Body Worn/Dash Video

Balancing Public and Legal Concerns

House Bill 972



Officer Bell - Copy.mp4

Relevant Statutory Provisions Prior to New Law

- G.S. Sec. 132 -1
  - Anything made in “the transaction of public business…”
  - Public Records compiled are “the property of the people.”
- G.S. Sec. 132-1.4
  - Criminal investigations/criminal intelligence information are not public records and may be released by court order

Relevant Statutory Provisions Prior to New Law

- 160A-168 –Privacy of employee personnel records
  - Personnel file is any information in any form **gathered** relating to employee's application, selection, performance, promotions, demotions, transfers, suspensions, and other disciplinary actions, leave, salary, and termination of employment.
  - All personnel information is confidential…

Relevant Statutory Provisions Prior to New Law

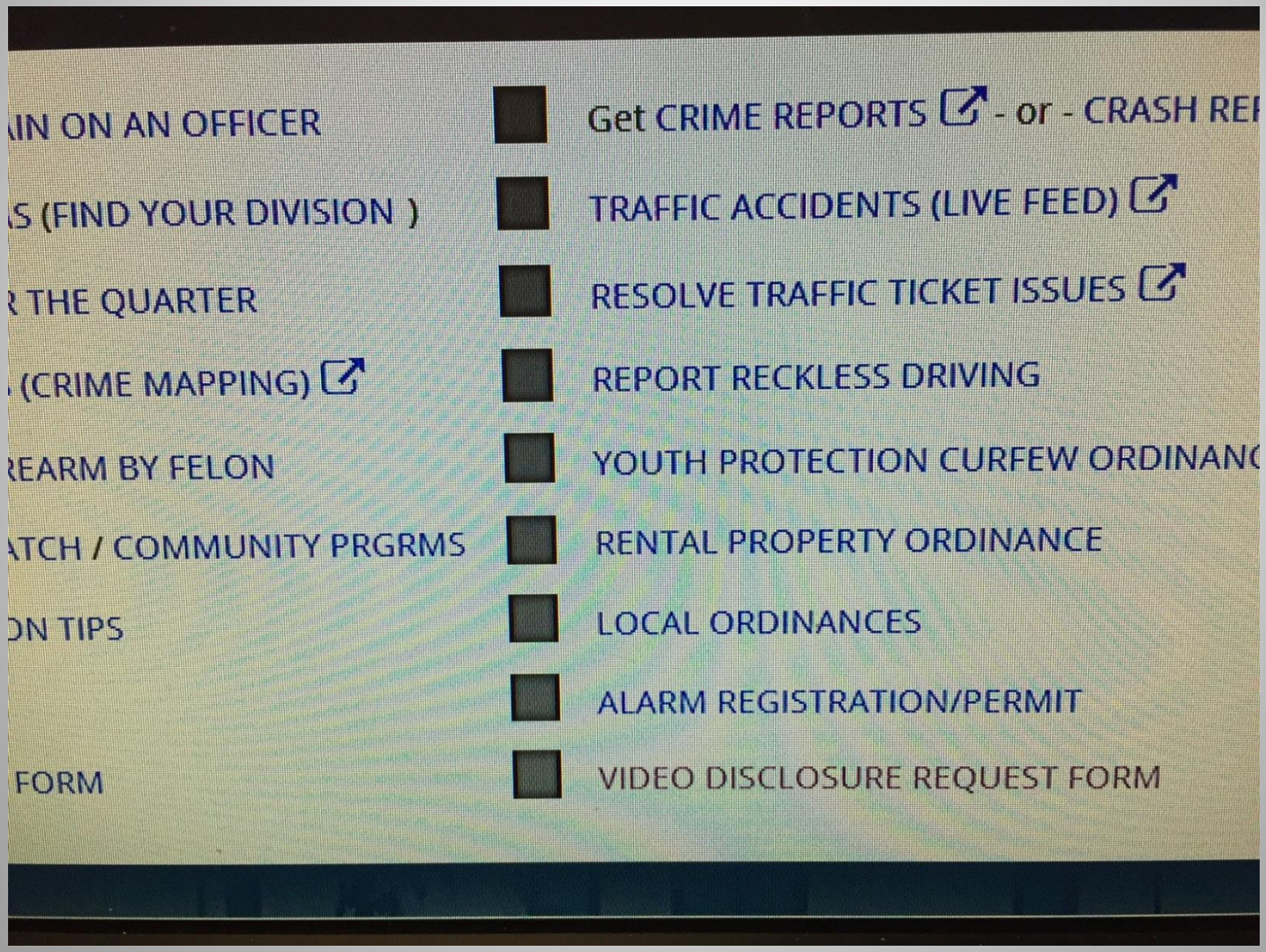
- 1997 N. C. ALS 305; 1997 N. C. Sess. 305
  - Amended 160A-168 for Charlotte
  - facilitated civilian review of police disciplinary process
  - Permitted release of police mobile dash cam video and audio of event to person that has filed a complaint

HB 972/ G.S. 132

- Definitions
- Disclosures – no court order. 132-1.4(c)
  - Limited
    - Person whose image or voice is captured in recording, or that person's personal representative
  - If denied, party can petition superior court for disclosure
    - Court must find Chief abused his discretion before allowing disclosure

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CMPD Video Disclosure Request Form



HB 972/ G.S. 132

- Expedited Release – Petition required
  - If person authorized to disclosure under (c) then notice and opportunity to be heard will be provided to head of LEA.
  - Court may conduct an in-camera review
  - Court shall consider the applicability of standards in (f)1-8.

HB 972/ G.S. 132

- General Release: Sec. 132-1.4(f)
  - Persons notified
    - Head of custodial LEA
    - Any officer whose voice or image
    - Head of LEA of officer whose image or voice
    - The District Attorney

Release for Law Enforcement Purposes

- CLEA shall disclose or release
  - to DA (g)
    - Review of potential criminal charges
    - To comply with discovery requirements in a criminal prosecution
    - For use in criminal proceedings in District Court
  - And CLEA
    - Law enforcement training purposes
    - Within CLEA for administrative training , or law enforcement purpose
    - To another LEA for law enforcement purposes

CMPD Policy 400-006

What if

- The Mayor, City Manager, and two city council members call the Chief up and want to see BWC in recent officer involved shooting.
  - Is there clear authority for the Chief to release.
- The Chief wants to release BWC footage of Officer involved shooting to a group of community leaders.
  - Is there clear authority to for the Chief to release?

What if

- The DA enters BWC footage into evidence at a trial. The Jury hangs and the Judge declares a mistrial. A local reporter files a public record request for the BWC footage asserting that it is not a public record because “it was entered into evidence in a public trial.”
  - Is the footage now a public record?