



Town of Shallotte

ACTION AGENDA ITEM

2026

TO: Board of Alderman

FROM: Mimi Gaither, Town Manager

EXT. #

ACTION ITEM #:

MEETING DATE: 9.15.26

DATE SUBMITTED: 8.31.26

ISSUE/ACTION REQUESTED: Request approval to revise the Town's Public Information Request Form to clarify that Town camera footage is not routinely available for public release and that requests for such footage will be handled in accordance with applicable North Carolina law and the procedures governing law-enforcement recordings.

PUBLIC HEARING:

☐

YES

☒

NO

BACKGROUND/PURPOSE OF REQUEST: Town staff have reviewed the practice of responding to requests for Town camera footage and have determined that a more clearly defined policy is appropriate. After consulting with Police Chief Dixon and reviewing the practices of other law-enforcement agencies regarding the retention and release of camera footage, staff is requesting that the Town's Public Information Request Form be revised to reflect a consistent approach to the handling of Town camera footage.

Based on this review, staff believes the Town should establish a clear distinction between camera data that is routinely and automatically captured and retained as part of the Town's security and law-enforcement operations and footage that is specifically preserved, reviewed, or incorporated into an investigation.

Town cameras continuously capture activity in public areas. The fact that a camera automatically captures an image does not, by itself, mean that the footage has been reviewed, preserved, or created for an investigative purpose. Staff believes that routinely captured camera data should be treated accordingly and should not be routinely provided in response to general requests for footage.

This approach also recognizes the privacy considerations associated with the release of surveillance footage. Town cameras may capture residents, visitors, children, employees, vehicles, and other individuals who are simply going about their daily activities and have no connection to criminal investigations or other matter of public concern. Routine release of such footage could unnecessarily expose identifiable individuals and their activities to members of the public without a legitimate investigative or other lawful purpose.

North Carolina law establishes specific provisions governing law-enforcement recordings, including body-worn, dashboard, and other recordings made by or on behalf of a law-enforcement agency while carrying out law-enforcement responsibilities. Such recordings are not considered public records under G.S. 132-1.4A and are subject to specific statutory procedures for disclosure and release.

Staff is therefore requesting Board approval to revise the Town's Public Information Request Form and establish a consistent practice for handling Town camera footage. The revised language would clarify that routine, automatically captured camera data will not be routinely provided in response to general public information requests. Footage that is preserved or otherwise becomes part of a law-enforcement investigation will be handled in accordance with applicable law and the procedures governing law-enforcement recordings.

The intent is to ensure that the Town's practice is consistent with applicable law and the practices of other law-enforcement agencies while appropriately balancing transparency and public access with the privacy and security interests of individuals captured by Town cameras.

FISCAL IMPACT:

BUDGET AMENDMENT REQUIRED:

☐ YES ☒ NO

CAPITAL PROJECT ORDINANCE REQUIRED:

☐ YES ☒ NO

PRE-AUDIT CERTIFICATION REQUIRED:

☐ YES ☒ NO

REVIEWED BY DIRECTOR OF FISCAL OPERATIONS

☐ YES ☒ NO

CONTRACTS/AGREEMENTS:**REVIEWED BY TOWN ATTORNEY:**☒ YES☐ NO☐ N/A

ADVISORY BOARD RECOMMENDATION: N/A

TOWN MANAGER'S RECOMMENDATION: Approve Revision to PI Form - MOG

FINANCE RECOMMENDATION: N/A

ATTACHMENTS:

1. NC General Statue § 132-1.4A. Law enforcement agency recordings.
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ACTION OF THE BOARD OF ALDERMEN**APPROVED:**☐**ATTEST:****CLERK TO THE BOARD****DENIED:**☐**DEFERRED
UNTIL:**

SIGNATURE**OTHER:**

§ 132-1.4A. Law enforcement agency recordings.

