

2016 Justice and Public Safety Oversight Subcommittee on Body-Worn Cameras
Wednesday, February 10, 2016 at 1:00 PM
Room 414 of the Legislative Office Building

MINUTES

The Justice and Public Safety Oversight Subcommittee on Body-Worn Cameras met at 1:00 PM on February 10, 2016 in Room 414 of the Legislative Office Building. Representatives Faircloth, McNeill, Hurley, Speciale, and Senator Robinson attended.

Representative John Faircloth, Chair, presided. He called the meeting to order at 1:00 PM. Chairman Faircloth introduced himself and Representative McNeill. He stated the committee intends to meet three times before the spring session. He thanked the attendees for their interest in the subject. In terms of legislation, they hope to do something during the short session that will help law enforcement. Chairman Faircloth stated that this subject concerns everyone, including law enforcement officers, people that come into contact with law enforcement officers, cities and counties that have liability concerns, the media in terms of having information for the public, and the public to have the information that they feel they should have.

Chairman Faircloth asked the attendees to state their name and the organization that they represent. He stated that the committee will hear about three bills that were introduced last year. Representative Haines introduced a grant bill, and the remaining two bills are active in the Senate. There are vehicles available if the subcommittee has recommended legislation. The purpose of this meeting is to hear what is being used in the field, what are the rules of use that may have been developed by the local governments, and any opinions on what might be needed.

Representative McNeill welcomed the attendees and commented that it is evident that body-worn cameras are an important issue in North Carolina. The subcommittee and the full committee are interested in finding a solution that will make this issue better for everyone concerned. Representative McNeill said that the Chairs will do their best to make sure everybody has the opportunity to have input into possible legislation that will solve this issue. He thanked everyone for attending the meeting.

Chairman Faircloth introduced Jan Paul, Committee Counsel for the Legislative Analysis Division. She updated the committee on North Carolina law governing body-worn cameras.

Ms. Paul's presentation included an overview of current law from the Federal Government down to the states. With regard to federal activity, the Presidential Taskforce on 21st Century Policing issued its 116-page final report in May 2015. That report is on the US DOJ Website, Community Oriented Policing Services (COPS), http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf. The third session, or pillar, was on Technology and Social Media, with testimony on research and legal considerations pertaining to the use of body-worn cameras and other technologies, as well as the considerations related to implementing new technologies in the face of privacy issues. The relevant findings and recommendations begin on page 31 of the report. Ms. Paul stated that the full final report is on the subcommittee website. Also on the subcommittee website, will be reports such as police

officer body worn cameras, assessing the evidence put out by the Office of Justice Programs Diagnostic Center, implementing a body-worn camera program, recommendations and lessons learned that was put out by the community oriented policing services of the U.S. Department of Justice, and the National Body-worn Camera Tool Kit, which is also put out by the US Department of Justice. All of those put together give a broad overview of concerns of most stakeholders that will have a voice in this issue. This would include everything from the ACLU to Law Enforcement to Legislators.

Of specific relevance to this subcommittee were two specific recommendations of that committee. Recommendation 3.2, in which the Taskforce said, "While standards should be created for development and research of technology at the national level, implementation of developed technologies should remain a local decision to address the needs and resources of the community." Recommendation 3.3 is The U.S. Department of Justice should develop best practices that can be adopted by state legislative bodies to govern the acquisition, use, retention, and dissemination of auditory, visual, and biometric data by law enforcement. These are a couple of recommendations that came from the third pillar, and would be of specific interest to the subcommittee.

With regard to Federal bills, there have been several bills that have been introduced in the U.S. House. None are currently moving now. It is the opinion of several analysts that Congress is waiting to see what the states will do. Some of the bills introduced establish grant programs for states and localities to do body camera pilot programs. Some of those bills are listed under names such as "The Safer Officers and Safer Citizens Act of 2015," and "The Police Camera Act."

The 2016 the "Commerce Justice State Appropriations" bill passed the House of Representatives. A new piece is the "Commerce Trust Initiative," that allocates \$50 million dollars for the purchase of body-worn cameras. \$15 million dollars of that will go to pilot programs; \$30 million will be for justice reform and collaborative efforts, and \$5 million for improved statistics collection.

