

CITY OF HAMILTON, OHIO

No. 114

ADMINISTRATIVE DIRECTIVE

Effective Date: 2-22-16

Supersedes: Directive No. 114 Dated 10/20/82

Approved by: Joshua A. Smith,
City Manager

SUBJECT: ELECTRONIC RECORDING OF TELEPHONE OR OTHER CONVERSATIONS

PURPOSE: To establish a proper and uniform policy for the electronic recording of telephone or other discussions by setting employee guidelines to define situations when such recording is authorized or prohibited, and to make clear and definite to all employees that the recording of discussions is generally prohibited and limited to exceptional and unusual circumstances.

The objective of this policy is:

- to maintain a policy of fairness relative to electronic recording of conversations;
- to establish guidelines for employees to follow concerning recording conversations;
- to prohibit and subject to disciplinary action any employee who participates in the unauthorized recording of discussions;
- to prohibit an employee from recording discussions as may otherwise subject the employee-participant or the city to potential personal civil or criminal liability under federal or other law; and,
- to present an image disassociated with intimidation or ill will occasioned by electronic recording.

1. Policy.

No employee shall use any electronic recording system to record public or inter-office telephone conversations or any other discussions without the prior express permission of the person being recorded, except in the following circumstances:

- a. investigations involving life and death;
- b. conversations associated with the act of kidnapping, ransom, extortion, bribery, or like act;
- c. as an investigatory or evidentiary aid in criminal investigations in which the absence of a recording would hinder case conclusion;
- d. bomb threats, telephone threats involving personal safety;
- e. other instances with prior approval of the director of the department involved;
- f. recordings made pursuant to court order;
- g. meetings of Council, Boards, Commissions, public hearings, etc. to prepare minutes or reports; and

2. Special Requirements.

- a. Law enforcement is exempt from this Administrative Directive.
- b. All recordings made as authorized in circumstances (a.) through (g.) above shall be logged describing the circumstances and reasons for making the recording. Each call shall be documented on a separate log sheet and reported for review to the Department Director, who shall periodically report and review this information with the City Manager.



- c. All recordings shall be retained for thirty (30) days and thereafter may be erased, except for those recordings that could or will be utilized as evidence in judicial proceedings.
- d. All recordings made of telephone or other conversations shall be the property of the City of Hamilton.
- e. No personal recording equipment shall be used to electronically record any conversation.