

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 248
Committee Substitute Favorable 4/30/03
Senate State Government, Local Government, and Veterans' Affairs Committee
Substitute Adopted 6/9/03

Short Title: Wilmington Personnel Records.

(Local)

Sponsors:

Referred to:

March 6, 2003

A BILL TO BE ENTITLED

1
2 AN ACT ALLOWING THE CITY OF WILMINGTON TO DISCLOSE LIMITED
3 PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF
4 DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article IX of the Charter of the City of Wilmington, being
7 Chapter 495 of the 1977 Session Laws, is hereby amended by adding a new section to
8 read:

9 "Section 9.7. Personnel Records.

10 (a) Notwithstanding G.S. 160A-168, in order to facilitate citizen review of the
11 police disciplinary process, the city manager or the chief of police may release the
12 disposition of disciplinary charges against a police officer and the facts relied upon in
13 determining the disposition to the person alleged to have been aggrieved by the officer's
14 actions or to that person's survivor and to any board or commission designated by the
15 city council to review the police disciplinary process. Members of such board or
16 commission shall maintain as confidential all personnel information to which they gain
17 access as a member of such board or commission. Each member of such board or
18 commission shall execute and adhere to a Confidentiality Agreement that is satisfactory
19 to the City. For purposes of this subsection, the 'disposition of disciplinary charges'
20 includes determinations that the charges are sustained, not sustained, unfounded,
21 exonerated, classified as an information file, or classified as any other disciplinary
22 disposition category subsequently adopted by the City. In the event that a
23 council-designated board or commission hears an appeal of a police disciplinary case,
24 the disposition of the case, as defined in this subsection, as well as the facts and
25 circumstances of the case, may be released by the city manager or the chief of police to
26 any person whose presence is necessary to the appeals hearing as determined by the

1 chief of police. In addition, the facts and circumstances of the case shall be made
2 available to the police officer.

3 (b) Notwithstanding G.S. 160A-168, the portion of a video or audiotape
4 produced by a mobile video recorder (MVR) in a police department vehicle which
5 recorded an event resulting in a citizen complaint against a police officer may be
6 reviewed by the person alleged to have been aggrieved by the officer's actions."

7 **SECTION 2.** This act is effective when it becomes law.