

POLICY TITLE	Release of Telephony Audio Logging and Recording, Call Transcripts, and Relevant Data and Information
POLICY NUMBER	Enacted 2014-03, Amended 06/25/2016 as 2016-02 (additions/changes highlighted)
FUNCTION	Operations and Communications Systems
APPLIES TO	All CC911 Employees

I. SCOPE / PURPOSE

The purpose of this policy is to define approved procedures for processing and adjudicating official requests for telephony audio recordings and associated documentation retained by the Calhoun County 9-1-1 District (CC911).

II. BACKGROUND

CC911 is an emergency communications district pursuant to the Code of Alabama 1975 Section 11-98-4. As a Public Safety Answering Point (PSAP), CC911's Communications Center receives, processes, and disseminates every 9-1-1 call in Calhoun County, Alabama. As part of this procedure, CC911 provides for the logging and recording of audio, along with other relevant data and information, which may be associated with emergency and non-emergency telephone calls.

By Alabama law, 9-1-1 call recordings are considered confidential. The Code of Alabama 1975 Section 11-98-12, as amended, provides for the appropriate "release of audio recording" by any emergency communications district in Alabama. Additionally, Section 36-12-40 provides that any written or electronic record detailing the circumstances, response, or other events related to a 9-1-1 call which is kept by CC911 in its regular course of business shall be deemed a public writing and subject to public inspection as otherwise provided by law. It is the intent of the Calhoun County 9-1-1 District to abide by these statutes.

III. POLICY, PROCEDURES AND GUIDELINES

A. Release of 9-1-1 Telephone Call Audio

1. CC911 will release any 9-1-1 call pursuant to a court order which establishes that the right of the public to the release of the recording outweighs the privacy interests of the individual who made the 9-1-1 call or any person involved in the facts or circumstances relating to the 9-1-1 call.
2. CC911 will release any 9-1-1 call to law enforcement personnel conducting an investigation where the 9-1-1 telephone call is or may be relevant to the investigation.
3. Pursuant to an official request, CC911 will release a 9-1-1 call to the caller whose voice is on the 9-1-1 audio recording. If an attorney representing a caller whose voice is on the call, and the caller is not

deceased or incapacitated as addressed in subsection 4, below; such attorney should be advised to have their client (the caller) make a direct request to CC911.

4. In the event a 9-1-1 caller is deceased or incapacitated, CC911 will release the applicable 9-1-1 call to a legal representative of the caller or the caller's estate, pursuant to an official request.
 5. Any requests received pursuant to items 3 or 4, above, shall be processed only after the person requesting such release of the recorded audio of any 9-1-1 telephone call has submitted an original sworn affidavit (the form of such affidavit is appended to this Policy as Attachment 1) to CC911 which includes sufficient information and attests to the following facts:
 - i. That the person signing the affidavit is the caller or that the caller is deceased or incapacitated and the person signing the affidavit is the legal representative of the caller or the caller's estate; or
 - ii. That release of the 9-1-1 audio recording is pertinent to the investigation of a legal matter resulting from the events necessitating the making of the 9-1-1 call at issue.
- B. Release of 9-1-1 Telephone Call Written Transcripts - Upon full payment of the actual cost of professional transcription services rendered by a certified stenographer (court reporter), CC911 will release the written transcript of any 9-1-1 telephone call pursuant to any official request in accordance with §A above.
- C. Public Inspection and/or Release of Computer-Aided Dispatch (CAD) and other written or electronic record(s) – Pursuant to an official request, submitted on the form appended hereto as Attachment 2, from any citizen of the State of Alabama, CC911 will make available for public inspection and/or release the written or electronic record(s) detailing the circumstances, response, or other events related to a 9-1-1 call. Where public inspection is provided, the date and time will be established by CC911 and the location of occurrence for such public inspection will be 507 Francis Street West, Jacksonville, Alabama 36265. The possession or use of food, drink or tobacco in any form is not permitted during the inspection of public records. **Under NO circumstance shall CC911 release any record or logged information pertaining to the Global Positioning System (GPS) tracking, location or other safety-related data of any communications system subscriber without the prior, written approval of the highest ranking official of the respective agency responsible for such subscriber.**
- D. Official Requests
1. CC911 may require the completion and submission of the following forms and/or documents (attached hereto) which will constitute an “official request” for the release of telephony audio logging and recording, call transcripts, and relevant data and information:
 - i. Affidavit (must be notarized); and
 - ii. Request for Access to Public Records.
 2. CC911 may require and retain information as deemed necessary to confirm the identity of any person(s) requesting the official release of

telephony audio logging and recording, call transcripts, and relevant data and information. A valid, government-issued form of personal identification will constitute proof of identity.