(a) Definitions. - The following definitions apply in this section:

- (1) Body-worn camera. - An operational video or digital camera or other electronic device, including a microphone or other mechanism for allowing audio capture, affixed to the uniform or person of law enforcement agency personnel and positioned in a way that allows the camera or device to capture interactions the law enforcement agency personnel has with others.
- (2) Custodial law enforcement agency. - The law enforcement agency that owns or leases or whose personnel operates the equipment that created the recording at the time the recording was made.
- (3) Dashboard camera. - A device or system installed or used in a law enforcement agency vehicle that electronically records images or audio depicting interaction with others by law enforcement agency personnel. This term does not include body-worn cameras.
- (4) Disclose or disclosure. - To make a recording available for viewing or listening to by the person requesting disclosure, at a time and location chosen by the custodial law enforcement agency. This term does not include the release of a recording.
- (5) Personal representative. - A parent, court-appointed guardian, spouse, or attorney licensed in North Carolina of a person whose image or voice is in the recording. If a person whose image or voice is in the recording is deceased, the term also means the personal representative of the estate of the deceased person; the deceased person's surviving spouse, parent, or adult child; the deceased person's attorney licensed in North Carolina; or the parent or guardian of a surviving minor child of the deceased.
- (6) Recording. - A visual, audio, or visual and audio recording captured by a body-worn camera, a dashboard camera, or any other video or audio recording device operated by or on behalf of a law enforcement agency or law enforcement agency personnel when carrying out law enforcement responsibilities. This term does not include any video or audio recordings of interviews regarding agency internal investigations or interviews or interrogations of suspects or witnesses.
- (7) Release. - To provide a copy of a recording.
- (8) Serious bodily injury. - A bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.

(b) Public Record and Personnel Record Classification. - Recordings are not public records as defined by G.S. 132-1. Recordings are not personnel records as defined in Part 7 of Chapter 126 of the General Statutes, G.S. 160A-168, or G.S. 153A-98.

(b1) Immediate Disclosure. - When requested by submission of the notarized form described in subsection (b2) of this section to the head of a law enforcement agency, any portion of a recording in the custody of a law enforcement agency which depicts a death or serious bodily injury shall, upon order of the court pursuant to subsection (b3) of this section, be disclosed to a personal representative of the deceased, the injured individual, or a personal representative on behalf of the injured individual. Any disclosure ordered by the court pursuant to subsection (b3) of this section shall be done by the agency in a private setting. A person who receives disclosure as ordered by the court pursuant to subsection (b3) of this section shall not record or copy the recording. Except as provided in subsection (b3) of this section, the portion of the recording relevant to the death or serious bodily injury shall not be edited or redacted.

(b2) Notarized Form. - A person requesting disclosure pursuant to subsection (b1) of this section must submit a signed and notarized form provided by the law enforcement agency. The form shall be developed by the Administrative Office of the Courts and shall include notice that, if disclosed, the recording may not be recorded or copied, or if unlawfully recorded or copied may not be knowingly disseminated, and notice of the criminal penalties provided in subsection (b4) of this section.

(b3) Immediate Disclosure Review. - No later than three business days from receipt of the notarized form requesting immediate disclosure pursuant to subsection (b1) of this section, a law enforcement agency shall file a petition in the superior court in any county where any portion of the recording was made for issuance of a court order regarding disclosure of the recording requested pursuant to subsection (b1) of this section and shall also deliver a copy of the petition and a copy of the recording, which shall remain confidential unless the court issues

an order of disclosure pursuant to this section, to the senior resident superior court judge for that superior court district or their designee. There shall be no fee for filing the petition. The court shall conduct an in-camera review of the recording and shall enter an order within seven business days of the filing of the petition instructing that the recording be (i) immediately disclosed without editing or redaction; (ii) immediately disclosed with editing or redaction; (iii) disclosed at a later date, with or without editing or redaction; or (iv) not disclosed to the person or persons seeking disclosure. In determining whether the recording may be disclosed pursuant to this section, the court shall consider the following factors:

- (1) If the person requesting disclosure of the recording is a person authorized to receive disclosure pursuant to subsection (c) of this section.
- (2) If the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law.
- (3) If disclosure would reveal information regarding a person that is of a highly sensitive and personal nature.
- (4) If disclosure may harm the reputation or jeopardize the safety of a person.
- (5) If disclosure would create a serious threat to the fair, impartial, and orderly administration of justice.
- (6) If confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.

