



**City of Asheville**  
Office of the City Attorney

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February 17, 2021

Todd Williams  
Buncombe County Courthouse  
District Attorney's Office  
PO Box 7158  
Asheville, NC 28802

Sent Via Electronic Mail

Todd:

I am writing regarding your recent decision to provide APD body camera footage to a local newspaper reporter, without prior notice to the City or any person appearing in the recording, on the basis that the recordings are "in the public domain." The purpose of this letter is to provide you with notice that the City strongly objects to your interpretation of the law and actions in this matter, and to request that law enforcement recordings shared with your office not be disseminated for any purpose except the charging and prosecution of crimes.

Under North Carolina law, body camera recordings are not public records, and their release without an appropriate court order is strictly prohibited. N.C. Gen. Stat. § 132-1.4A. Agencies may disclose law enforcement recordings to district attorneys, but only for the purpose of charging and prosecuting criminal matters. *Id.* at (H). North Carolina courts have expressly rejected arguments that confidential documents lose their exemption from the public records act upon transmission to a district attorney or their admission into evidence. *See, Times-News Publ'g Co. v. State of N.C.*, 124 N.C. App. 175, 177, 476 S.E.2d 450, 451-52 (1996) (rejecting an argument that criminal investigation records transmitted to a district attorney and used for prosecution were subject to disclosure under the public records act).

It is essential that the APD and your office maintain a level of professional trust and respect. We, therefore, ask that your office maintain the confidentiality of sensitive information and records in these matters. This means that body camera footage and other evidence, including but not limited to, records pertaining to confidential informants, sexual assault victims, and public employee personnel matters, must be treated with appropriate discretion and used for no other purpose than the charging and prosecution of crimes.

Going forward, the City requests you reassert that you and your office will take all reasonable measures to preserve the confidentiality of body camera records, and that you will not disclose or release such records outside the context of a courtroom without a valid court order.

If you would like to discuss this matter further please let me know so that I can make arrangements for appropriate City personnel to be present.

Best Regards,

A handwritten signature in black ink, appearing to read "John Maddux". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Maddux".

John Maddux  
Deputy City Attorney  
City of Asheville

CC: David Zack, APD Chief of Police