With regard to state activities, at least 37 states have considered legislation to address some aspect of body-worn cameras for law enforcement officers. South Carolina was the first state to require all law enforcement agencies use body-worn cameras. Fifteen states enacted new laws in 2015. Altogether, 21 states and the District of Columbia have enacted laws or resolutions on police cameras.

Many municipalities such as Denver, Phoenix/Mesa, and Rialto, are conducting or have conducted studies prior to implementation, looking into evidentiary issues, funding, how data impacts open record laws, and what police department policies should be prior to implementation. They have also looked into practical and constitutional considerations that must be addressed in legislation. For example, the transparency vs. privacy vs. accountability issues, the costs of buying and maintaining the equipment, how long and where to store the recordings, costs of storage, any limits of recording in certain protected areas, and the development of appropriate regulations for police use.

There is no current law in North Carolina that specifically addresses body-worn cameras. The only specific reference to "body-worn cameras" is in the budget, S.L. 2015-241, Section 16A. At this time, any governance of body-worn camera programs at the state level would come from various provisions throughout the statutes. The most significant ones are the public records law, Chapter 132 of the General Statutes. It determines what access law enforcement agencies must provide to body-worn cameras. Under our public records law in general, records of government agencies are open to the public. However, our public records law contains an exception for records of criminal investigations. Under G.S. 132-1.4, records created in connection with criminal investigations conducted by law enforcement agencies are not public records as defined by G.S. 132-1. What this means is that the public has no general right of access to these records, but law enforcement agencies are not prohibited from releasing them. Records of criminal investigations conducted by public law enforcement agencies or records of criminal intelligence information may be released pursuant to a court order. "Records of criminal investigations" means information derived from witnesses, laboratory tests, surveillance, investigators, confidential informants, photographs, and measurements, and also includes specified records of the State Crime Laboratory.

"Records of criminal intelligence information" means records or information that pertains to a person or group of persons that is compiled by a public law enforcement agency in an effort to anticipate, prevent, or monitor possible violations of the law." Currently, recordings from body-worn and in-car cameras are not included in G.S. 132-1.4.

The other major area is Personnel Law. The laws pertaining to personnel records are contained in different chapters of the General Statutes. Article 7 of Chapter 126 governs The Privacy of State Employee Personnel Records. With only specific exceptions (G.S. 126-23, G.S. 126-24) that allow access to certain records or information in personnel files. Personnel files of state employees are confidential and cannot be released or subject to inspection and examination under the Public Records Law (G.S. 132-6), except for certain items of information that must be maintained as separate public records. It is possible that at least some content in law enforcement videos will constitute confidential personnel records under North Carolina law. For example, if body camera footage is a personnel record because it can be used for performance evaluations and disciplinary actions of officers, it would be confidential and not subject to release. Local Government Employee Personnel files are similarly protected under G.S. 160A-168. Records gathered by a city or county regarding its employees are confidential.

The State Records Retention Law relating to law enforcement mobile unit video tapes was recently modified directly in response to body-worn cameras, but does not specifically refer to them. Video from the cameras are wirelessly downloaded to a secure server and kept for 30 days unless used in a criminal case. Destruction of videos is governed by state records retention schedules. The municipal records retention schedule requires mobile unit video tapes to be retained for at least 30 days, after which they can be destroyed. Some local governments may have local policies requiring a longer retention period, and records that become part of a case file or personnel file will have longer required retention periods under the applicable schedule provisions.

With regard to bills that are currently moving through the General Assembly, House Bill 713 (See Attachment 1) is entitled Body & Dash Cam Recording/Public Access. It passed in the House on April 23, and is now in Senate Rules. This bill will add to the definition of records of criminal investigations that was read to the committee earlier. It specifically addresses recordings of body-worn cameras or in car cameras of law enforcement officers. It would exclude them specifically from the definition of public records. House Bill 713 would require any individual that is trying to get a court order for access to recordings of body-worn or in car cameras to specify with reasonable particularity the portion of the recordings that had the required information. A law enforcement agency is not required to allow access to those recordings. It also clarifies that any federal law governing access to the recordings would not superseded by state law.