In any proceeding pursuant to this subsection, the following persons shall be notified and those persons, or their designated representative, shall be given an opportunity to be heard at any proceeding: (i) the head of the custodial law enforcement agency, (ii) any law enforcement agency personnel whose image or voice is in the portion of the recording requested to be disclosed and the head of that person's employing law enforcement agency, (iii) the District Attorney, (iv) the investigating law enforcement agency, and (v) the party requesting the disclosure. The court may order any conditions or restrictions on the disclosure that the court deems appropriate.

Petitions filed pursuant to this subsection shall be scheduled for hearing as soon as practicable, and the court shall issue an order pursuant to the provisions of this subsection no later than seven business days after the filing of the petition. Any subsequent proceedings in such actions shall be accorded priority by the trial and appellate courts.

If disclosure of a recording is denied based on subdivision (6) of this subsection, the court shall schedule a subsequent hearing, to be held no more than 20 business days after the issuance of the order, to reconsider whether the recording should be disclosed.

(b4) Any person who willfully records, copies, or attempts to record or copy a recording disclosed pursuant to subsection (b1) of this section shall be guilty of a Class 1 misdemeanor. Any person who knowingly disseminates a recording or a copy of a recording disclosed pursuant to subsection (b1) of this section is guilty of a Class I felony.

(c) Disclosure; General. - Recordings in the custody of a law enforcement agency shall be disclosed only as provided by this section. Recordings depicting a death or serious bodily injury shall only be disclosed as provided in subsections (b1) through (b3) of this section.

A person requesting disclosure of a recording must make a written request to the head of the custodial law enforcement agency that states the date and approximate time of the activity captured in the recording or otherwise identifies the activity with reasonable particularity sufficient to identify the recording to which the request refers.

The head of the custodial law enforcement agency may only disclose a recording to the following:

- (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 a deceased person whose image or voice is in the recording.
- (5) A personal representative of an adult person who is incapacitated and unable to provide consent to disclosure.

When disclosing the recording, the law enforcement agency shall disclose only those portions of the recording that are relevant to the person's request. A person who receives disclosure pursuant to this subsection shall not record or copy the recording.

(d) Disclosure; Factors for Consideration. - Upon receipt of the written request for disclosure, as promptly as possible, the custodial law enforcement agency must either disclose the portion of the recording relevant to the person's request or notify the requestor of the custodial law enforcement agency's decision not to disclose the recording to the requestor.

The custodial law enforcement agency may consider any of the following factors in determining if a recording is disclosed:

- (1) If the person requesting disclosure of the recording is a person authorized to receive disclosure pursuant to subsection (c) of this section.
- (2) If the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law.
- (3) If disclosure would reveal information regarding a person that is of a highly sensitive personal nature.
- (4) If disclosure may harm the reputation or jeopardize the safety of a person.
- (5) If disclosure would create a serious threat to the fair, impartial, and orderly administration of justice.
- (6) If confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.

(e) Appeal of Disclosure Denial. - If a law enforcement agency denies disclosure pursuant to subsection (d) of this section, or has failed to provide disclosure more than three business days after the request for disclosure, the person seeking disclosure may apply to the superior court in any county where any portion of the recording was made for a review of the denial of disclosure. The court may conduct an in-camera review of the recording. The court may order the disclosure of the recording only if the court finds that the law enforcement agency abused its discretion in denying the request for disclosure. The court may only order disclosure of those portions of the recording that are relevant to the person's request. A person who receives disclosure pursuant to this subsection shall not record or copy the recording. An order issued pursuant to this subsection may not order the release of the recording.