3. CC911 must receive executed original copies of the aforementioned forms and payment-in-full for any applicable charges prior to the inspection or release of any records.

E. Costs of Preparation

1. The individual or organization requesting an official release of telephony audio logging and recording, call transcripts, and relevant data and information may be required to pay a fee to CC911 for the reasonable costs of employee labor and materials as required to research, prepare and compile the associated records and/or documentation.
2. The fees for the costs of preparation are:
 - i. Employee labor associated with research, preparation and compilation of records and/or time spent while records for public inspection: \$20 per hour; and
 - ii. Actual physical (“hard”) copies: 25 cents per page; and
 - iii. Storage to removable media: \$5.00 (includes CC911-provided compact disc); and
 - iv. Written transcription: the actual costs of certified stenographer (court reporter) services as required to render a professional transcription of the 9-1-1 call. The costs will vary based on the number of words and/or pages contained in the transcription.
3. For any record retrieval requiring less than 15 minutes, there will be no charge.
4. CC911 will not charge for requested assistance necessary to comply with the Americans with Disabilities Act.

IV. DATES

Created 05/06/2014

Amended 08/25/2016

AFFIDAVIT

STATE OF ALABAMA)

COUNTY OF _____)

Before me, the undersigned authority, a Notary Public in and for said State and County, personally appeared _____, who, being by me identified and first duly sworn doth depose and say as follows:

1. My name is _____ and I am a resident citizen of the State of Alabama, over the age of 19 years. All statements made in this affidavit are based upon my own personal knowledge.

2. The undersigned is (check one):
 the 9-1-1 caller; or
 the legal representative of the 9-1-1 caller or the 9-1-1 caller's estate due to the fact the 9-1-1 caller is deceased or incapacitated.

3. Release of the requested 9-1-1 audio recording is pertinent to the investigation of a legal matter resulting from the events necessitating the making of the 9-1-1 call at issue.

The foregoing is true and correct.

FURTHER AFFIANT SAYETH NOT.

Dated this the _____ day of _____, _____.

(signature of affiant)

(printed name of affiant)

Sworn to and subscribed before me on this the _____ day of _____, _____.

NOTARY PUBLIC
My commission expires: _____.

CALHOUN COUNTY 9-1-1 DISTRICT

Request for Access to Public Records

The Calhoun County 9-1-1 District (“CC911”) is committed to making public records available in a timely manner upon proper request. The Alabama Supreme Court has held that a public body as defined in the Open Records Act (§36-12-40, Code of Alabama 1975) may require a person requesting public record access to fill out an application and give a reason for seeking the record.

Certain records are protected from disclosure by state or federal law and will not be made public. Some records will be protected in part only and those will be redacted to protect confidential portions only. Any written or electronic record detailing the circumstances, response, or other events related to a 9-1-1 call which is kept by CC911 in its regular course of business is a public record subject to inspection (§11-98-12(c))

In addition, reasonable restrictions on the time and place of inspection may be set and a reasonable fee charged for any copies. If you wish to inspect records without copies being provided, your request may be delayed until such time as a staff member can be present to assist you or to maintain the integrity of records.

You are asked to complete the following request.

1. I request the following records from the CC911:

2. I request these documents and records for the following purpose:

3. I am requesting these documents () for myself or () for the following entity or individual:

4. I would like to () inspect these records in person or () have copies of these records produced to me.

5. I understand that the following rates will apply: copies will be provided at a rate of \$.25 per page. The costs of labor for research, preparation and compilation of records and/or time spent while records are personally reviewed will incur a charge of \$20.00 per hour. For record retrieval taking less than 15 minutes, there will be no charge. (CC911 will not charge for requested assistance necessary to comply with the Americans with Disabilities Act).

6. I understand that any request(s) involving the written transcription of any 9-1-1 telephone call may incur fees, to include the actual costs of certified stenographer (court reporter) services as required to render a professional transcription.

(signature)

(printed name)

This space is for official use.

Date and Time Received: _____ / _____ / _____ at _____
Month Day Year Time

Request approved. The records made available on _____
Date
 at _____ o'clock _____ M.
Time "A" or "P"

Records are unavailable or request denied for the following reasons:

Authorized Signature _____
Date