of occurrence;
 - 3. Type of information held (i.e., radio, MDC, telephone); and
 - 4. Basic information as to the nature of the case.
- B. The unit commander replies in writing within ten (10) days, and:
 - 1. May request an additional six (6) month hold; or
 - 2. Releases the hold.
- C. In the event the unit commander fails to reply within ten (10) days after notification, the hold is automatically discontinued.

.06 REQUESTS TO LISTEN OR COPY MASTER TAPES

- A. An officer requesting to listen to or obtain a recorded copy of a segment of a master tape or a transcript of a data tape:
 - 1. Follows the steps in Subsection .04A of this procedure;
 - 2. Arranges for a mutually acceptable time to listen to or make a copy of the requested tape. If mutually agreed upon, the System Specialist will make a copy of the tape without the officer present; and
 - 3. The requesting officer furnishes a blank standard recording cassette of suitable length to capture the requested information.
- B. If a supervisory officer needs to listen to or obtain a copy of a tape due to an emergency, he shall contact the Communications Unit Supervisor.
- C. The System Specialist maintains a log to reflect all occasions where an officer listens to a master tape or when a copy of a master tape is made.

.07 PUBLIC, NEWS MEDIA, AND OUTSIDE LAW ENFORCEMENT AGENCY REQUESTS

- A. Requests from the public and news media for a transcript of a data tape or a copy of a master tape must be made by submitting SAPD Form #119-C2 through the Police Media Services Detail.



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- B. Requests from outside law enforcement agencies (including DA's Office) for a transcript of a data tape or a copy of a master tape must be made by submitting SAPD Form #119-C2 through the unit with follow-up investigative responsibilities for approval.
- C. Information relating to litigation of a criminal case or civil matter is requested through the appropriate court. Without the proper court documentation, verbal requests for a hold on a tape will be honored for only five (5) days.
- D. The person making the request for a transcript of data tape or a copy of a master tape will be notified of the approximate schedule of costs at the time of the request by the Police Media Services Detail.
- E. All requests for copies of master tapes must be accompanied by a blank standard recording cassette of suitable length to capture the requested information.

.08 APPROVAL OF PUBLIC INFORMATION REQUESTS

- A. The Police Media Services Detail forwards the request to the unit responsible for the investigation, the Department Legal Advisor, and keeps the Office of the Chief advised on all requests for communications recorded information.
- B. The unit responsible for the investigation makes a recommendation on the request to the Police Media Services Detail.
- C. The Department Legal Advisor:
 - 1. Determines and responds, within ten (10) business days, whether or not the information is to be disclosed; and
 - 2. Prepares written correspondence, addressed to the Police Media Services Detail, advising the unit of his determination. The copy of the requested tape will accompany the Department Legal Advisor's determination.
- D. All approved public and news media requests for transcripts or copies of Department communications tapes received by the Police Media Services Detail are submitted to the System Specialist and Information Systems office, which shall:
 - 1. Produce the requested information;
 - 2. Prepare an invoice itemizing the costs for producing the transcript or copy of tape (The costs include materials, labor, and overhead. Outside law enforcement agencies are charged for material costs only when the request is in connection with a case that originated within this Department. All other requests from outside law enforcement agencies are charged the same as public requests); and
 - 3. Submit the requested information and invoice to the Police Media Services Detail.
- E. When the Department receives a request for information which it considers within one of the exceptions stated in The Texas Open Records Act, the Legal Advisor will prepare written correspondence, addressed to the person who initiated the request, advising the person of the denial of the request and the associated reason.
- F. On receipt of the approval, the Police Media Services Detail advises the person or agency requesting the information the amount of charges and when and where to claim the information.
- G. The Records Office collects the charges, stated in the invoice, from the person picking up the information.