The other bill moving through the General Assembly is House Bill 811 (See Attachment 2). It passed the House April 27th, and is now in Senate Rules. HB 811 is a study bill. It indicates that the Criminal Justice Education and Training Standards Commission and the Sheriff's Education and Training Standards Commission would have a joint study regarding implementing and using body-worn cameras. They are allowed to consult with other agencies that may be able to provide pertinent information including UNC Chapel Hill School of Government.

This subcommittee will be examining various legal and policy issues relating to body-worn cameras, looking into common and differing concerns at the State level and the local level, determining what standards or guidelines should be determined at the State level, and what policies should be left up to local governments.

Chairman Faircloth thanked Ms. Paul for her presentation.

Chairman Faircloth called on Kristine Leggett, Fiscal Research, to discuss Guidelines and Standards for body-worn camera grants. (See Attachment 3) She stated that the 2015 budget bill appropriated \$2.5 million dollars non-recurring in both years of the biennium for body-worn camera grants. Those funds were appropriated to the Governor's Crime Commission to determine policies and guidelines governing the distribution of the grant money and to distribute. The maximum grant amount was up to \$100,000 for local or state law enforcement agencies. The recipient law enforcement agencies were required to provide a two to one match. For every one dollar they got in grant money, they would have to put up two dollars. Grantees are required to have appropriate policies and procedures in place governing the operation of the cameras and proper storage of the images recorded. The provision also required that the Governor's Crime Commission to make several reports regarding the grants. The first report was received by the General Assembly in November 2015.

Chairman Faircloth thanks Ms. Leggett for the information.

Chairman Faircloth introduced David Huffman, Executive Director for the Governor's Crime Commission, Department of Public Safety, to discuss guidelines and standards for body-worn camera grants. (See Attachment 4)

Mr. Huffman stated that the sum of \$2,500,000 nonrecurring funds for 2015-2016 fiscal year, and \$2,500,000 nonrecurring funds for 2016-2017 fiscal year, was allocated by the North Carolina General Assembly to provide funds to local departments for body cameras. The funds can also be used for training and related expenses of body-worn video cameras purchased. The maximum grant amount per agency shall not exceed one hundred thousand dollars (\$100,000) and recipient law enforcement agencies shall be required to provide two dollars (\$2.00) of local funds for every one dollar (\$1.00) of grant funds received.

The Byrne JAG (JUSTICE ASSISTANCE GRANT) program is available for North Carolina. This year we received \$4.6 million in Byrne JAG Grant money for FY 15-16. It is 100% federal money with no required matching funds. Money from the JAG grant can be used for body cameras. There is over \$25 million in requests submitted to the Governor's Crime Commission this year, and they only have \$4.6 million to allocate. Some of the cities and counties that have the application in place now are the city of Dunn, county of Mecklenburg, city of Concord, town of Duck, county of Cleveland, town of Wadesboro, Elizabeth City, town of Atlantic Beach, city of Sanford, town of Biltmore Forest, city of Lexington, city of Monroe, county of Surry, town of Matthews, town of Red Springs, town of Elkin, city of Burlington, town of Elon, city of Rocky Mount, and the Person County Sheriff's Office.

The cities that have submitted grant applications for 2016-2017 are the town of Forest City, city of Marion, town of Huntersville, town of Wingate, city of Fayetteville, town of Leland, town of Garner, and town of Dobson. Thirty police and sheriff departments have opened body-worn grants prior to receiving the state appropriations through local law enforcement block grants and state wide infrastructure and technology improvement initiatives. (See Attachment 5) The storage of the footage is a problem. Larger departments can store to a certain extent, but smaller departments will not be able to afford it. There needs to be a regional concept that would work together with storage and retrieval. The liability factor that is involved is an issue that needs to be looked at strongly.

