

From: Justin Outling and Nancy Vaughan
To: City Councilmembers
CC: Jim Westmoreland, Tom Carruthers and Chief W. Scott
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BWC Footage Public Release Policy

- **1.1. Purpose.** This policy outlines the circumstances and terms under which BWC footage may be released to the public.
- **1.2. Status of BWC Footage.** At times, BWC footage constitutes both criminal investigative (CI) records and personnel (PR) records, as those terms are defined by law. If performance of a Police Officer is called into question through BWC footage, the footage serves as a PR and is subject to the protections of the North Carolina PR statute. Once the question is resolved, this status is eliminated, the record reverts to its sole status as a CI record, and the footage may then be released as outlined in sections 1.3, 1.4, 1.5, and 1.6 below. However, if the officer is disciplined in connection with acts captured by the footage, the footage remains a PR. Such footage may be released only by the City Council (with consent of the City Manager) in support of the disciplinary action.
- **1.3. Permitted Disclosure.** Persons recorded on BWC footage may (with his or her legal counsel) review, but not possess, the footage without charge. Further, notwithstanding anything in this Policy to the contrary, the City Council may release BWC footage to any person, including but not limited to persons recorded on the BWC footage at issue, upon finding that release of the footage is essential to maintain public confidence. At all times, however, the Police Department shall retain its right to seek injunctive relief to prevent such a release should it believe (1) the release of the footage would undermine a defendant's right to receive a fair trial, or (2) that an ongoing or future criminal investigation would be undermined by the release.
- **1.4. Redactions.** To the extent required by law, highly personal details and other information protected from disclosure by state or federal law shall be redacted or obscured before footage containing such information is disclosed. Highly personal details and other information that is not protected from disclosure by state or federal law may also be redacted. The Chief of Police or his or her designee may make any such redactions or obscurations. A redaction log shall be maintained and provided to the requester.
- **1.5. Petition to Remove Redactions.** Persons may request removal of redactions and obscurations of footage they are permitted to review. The Chief of Police or his or her designee may make any such redactions or obscurations. A redaction log shall be maintained and provided to the requester.
- **1.6. Retention.** BWC footage shall be maintained in accordance with State record retention laws and Police Department policy.