

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2003-238
HOUSE BILL 248**

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

The General Assembly of North Carolina enacts:

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

"Section 9.7. Personnel Records.

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

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

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

In the General Assembly read three times and ratified this the 23rd day of June, 2003.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives