

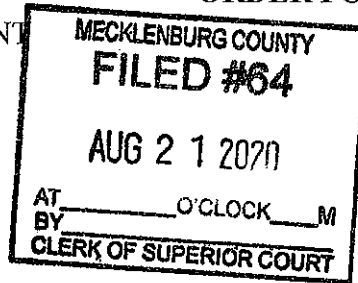
STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NUMBERS: 20-CVS-7942
20-CVS-8563

IN THE MATTER OF:

PETITION FOR RELEASE OF
CUSTODIAL LAW ENFORCEMENT
AGENCY RECORDING OF:
CHIEF JOHNNY JENNINGS; and
NAACP BRANCH 5376, et al.

ORDER FOR RELEASE



THIS CAUSE coming on to be heard on the 21st day of August, 2020 before the Honorable George Bell presiding over the Civil Session of Superior Court of Mecklenburg County, upon on Charlotte-Mecklenburg Police Department Chief Johnny Jennings’ Petition for Release of Custodial Law Enforcement Agency Recording filed June 16, 2020 and NAACP Branch 5376, et al.’s Petition for Release of Custodial Law Enforcement Agency Recording filed August 17, 2020 pursuant to N.C. Gen. Stat. §132-1.4A. Present at the hearing were Interim Lead Police Attorney Jessica K. Battle, counsel for the City of Charlotte and the Charlotte-Mecklenburg Police Department (“CMPD”); Assistant District Attorney Bill Bunting; and Luke Largess, counsel for NAACP Branch 5376, et al. This Court having considered the arguments of the parties makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. On June 2, 2020 at approximately 8:30 p.m., officers with Charlotte-Mecklenburg Police Department (“CMPD”) interacted with a group of protestors in uptown Charlotte. During the protest, individuals began throwing objects at officers and damaging property. CMPD officers attempted to use crowd control agents and pepper balls to disperse the crowd and gave several dispersal orders. The protest and enforcement action was recorded by CMPD via body-worn camera (“BWC”), helicopter camera, building cameras, and traffic cameras.

2. On June 16, 2020, Petitioner Chief Johnny Jennings filed a Petition for Release of a Law Enforcement Agency Recording seeking release of the of BWC, helicopter camera, building cameras, and traffic cameras recordings of the June 2, 2020 protests to Charlotte City Council in closed session per N.C.G.S. § 143-318.11(a)(1), followed by a subsequent public release of the recordings.
3. Petitioner served a copy of the Petition on the District Attorney.
4. On August 18, 2020, the head of the law enforcement agency gave notice of the petitions and the August 21, 2020 hearing date to all law enforcement agency personnel on the Civil Emergency Unit and Public Order Bike unit.
5. Each person notified of this proceeding was given an opportunity to be heard, either individually or by such person's designated representative.
6. On July 2, 2020 the CMPD provided a copy of the law enforcement agency recordings to the Court for in-camera review consisting of approximately 47 BWC recordings, one helicopter recording, and 3 building/traffic camera recordings.
7. On July 24, 2020, Judge Bell heard argument on a preliminary injunction filed by Plaintiffs/Petitioners NAACP Branch 5376, et al. against the City of Charlotte (CMPD), captioned under file number 20-CVS-8563. Prior to the hearing, the City disclosed one BWC recording and one Charlotte-Mecklenburg Government Center ("CMGC") camera recording to the Court, and Attorneys Alex Heroy and Lauren Newton for Plaintiffs.
8. On August 17, 2020, Plaintiffs/Petitioners NAACP Branch 5376, et al. filed a Petition for Release of Custodial Law Enforcement Agency Recording requesting release of the two recordings disclosed in chambers.

CONCLUSIONS OF LAW

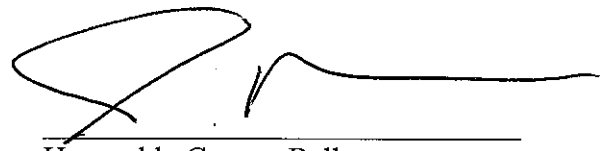
1. Pursuant to N.C. Gen. Stat. §132-1.4A(f), the Petitioner Jennings of the CMPD is the custodial law enforcement agency with standing to file a petition in Superior Court seeking release of the Recording.
2. Pursuant to N.C. Gen. Stat. §132-1.4A(f) and (g), the Petitioners NAACP Branch 5376, et al. are persons with standing to file a petition in Superior Court seeking release of the Recording.

3. Release after Tuesday, August 25, 2020 is necessary to protect an active internal investigation.
4. There is a compelling public interest to release the recordings to City Council on Tuesday, August 25, 2020, prior to any public release, in closed session per N.C.G.S. § 143-318.11(a)(1).
5. Release to Plaintiffs/Petitioners NAACP Branch 5376 is pursuant to Petitioners request to obtain evidence to determine legal issues in an ongoing court proceeding.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Chief Johnny Jennings' Petition is **GRANTED**.
2. Petitioners NAACP Branch 5376, et al.'s Petition **GRANTED**.
3. The City of Charlotte may disclose the recordings to City Council in closed session on Tuesday, August 25, 2020 in closed session per N.C.G.S. § 143-318.11(a)(1), prior to release to Petitioners NAACP Branch 5376 and the public.
4. The CMPD may release the BWC recording and CMGC recording to Petitioners NAACP Branch 5376, et al. on Wednesday, August 26, 2020.
5. Both parties are authorized to release all recordings to the public after noon on August 26, 2020.

This the 21st day of August, 2020.



Honorable George Bell
Superior Court Judge Presiding
26th Judicial District