Mr. Huffman called on Chief Tom Adkins of the Hickory Police Department. Chief Adkins told the Committee that their department varied between 100 and 117 police officers. The department started researching body-worn cameras in 2013. In early 2014 they started to field test the units. They signed a contract with a vendor in May 2014 to purchase 90 body-cameras. The upfront cost for the first year was \$97,368.50. That price included hardware, software, and a data storage plan. The data plan was not unlimited, but rather a capped amount of data that they could use. They also discovered that there was a retention period set up. When you go over your allotted amount there is an extra cost. In 2015-2016 they used some of the JAG grant money they received from the Federal Government, along with money from local funds to purchase an additional 25 cameras. They also expanded their data storage plan to unlimited. The cost for the first year was a \$105,840.00 to store their data for the rest of the five year contract, which will end in fiscal year 2019. The data storage plan they have is in a cloud. They are able to share their video via a link with their district attorney's office and the defense attorney if the DA so chooses to do so. There is an evidence tag every time the video is reviewed by an officer, supervisor, or anyone in the department that has access to that video. Throughout the implantation, they have adjusted their policy as it is needed.

Chairman Faircloth thanked Chief Adkins for his presentation.

Chairman Faircloth introduced Sgt. Justin Flynt, of the Greensboro Police Department, to discuss their experience with body-worn cameras. (See Attachment 6) Sgt. Flynt said their department is two and half years into full body-worn cameras for their patrol bureau. They have 700 sworn officers, and on any given day about 500 wear the body-worn cameras. They are accomplishing this with about 340 cameras. The patrol bureau is sharing cameras.

Sgt. Flynt's feels the three key questions to consider are;

How long the video should be maintained by the agency. Which videos are not protected from public release, either by laws concerning evidence or laws concerning employee personnel files? Are there any additional privacy concerns for the citizens that are captured on video, or the private locations in which some video is captured?

The Greensboro Police Department's current retention policy is all video captured by body-worn cameras is placed into one of five different categories. (See Attachment 6, p. 4- 11) Each body-worn camera category is associated with retention time period in order to satisfy requirements set forth in Standard 9 of the N.C. Records Retention and Disposition Schedule for Municipalities. A retention policy permits the management of overall data storage quantities, which allows for budgetary predictions that are necessary for sustaining a body-worn camera program. Policy also requires that an officer additionally upload any videos that are related to cases of felony charges into their Records Management System, which has no retention period. This allows the videos to be maintained beyond 3 years, in accordance with Standard 9. 'Field Training Video,' and 'Administrative Investigation' are supplemental categories used within their agency. They are used in addition to the five primary categories, to enhance the retention period.

Some considerations with their retention policy depend upon required retention time periods for video, and what costs are expected to be incurred by agencies. Can the cost of video storage make sustaining a body-worn camera program cost prohibitive to agencies? Could a statewide video repository system or cloud based storage provided for a uniform be an affordable way for all agencies to maintain videos consistently for a predetermined time period? Would this also facilitate direct access to videos by the state court system? Just because a video was captured in the course of an agency responding to a particular situation, is all of that video really discoverable or considered evidence in the case of any criminal charges that are subsequent to that response? Also, depending on the nature of the response, multiple officers might initially respond, but some end up being cancelled prior to their arrival or engagement with anyone on the scene. If officers are involved in the directing of traffic around a scene or providing crime scene security on an outer perimeter, would their video be evidence? Would their video be discoverable? If deemed discoverable, but not evidence, would this video have a different required retention period? Which videos are statutorily protected? There are different types of videos such as evidence in a criminal case, video that is discoverable in a criminal case, but does not appear to have any evidentiary value, video that is directly related to and attached or included in an employee's personnel file (i.e. specific video that is attached to a complaint investigation, a performance evaluation document, etc.), and video that does not fall within any of the other groups.

The third issue is when does the video become private? Sgt. Flynt played a video to illustrate this issue.