In any proceeding pursuant to this subsection, the following persons shall be notified and those persons, or their designated representative, shall be given an opportunity to be heard at any proceeding: (i) the head of the custodial law enforcement agency, (ii) any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency, and (iii) the District Attorney. Actions brought pursuant to this subsection shall be set down for hearing as soon as practicable, and subsequent proceedings in such actions shall be accorded priority by the trial and appellate courts.

(f) Release of Recordings to Certain Persons; Expedited Process. - Notwithstanding the provisions of subsection (g) of this section, a person authorized to receive disclosure pursuant to subsection (c) of this section, or the custodial law enforcement agency, may petition the superior court in any county where any portion of the recording was made for an order releasing the recording to a person authorized to receive disclosure. There shall be no fee for filing the petition which shall be filed on a form approved by the Administrative Office of the Courts and shall state the date and approximate time of the activity captured in the recording, or otherwise identify the activity with reasonable particularity sufficient to identify the recording. If the petitioner is a person authorized to receive disclosure, notice and an opportunity to be heard shall be given to the head of the custodial law enforcement agency. Petitions filed pursuant to this subsection shall be set down for hearing as soon as practicable and shall be accorded priority by the court.

The court shall first determine if the person to whom release of the recording is requested is a person authorized to receive disclosure pursuant to subsection (c) of this section. In making this determination, the court may conduct an in-camera review of the recording and may, in its discretion, allow the petitioner to be present to assist in identifying the image or voice in the recording that authorizes disclosure to the person to whom release is requested. If the court determines that the person is not authorized to receive disclosure pursuant to subsection (c) of this section, there shall be no right of appeal and the petitioner may file an action for release pursuant to subsection (g) of this section.

If the court determines that the person to whom release of the recording is requested is a person authorized to receive disclosure pursuant to subsection (c) of this section, the court shall consider the standards set out in subsection (g) of this section and any other standards the court deems relevant in determining whether to order the release of all or a portion of the recording. The court may conduct an in-camera review of the recording. The

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

(g) Release of Recordings; General; Court Order Required. - Recordings in the custody of a law enforcement agency shall only be released pursuant to court order. Any custodial 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 request for release must state the date and approximate time of the activity captured in the recording, or otherwise identify the activity with reasonable particularity sufficient to identify the recording to which the action refers. The court may conduct an in-camera review of the recording. In determining whether to order the release of all or a portion of the recording, in addition to any other standards the court deems relevant, the court shall consider the applicability of all of the following standards:

- (1) 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) Release would reveal information regarding a person that is of a highly sensitive personal nature.
- (5) Release may harm the reputation or jeopardize the safety of a person.
- (6) 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 request, and may place any conditions or restrictions on the release of the recording that the court, in its discretion, deems appropriate.

In any proceeding pursuant to this subsection, the following persons shall be notified and those persons, or their designated representative, shall be given an opportunity to be heard at any proceeding: (i) the head of the custodial law enforcement agency, (ii) any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency, and (iii) the District Attorney. Actions brought pursuant to this subsection shall be set down for hearing as soon as practicable, and subsequent proceedings in such actions shall be accorded priority by the trial and appellate courts.

(h) Release of Recordings; Law Enforcement Purposes. - Notwithstanding the requirements of subsections (c), (f), and (g) of this section, a custodial law enforcement agency shall disclose or release a recording to a district attorney (i) for review of potential criminal charges, (ii) in order to comply with discovery requirements in a criminal prosecution, (iii) for use in criminal proceedings in district court, or (iv) for any other law enforcement purpose, and may disclose or release a recording for any of the following purposes:

- (1) For law enforcement training purposes.
- (2) Within the custodial law enforcement agency for any administrative, training, or law enforcement purpose.
- (3) To another law enforcement agency for law enforcement purposes.
- (4) For suspect identification or apprehension.
- (5) To locate a missing or abducted person.

(i) Retention of Recordings. - Any recording subject to the provisions of this section shall be retained for at least the period of time required by the applicable records retention and disposition schedule developed by the Department of Natural and Cultural Resources, Division of Archives and Records.

