

Bond Case Briefs

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CITY COUNCILS - NORTH CAROLINA

Matter of Custodial Law Enforcement Recording Sought by City of Greensboro

Court of Appeals of North Carolina - August 6, 2019 - S.E.2d - 2019 WL 3558763

City petitioned for order allowing city council members to view footage from city police officers' body cameras recorded during arrest of several individuals.

The Superior Court issued order allowing council members to view footage but prohibiting them from discussing footage except amongst themselves in the performance of their official duties, and denied city's subsequent request to modify order to allow council members to discuss footage publicly. City appealed.

The Court of Appeals held that:

- Order did not violate council members' First Amendment free speech rights, and
- Order did not impermissibly impair the council's ability to perform its official duties.

Gag order prohibiting city council members from discussing footage from body cameras worn by police officers during arrest of several individuals except amongst themselves in the performance of their official duties did not violate council members' First Amendment free speech rights, where legislature chose not to make body camera footage a public record, and the city had no right to discover footage except by the grace of the legislature through a judicial order.

Gag order prohibiting city council members from discussing footage from body cameras worn by police officers during arrest of several individuals except amongst themselves in the performance of their official duties did not impermissibly impair the council's ability to perform its official duties, where council had no right to footage but was only granted access through court's discretion, and council members were still free to publicly discuss any information about the police encounter learned from other sources.