

CASE #0201 Stockton Unified School District Police Department

REASON FOR INVESTIGATION

The San Joaquin County 2001-2002 Civil Grand Jury (SJCCGJ) received a citizen complaint alleging the improper use of phone recording/monitoring equipment at the Stockton Unified School District Police Department (SUSDPD).

BACKGROUND

The complainant alleged phone lines at the SUSDPD were being recorded and monitored without notice to employees or the public.

A letter dated June 25, 2001, was sent from the Union Steward of the Operating Engineers Local No. 3 Police Unit, to the Director of Labor Relations at the Stockton Union School District (SUSD). He expressed concern that recordings without an audible beep could be in violation of the law.

On July 26, 2001, a memo was sent to all employees by Donald Swartz, Chief of the SUSDPD, notifying all department employees of a change in practice as directed by the Human Resource Department. The memo stated, effective immediately, a tone alert signifying the recording of each line within the department will be audible to both parties.

Chief Swartz sent a memo to all employees notifying them all phones have been removed from recording devices except in the following areas: records and dispatch, the basement, finger printing and the department secretary.

METHOD OF INVESTIGATION

- Interviewed Chief Swartz and toured SUSDPD facility
- Dean Kofer, Union Steward of Operating Engineers Local Union No. 3 Police Unit ❖ interview
- Penal codes 629, 630, 632 and 633 ❖ reviewed
- Operational agreement between San Joaquin County Sheriff's Office and SUSDPD - reviewed
- Operational agreement between Stockton Police Department and SUSDPD - reviewed
- SUSD and Operating Engineers Local Union No. 3 Police Unit Contract ❖ reviewed

FINDINGS AND CONCLUSIONS

According to the service manager at Magnaphone & A Plus of San Leandro, CA, the recording equipment was installed on June 23, 1997.

No written policy is in place regarding the use of phone monitoring equipment.

From the date of installation, to the issuance of the memo dated 7/26/2001, there was no written documentation that informed employees of the phone lines being recorded.

All recorded phones now have an audible beep. There are three secure phones available in the stage area, break room and investigation desk on the 3rd floor.

RECOMMENDATION

- Develop a written policy approved by the board regarding the use of phone recording equipment. Include in the policy a procedure in the redirection of "sensitive calls" to secured lines.
- Develop and implement an annual certification of acknowledgment of telephone recording policy to be maintained in the Human Resources Department.
- Proposed changes in policy should be reviewed by Human Resources and a copy to the union representative prior to school board approval and implementation.

RESPONSE REQUIRED

Pursuant to Section §933.05 of the Penal Code, the Stockton Unified School District Police Department and the Stockton Unified School District shall comment, in writing, to the Presiding Judge of the Superior Court ♦ within ninety (90) days of the publication of this report.

As to each finding in the report, a response indicating one of the following:

- a. The respondent agrees with the finding.
- b. The respondent disagrees with the finding, with an explanation of the reasons therefore.

As to each recommendation, a response indicating one of the following:

- a. The recommendation has been implemented, with a summary of the action taken.
- b. The recommendation has not yet been implemented, but will be with a time frame for implementation.

- c. The recommendation requires further analysis, with an explanation of the scope of the analysis and a time frame not to exceed six months.
- d. The recommendation will not be implemented, with an explanation therefore.