

*The* **Town** *of*  
**Davidson**

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College Town. Lake Town. *Your Town.*

# In-Car Video



# Body Worn Camera



# Any other Video Recording Device



# Law Enforcement Recordings

1. NOT public records (G.S. 132-1.4A)
2. NOT personnel records
3. Establishes
  - Whether
  - To whom
  - And what portions
  - Of video may be disclosed and/or released

# What is a Recording?

A visual, audio, or visual and audio recording captured by a body-worn camera, a dashboard camera, or any other video or audio recording device operated by or on behalf of a LE agency or LE personnel when carrying out LE responsibilities.

# What Recordings are Excluded?

Any video or audio recording of interviews regarding agency internal investigations

Any video or audio recording of interrogations of suspects or interviews of witnesses.

# Disclosure vs Release

- **DISCLOSURE:** Make a recording available for viewing or listening to by the person requesting disclosure, at a time and location chosen by the custodial law enforcement agency.
- **RELEASE:** To provide a copy of a recording.

# Disclosure

- Must make a written request
- To the head of the law enforcement agency
- States approximate date/time of recording

# Disclosure – To Whom?

- Disclose only to person whose image or voice is in the recording
- Personal representative of adult person
- Personal representative of a minor, or adult under lawful guardianship
- Personal representative of a deceased person
- Personal representative of adult person unable to provide consent to disclosure

# Disclosure – How Much?

Only those portions of the recording that are relevant to the person's request.

A person who receives disclosure shall not record or copy the recording.



# Disclosure – Factors to Consider

- Is the person authorized per the statute?
- Info is confidential/exempt per State or federal law
- Reveals info of a sensitive/personal nature
- May harm reputation or jeopardize safety
- Create serious threat to administration of justice
- To protect an investigation

# Disclosure - Denied: Appeal

- Appeal to the superior court in any county where any portion of the video was made
- Court may conduct in camera review
- Court may order disclosure if the court finds that the LE Agency abused its discretion
- Court may release only those relevant portions
- Person shall not record or copy the recording.

# Disclosure – Denied: Notifications

- Head of custodial LE Agency
- Any LE Agency personnel whose image and/or voice is in the recording
- Head of any LE Agency employing personnel mentioned above
- District Attorney

# Release – To Whom?

- Release only to person whose image or voice is in the recording
- Personal representative of adult person
- Personal representative of a minor, or adult under lawful guardianship
- Personal representative of a deceased person
- Personal representative of adult person unable to provide consent to disclosure

# Release – How and How Much?

Only by court order

Only those portions of the recording that are relevant to the person's request.

# Release: Factors to Consider

- 1. Compelling public interest**
- 2. Contains info that is confidential or exempt per state or federal law**
- 3. Requester is seeking evidence to determine legal issues**
- 4. Release would reveal sensitive, personal info**



# Release: Factors to Consider

5. Release may harm reputation or jeopardize safety
6. Creates a serious threat to fair, impartial justice
7. Protect and active or inactive internal or criminal investigation
8. Good cause is shown to release everything



# Conditions on Release

**The court shall release only those relevant portions, and may place conditions or restrictions on the release that the court, in its discretion, deems appropriate.**



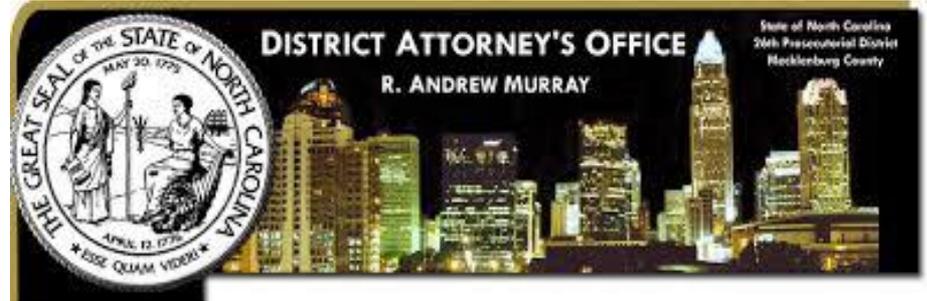
# Notifications of Release Hearing

Head of custodial LE  
Agency

Any LE Agency personnel  
whose image and/or voice is  
in the recording

Head of any LE Agency  
employing personnel  
mentioned above

District Attorney



# Release – LE Purposes

- 1. For LE training purposes**
- 2. Within LE agency for admin, training or LE purpose**
- 3. To another LE agency for LE purposes**



# Miscellaneous

- Retention: per state law
- Agency must have a policy applicable to the use of video equipment (in-car, BWC, static)
- No civil liability shall arise from compliance
- Fee for copies: not to offset the actual cost of making a copy
- Attorneys' Fees – court may not award attorneys' fees to any party



# 2016-2017 Budget Request

## Wireless Cameras

\$44,000 = 10 cameras and 4 license plate readers

BoC placed in contingency fund pending information on NC Legislature House Bill 972 (LE Video recordings)



# BWC Camera History

**July 2014 – 6 purchased**  
**July 2015 – 6 purchased**  
**December 2015 – BWCs**  
**begin to malfunction; fail**  
**to download; fail to record**  
**entire incident; cases**  
**breaking; clips breaking**



# Current Request

- Use portion of \$44K for new body worn cameras now
- Enter into a 5 year contract / yearly average cost of \$24,000

# Positives and Negatives

- Quality equipment
- Digital 30 sec pre-record
- Increased field of view
- Better night time recording
- Activate w/blue lights
- Replace cameras every 2.5 years
- Download procedure saves \$8400 in staff time
- 5 year contract
- \$24000/year
- Increased cost in storage