Sgt. Flynt asked the question that if we publicly release video that is not statutorily protected, and that is captured in a public place, what logistical and financial implications will this have for agencies. How much of each video must be viewed prior to release to ensure the video is captured only in a public place? What method or medium of media should be used to facilitate video release? If we are going to publicly release video that is not statutorily protected, and that is captured in a public place, what logistical and financial implications will this have for agencies? If there is such an extreme cost associated with the review of video prior to release, as compared to the initial and annual cost of equipment and storage, who will fund the portion of a body-worn camera program pertaining to release of video? Should we only release video to persons having a direct interest in the video? Is all video that is not statutorily protected automatically available to any member of the public? Should we only release video to someone captured on the video, a parent or guardian of someone captured on video, someone legally representing a person captured on video, the property owner of a private location where the video was captured, etc.?

Representative McNeill asked Sgt. Flynt if the retention schedule that he discussed was new to Greensboro. Sgt. Flynt answered yes with an explanation on how they got there. Initially when they started the program everything was maintained for six months and then purged if it was not uploaded into their records management or IApro system. The department moved away from that procedure two years ago and decided to keep every video made. Their contract was for 27 ½ terabytes of data. Within 18 months they saw rise to 38 terabytes of data. Their vendor did not charge them for the additional because they were coming up for contract renewal. They decided to go to a retention policy similar to what Charlotte uses. Once it was implemented they were able to go down to 17 terabytes of data, still within their contract, and able to video more that could be kept for the retention period.

With no further questions, Chairman Faircloth thanked Sgt. Flynt for his presentation.

Chairman Faircloth introduced Major Stephen Willis of the Charlotte-Mecklenburg Police Department. (See Attachment 7)

Major Willis stated that in March, 2015 they finalized their contract with the vendor Taser. The contract total was \$5.4 million dollars over five years. That amount purchased the department 1400 Cameras, and some additional components. There was an addition two million dollars in cost that dealt with construction and other items. The total contract for the city was \$7.1 million dollars for the five years. There were two phases of implementation. Phase 1 was from March, 2015-September, 2015. They deployed 1100+ cameras to 17 Patrol based divisions. Phase 2 was from September, 2015- February, 2016, with their CAD Integration. They are currently going through the signal unit deployment for triggered recording. They are installing equipment into cars that will automatically start the recording of every camera within 30 feet of a car every time the blue lights are turned on and the siren is activated. Phase 3 is under evaluation and is seeking the money to outfit additional officers with body-worn cameras.

Their storage is based through Evidence.Com. It is a hosted solution, cloud-based, and CJIS compliant. They currently have 45 day storage. Video not marked for longer-term retention for evidence or personnel matters is deleted. In digital evidence management the current design is to complete interface between Evidence.com and Digital Evidence Management System for video retained past 45 days.

The Department developed a 45 day base. For categories and retention periods, see handout. (Attachment 7, p.2- 4)

Major Willis moved to a discussion on public accessibility in their in-car camera system. Under N.C.G.S. 160A-168 (Attachment 8) the video is interpreted to be part of the employee's personnel record for law enforcement officers. The General Assembly awarded the Charlotte-Mecklenburg Police Department exemption in 1997 allowing aggrieved citizens to review video with CMPD supervisor. That exemption is provided. (See Attachment 9, 1997 N.C. ALS 305)

Body-worn camera video is captured for the same reasons as it was in 1997. The main difference is where the video is captured, and how much video exists. Under N.C.G.S. 160A-168, the video is currently interpreted to be part of the employee's personnel record. The CMPD does not have an exemption for public access, therefore they do not release that video under any circumstance.

Some of the Department's recommendations are to amend G.S. 132-1.4(b)(1), the definition of "Records of criminal investigations." Add the underlined language; "including information Derived from witnesses, laboratory tests, surveillance, body-worn and in-car cameras, investigators, confidential informants, photographs, and measurements." Another recommendation is to Amend G.S. 132-6 by adding a new subsection (b1) to read: "A person alleged to have been aggrieved by an Officer's actions who is seeking to listen to audio and/or watch video recorded from a law enforcement officer's body-worn or in-car camera must state the date and approximate time of the incident or encounter in question or otherwise identify the incident or encounter with reasonable particularity. Notwithstanding the requirements of otherwise applicable statutes regarding confidentiality of public employee personnel records, a law enforcement agency may allow the review such audio or video records without the consent of the employees whose actions are depicted on such records." The first amendment would make it clear that audio/video that otherwise qualifies as records of criminal investigations is treated as other criminal investigatory material. Such material could, but is not required to be released or shown to certain individuals. The second amendment recognizes that some audio/video would not qualify as records of criminal investigation, but to avoid the burden of sweeping requests that could paralyze a law enforcement agency, requests must be relatively specific. It also clarifies that an agency could release audio/video without the need to obtain the permission of officers who might claim that the records are personnel records.

