

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-142
SENATE BILL 1509

AN ACT TO ALLOW THE CITY OF DURHAM TO DISCLOSE LIMITED
PERSONNEL INFORMATION TO THE MEMBERS OF THE CITIZEN REVIEW
BOARD TO FACILITATE ITS REVIEW OF POLICE DISCIPLINARY CASES.

The General Assembly of North Carolina enacts:

Section 1. Section 120 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended by Chapter 1249 of the 1979 Session Laws, reads as rewritten:

"Sec. 120. (a) Personnel Records. – Notwithstanding any provision of G.S. 160A-168, the city manager may, with the approval of the city council, inform any person or corporation of any promotion, demotion, suspension, reinstatement, transfer, separation, dismissal, employment or nonemployment of any applicant, employee or former employee employed by or assigned to the city or whose personnel file is maintained by the city and the reasons therefor and may allow the personnel file of such person or any portion thereof to be inspected and examined by any person or corporation when the city manager shall determine that the release of such information or the inspection and examination of such file or portion thereof is essential to maintaining the integrity of the city or to maintaining the level or quality of services provided by the city; provided that prior to releasing such information or making such file or portion thereof available as provided herein, the city manager shall prepare a memorandum setting forth the circumstances which he deems to require such disclosure and the information to be disclosed. The memorandum shall be retained in the files of the city and shall be a public record.

(b) Notwithstanding G.S. 160A-168, the city manager or the city manager's designee may, to facilitate citizen review of the police disciplinary process, release the disposition of disciplinary charges against a police officer and the facts relied upon in determining the disposition to (i) members of the citizen review board and (ii) the person alleged to have been aggrieved by the police officer's action or the person's survivor. The disposition of disciplinary charges includes a determination that the charges were sustained, not sustained, unfounded, exonerated, or the result of a policy failure. If the citizen review board hears an appeal of a police disciplinary case, the disposition of disciplinary charges as well as the facts and circumstances of the case may be released by the city manager or the city manager's designee to the citizen review board or to the staff to the board. Citizen review board members and other persons shall keep confidential all information released to them under this subsection that is not a

matter of public record under G.S. 160A-168 or subsection (a) of this section, and any person who violates the confidentiality shall be prosecuted as prescribed in G.S. 160A-168(e) and (f)."

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

In the General Assembly read three times and ratified this the 15th day of September, 1998.