



TOWN OF CARRBORO

POLICE DEPARTMENT



Walter Horton, Chief of Police

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REQUEST TO RELEASE DIGITAL MEDIA

Pursuant to N.C. G.S. 132-1.4A, “recordings in the custody of a law enforcement agency only be released pursuant to a court order.” A law enforcement agency or any person requesting release of a recording may file an action in the superior court in any county where any portion of the recording was made for an order releasing the recording. The court may conduct a review of the footage before ruling whether to grant the court order or not. The court may choose to release the video in its entirety or only allow a portion of it to be released by the court order.

Only a person authorized to receive disclosure of digital media may seek a court order for the release of that same digital media. Authorized individuals are:

- 1) A person whose image or voice is in the recording.
- 2) A personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure.
- 3) A personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording.
- 4) A personal representative of deceased person whose image or voice is in the recording.
- 5) A personal representative of an adult person who is incapacitated or unable to provide consent to disclosure.

The court will consider the following standards when choosing to whether or not to release a video:

- 1) The release is necessary to advance a compelling public interest.
- 2) The recording contains information that is otherwise confidential or exempt from disclosure or release under State or Federal law.
- 3) The person requesting release is seeking to obtain evidence to determine legal issues in a current or potential court proceeding.
- 4) The release would reveal information regarding a person that is of a highly sensitive personal nature.
- 5) The release may harm the reputation or jeopardize the safety of a person.
- 6) The release would create a serious threat to the fair, impartial and orderly administration of justice.
- 7) Confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.
- 8) There is good cause shown to release all portions of a recording.

The court shall release only those portions of the recording that are relevant to the person’s interest and may place any conditions or restrictions on the release of the recording that the court, in its discretion, deems appropriate.

The law has made allowances for any of the following parties to be heard in open court at any proceedings:

- The head of the law enforcement agency.
- Any law enforcement agent appearing in the recording, either image or voice.
- The district attorney.

This statute provides a mechanism for authorized people to request release of body-camera and dashboard camera recordings in the possession of the Carrboro Police Department. Carrboro Police Department policy refers to dashboard cameras as “mobile vehicle recording systems” (MVRs) and “body-worn cameras” as body-worn camera systems (BWCs). A release of the digital media means that the person requesting the release and having a valid court order in hand shall be provided a copy of the portions of the digital media specifically listed in the court order. This is not necessarily the video or audio file in its entirety. Portions of the video or audio file may be missing or images may be redacted. The Carrboro Police Department *must* follow the instructions of the judge in the court order.

Please fill out the information below as completely as possible. The more specific and accurate the information is, the faster your request can be processed.

NAME: _____ DATE: _____

ADDRESS: _____

PRIMARY NUMBER: _____ SECONDARY NUMBER: _____

E-MAIL: _____

DATE OF INCIDENT: _____ TIME OF INCIDENT: _____

TYPE OF INCIDENT: _____ CASE # OR CFS #: _____

DESCRIPTION OF THE INCIDENT: _____

PRINT NAME: _____ DATE: _____

SIGNATURE: _____ DATE: _____

FOR INTERNAL USE ONLY

The person making the request is authorized to receive disclosure and release of this digital media. Yes No
Is there a court order requiring release of the digital media to the person named above? Yes No
Does the release digital media meet the court order’s conditions or restrictions? Yes No

Chief of Police or Agency designee: _____ Employee #: _____

Action Taken: APPROVED / SHOWN UNDER COURT ORDER / DENIED