Senator Robinson asked Major Willis if there is a baseline for use and development of retention periods. Major Willis answered they base it on Standard 9 in the record retention rules for the state. The minimum is 30 days, but most agencies do not go with the minimum. Most will have a buffer, which they utilize a 45 day buffer. The three years and 20 years are pretty bright lined. They do not want to go past 20 years because that is a long time to retain video.

Senator Robinson referenced his comments regarding the camera automatically coming on. She asked about standards for design. Major Willis stated that there are a number of vendors that are marketing their video cameras to be used for law enforcement purposes. Body-worn cameras are the new technological project to make money. The challenge is each vendor develops their own product, they patent it, and then you are stuck with that vendor. Sometimes it is price driven; you get what you can afford. Unless the state, a city, or the county sets a particular standard of what they want their agencies to have, it is very open. If you were to poll the agencies in the committee room, you would most likely see an array of different vendors.

Representative McNeill asked Major Willis if the Charlotte-Mecklenburg Police Department is funding this internally. Major Willis stated that they were awarded one grant from the Long Foundation, which was more of donation than a grant. Their Police Foundation awarded them \$250,000. The remainder of the money came from the coffers of the city.

Representative Hurley asked how they determine when to turn on the cameras. Major Willis said their intention with body-worn cameras is to monitor the interaction the officers have with the public. They did not implement their cameras to capture evidence. They have crime scene technicians that take pictures of evidence, and they have officers who are credible. They use the cameras to monitor interaction. An officer is required to outline specific types of events in which they must activate their camera, and they will continue to record until their posture changes to an investigative based posture. It is a cost decision as well as the intent to capture those adversarial interactions that are usually going to generate a use of force or complaint. Representative Hurley asked if Greensboro had a similar policy and Sgt. Flynt answered yes.

Chairman Faircloth thanked Major Willis for his presentation.

Chairman Faircloth called on Sheriff Charles McDonald of Henderson County to speak to the Committee.

Sheriff McDonald stated that he has learned a lot in the meeting, but is asking the sub-committee not to legislate the use or implementation of body cameras. He does not think it is the right thing to do. All municipal law enforcement and sheriff offices are created to be autonomous, basically of, for, and by the people. The voters in his county hold him accountable, and if they do not like the job he is doing they will vote him out of office. He has been in law enforcement for 30 years and feels that law enforcement is more professional, more service oriented, and more trained on use of force. He does not think the problem is large enough to put his department in a position of spending money that the state does not have. He feels the state could take the money and spend it on training and relational programs with law enforcement within our communities. He was not trying to change anyone's opinion, but does not anticipate Henderson County using the body cameras unless they are mandated to do so. He asked the subcommittee to keep in mind the autonomous nature of local law enforcement. He does not need the state or Federal Government keeping him on task. His citizens do that. When looking at the issues with archiving, Sheriff McDonald feels the ones to make money will be the people that archive and the people that make the laws. What happens when the camera does not work? The officer will be accused of doing exactly what the use of cameras is trying to advert.

Sheriff McDonald thanked the Committee for the opportunity to speak. Chairman Faircloth pointed out that there are two sides to this issue. He thanked the Sheriff.