(j) Agency Policy Required. - Each law enforcement agency that uses body-worn cameras or dashboard cameras shall adopt a policy applicable to the use of those cameras.

(k) No civil liability shall arise from compliance with the provisions of this section, provided that the acts or omissions are made in good faith and do not constitute gross negligence, willful or wanton misconduct, or intentional wrongdoing.

(l) Fee for Copies. - A law enforcement agency may charge a fee to offset the cost incurred by it to make a copy of a recording for release. The fee shall not exceed the actual cost of making the copy.

(m) Attorneys' Fees. - The court may not award attorneys' fees to any party in any action brought pursuant to this section. (2016-88, s. 1; 2019-48, s. 1; 2021-138, s. 21(a).)



TOWN OF SHALLOTTE PUBLIC INFORMATION/RECORDS REQUEST FORM

OFFICE OF THE TOWN CLERK

Town of Shallotte PO Box 2287 Shallotte NC 28459
Phone: 910-754-4032 EXT 1002 Fax Phone: 910-754-2740
Email: ngoins@tosgov.org

The Town of Shallotte is committed to transparency and provides access to public records in accordance with the North Carolina Public Records Law, N.C.G.S. Chapter 132.

Public records requests will be processed as promptly as possible. Response times may vary depending upon the scope and complexity of the request, the volume and location of responsive records, and whether review or redaction is necessary to protect confidential information as required by law.

To assist Town staff in locating records, requesters are encouraged to provide as much specific information as possible, including relevant names, addresses, dates, departments, project or permit numbers, and the types of records requested.

The Town is not required to create or compile a record that does not exist. Certain records or portions of records may be confidential or otherwise exempt from disclosure under state or federal law. Fees may apply for copies or for requests requiring extensive use of Town information technology resources or extensive clerical or supervisory assistance, as permitted by NCGS 132-6.2.

Public records requests are only accepted by phone or email if the Information/Records Request Form is sent via fax or email as an attachment. Please see the Town's Public Records Policy for more information.

***Note—The Town will make reasonable efforts to acknowledge receipt of electronically submitted requests within two business days.**

SECTION 1: CONTACT INFORMATION	
Name:	Date of Request:
Mailing Address:	Phone: ()
City, State, Zip:	Fax: ()
Email:	
SECTION 2: DOCUMENTS/INFORMATION REQUESTED	
Requested Department Information ☐ Town Clerk ☐ Planning/Zoning ☐ Human Resources ☐ Police Department ☐ Fire Department ☐ Other: _____	Requested Information (please be as specific as possible):
Date(s) of requested information: _____ to _____	Please Note: You are not required to state the purpose or reason for your request. Submission of this form is intended to assist the Town in efficiently processing public records requests.
SECTION 3: PREFERRED DELIVERY METHOD	
☐ Mail (Mailed documents will incur postage charges)	☐ Fax (10 pages or less)
☐ Email	☐ Town Hall Pickup
☐ Other (e.g., CD, flash drive, etc.)	*Note—actual costs associated with hard copy deliverables may be charged in accordance with NCGS 132-6.2.

SECTION 4: FEES

The Town shall deliver electronic records in PDF format via email at no charge. The Town may charge the actual cost of making or mailing copies based on the fee schedule below:

PRINTING FEES:

Copies	8 1/2 x 11 (B & W)	25¢ ea - first 10 pgs, 5¢/pg thereafter
	8 1/2 x 11 (Color)	35¢ ea - first 10 pgs, 10¢/pg thereafter
	11 x 17 (B&W)	35¢ each
	11 x 17 (Color)	45¢ each

Large Format Printing (larger than 11 x 17)

B&W	\$1.00/Square Foot
Color	\$2.00/Square Foot

POSTAGE:

Postage will be charged at current USPS rates

EXTRAORDINARY REQUESTS: The Town of Shallotte reserves the right under NCGS 132-6.2 to charge a service fee based on actual costs incurred for extensive use of Town information technology resources and/or personnel costs related to providing the services.