



COMMUNICATIONS RECORDINGS

FC No.: 750

Date: 01-16-19

If a provision of a regulation, departmental directive, or rule conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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I. Policy

The Emergency Communications Center (ECC) records all 911 and non-emergency telephone calls and radio talk group communications to assist in the investigation of crimes, to provide documentation of police action, and to assist ECC personnel in the performance of their duties.

II. Requests for Communications Recordings from Montgomery County Public Safety Agencies

- A. Requests for copies of recordings for official use from the following individuals/public safety agencies within the county may be submitted directly to ECC for processing utilizing the MCP 77 form "Copy Request for Communication Recordings":
 - 1. Members of the Montgomery County Police Department.
 - 2. Members of law enforcement agencies with jurisdiction within Montgomery County.
 - 3. Members of the Montgomery County State's Attorney's Office.
 - 4. Members of the Montgomery County Public Defender's Office.
 - 5. Members of the Montgomery County Fire and Rescue Service.
- B. Officers will use an MCP 77, "Copy Request for Communications Recording," to request a copy of recordings. The MCP 77 will be submitted, via the officer's supervisor, to the ECC Director, by interdepartmental mail, fax, or email as an attachment to #pol.ecc_QA.
- C. All requests must include: the date, time, location of incident and/or location of the actual call, case/incident number, type of call, the time span to be copied, and the name, email address, and call back phone number of the requester.
- D. All requesters should allow up to twenty-one (21) days for processing.
- E. Walk-in requests at ECC will only be accommodated in emergency situations.

III. All Other Requests for Communications Recordings

- A. All other individuals/agencies may request copies of recordings by submitting a letter or subpoena directly to the Custodian of Records, Information Management and Technology Division (IMTD), 100 Edison Park Drive, Gaithersburg, MD 20878.
- B. These requests will be reviewed and logged by IMTD staff. Approved requests will be forwarded to the ECC for processing.
- C. Requests for telephone or radio recordings should include: the date, time, location, type of call, case/incident number, the time span to be copied, and the name and contact information (including phone number) of the requester.
- D. All requesters should be advised to allow twenty-one (21) days for processing. The department will make every effort to comply with the time frames specified by the subpoena.

IV. Processing of Requests

- A. Requestors will be notified when the recording is ready. ***The standard method of providing recordings will be via an on-line service.*** Recordings must be ***retrieved or*** picked up within three weeks of notification. ***The link for on-line recordings will become inactive after 21 days.*** ***Physical*** recordings (***CDs***) not picked up within three weeks will be destroyed.
- B. All ***physical*** recordings (***CDs***) will be retrieved at Public Safety Headquarters, Information Management and Technology Division, not ECC.
- C. ECC will maintain a record of the MCP 77 forms for all requests.
- D. Recordings of telephone calls and radio talk groups are retained for one (1) year.

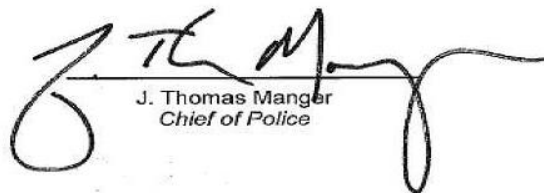
V. Information Necessary for Court

- A. Each ***physical*** recording will have an authenticity sticker attached to the case with the corresponding ECC recording log number. ***On-line/electronic recordings will be accompanied by an authenticity document in .pdf format.*** In accordance with Maryland Rule 5-902 (b), this sticker ***or .pdf document*** allows involved parties the ability to stipulate to the authenticity of the recording.
- B. The recording ***or .pdf document*** will be marked with additional information including the case number, date of incident, location of incident, ECC recording log number, the name of the requester, and the name of the person that made the recording.
- C. The officer's investigative file should include the details of when the recording was initially received, the name of the witness recorded, the name of the defendant (if known), and the date and time the call was originally received.
- D. The original logger recording need not be brought to court. A copy is satisfactory under the law. The copy will be treated as evidence and processed according to FC 721, "Evidence/Property Handling."

VI. CALEA Standards: 81.2.8, 82.3.5

VII. Proponent Unit: Emergency Communications Center

VIII. Cancellation: This directive cancels Function Code 750, dated **02-27-18**.



J. Thomas Manger
Chief of Police