Chairman Faircloth introduced Sheriff Van Duncan of Buncombe County. Sheriff Duncan stated his department had been using body cameras for a year. The first thing they learned is how it reduces complaints, and has done so for Buncombe County at a rate of about 70%. He had an incident where he had to terminate two officers after reviewing body-cam footage. As a law enforcement administrator he was very glad he had that footage, because he is unsure if he would have made that same decision without it. He felt very confident that he made the right decision. Sheriff Duncan thinks the main issue is who receives the footage and when. His department owns their server that is maintained by the county IT Department. They have 70 cameras in the field. They use a 10 terabyte server and a robust IT department within Buncombe County government. They are able to retain the footage with the same controls and retention that other agencies use. They had a situation where there was filming in a person's house, that was a criminal investigation for a short period of time. Because those actions were reviewed by their District Attorney, the media pushed for the release of the footage. It was personnel, and primary to the investigation. The media has consistently requested the release of that body-camera footage. Sheriff Duncan stated that he believes the body cams are useful for his department, but if N.C. law starts to allow the release in any way as public information it will double the expense of their body cam program. He believes that every minute of footage will have to be reviewed. He would expect to receive a media request every Monday morning for the body cam footage from Friday night to Sunday morning. The department would have to review every minute of that footage. Any complainant can view their body cam footage at any time. They can easily obtain that thru a subpoena, or if they retain an attorney with plans to take action against the law enforcement agency. The process is there for law enforcement to be held accountable. Sheriff Duncan reiterated that he really appreciated the committee taking the time to hear from the law enforcement agencies that presented at the subcommittee.

Senator Robinson stated that he mentioned that any plaintiff could get access to footage through subpoena. She asked Sheriff Duncan if it would be better served if their policy was similar to the exception that Charlotte uses. He asked which exemption and she answered that Charlotte has the exemption from the General Assembly that allows the complainant access to the video. Sheriff Duncan answered that their policy is the same as Charlotte. He clarified that anyone that complains can review the video with their Internal Affairs Department. Chairman Faircloth stated that he believed the term aggrieved was used. He asked Sheriff Duncan if theirs was the same standard. Sheriff Duncan clarified that they refer to it as anyone who is standing, or anyone involved in the call and may have been captured in the body cam footage. That individual would have the ability to view that footage.

With no further questions for Sheriff Duncan, Chairman Faircloth thanked him for his presentation.

In addressing the Committee, Chairman Faircloth said the first question to consider is should the state get involved in this situation. He feels all would agree the answer is yes. The second question is at what level. The House bills that that are in the Senate from last year, were based on the idea of leaning heavily on the state setting standards. Now it is possible there is a role for the

state to play in setting some overall requirements having to do with records, etc., but leave the functioning rules and procedures to the local governments. At this point that seems like the path to focus on.

Chairman Faircloth stated the subcommittee will meet two more times. Next meeting will include discussion about the state agencies, DA's, public voices, and media voices. Also, at the next meeting he hopes to have the Sheriff's Association and the Chief of Police Association address the committee.

Senator Robinson asked about presentations on the local level, and the composition of those communities in terms of diversity and gender. Chairman Faircloth asked Sgt. Flynt of the Greensboro Police Department about when they started their camera program in terms of rules. Was it done completely within the department or with outside citizenry participation? Sgt. Flynt answered that it was done within the police department and the city legal staff. Jim Clark, Police Attorney for Greensboro Police Department, said the actual development took place in about a six to eight month period. They had about 20 officers that were on a committee from the police department, himself, and another attorney from the city attorney's office. They looked at the policies internally. In terms of diversity, there were males, females, and a number of different races involved. They also consulted with district attorneys, judges and other stakeholders within the criminal justice system. They did not consult with the ACLU or the public, but there was information shared with the public. They also worked with their police foundation.

Chairman Faircloth called on Major Willis, of the Charlotte-Mecklenburg Police Department, to describe how they implemented their program. He said the town of Charlotte developed a policy in the early 90's for their in car camera system that their body-worn camera policy is similar to. Leading up to policy development there was a lot of public environments in which they sought input from citizens specifically surrounding the implementation of body cameras. The citizens wanted the body cameras. Once they developed their policy, they shared it with the ACLU and gave them the opportunity for feedback. They took some of the concerns and made changes.

Chairman Faircloth thanked the committee members. The meeting adjourned at 2:40PM.

Representative John Faircloth, Chair
Presiding

Rebecca Bauerband, Committee Clerk