

NEWS RELEASE

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District Attorney

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NFL complaint dismissed

CHARLOTTE, N.C. – The complaint recently filed against the District Attorney's Office by the National Football League was dismissed today pursuant to an agreement outlined in the consent order filed with the court last week.

The DA's Office agreed to allow the NFL, the NFL Players Association, Greg Hardy's attorney, as well as their experts, to view the seven photographs described in the consent order. They were not given copies of the photos, nor were they allowed to make copies of the photos. The consent order included provisions that prohibited the reproduction or publishing of the photos and limited the use of their descriptions to any report, discipline letter, arbitration or within the context of an appeal relating to such disciplinary action.

The consent order acknowledges that these images are not public record. In considering the request for these photographs, among the DA's Office's top concerns was the potential impact the release of these images could have on the willingness of domestic violence victims to come forward and report criminal incidents. Creating an environment in which victims feel comfortable reporting abuse is of the utmost importance to prosecutors. The office believes that releasing these images – which are very personal in nature – to the public would undermine the work that has been done in this community to encourage victims to cooperate with police and prosecutors in cases of domestic violence. The DA's Office allowed the severely limited use of these photographs because the NFL agreed to keep the photographs confidential and demonstrated its need for the photos in a disciplinary hearing based on the same conduct that was the basis of the criminal charges that involved alleged domestic violence.

The Charlotte-Mecklenburg Police Department previously allowed NFL investigators to review photographs collected as evidence by police in this case. As CMPD has said in a recent statement, the department has a policy that allows police to release files to attorneys in closed criminal cases as long as the attorneys agree to a protective order that requires that the documents not be released to the public. The investigative file remains a confidential file under N.C. General Statute 132-1.4, even when the case is concluded. The release to attorneys is based on the need for the information in civil cases or other administrative matters and is limited to that matter with the provision that the documents not become public. This is done for the protection of witnesses or informants who might have provided information to the police and to protect investigative techniques.

For requests related to closed criminal cases, the DA's Office normally refers attorneys to CMPD because the file maintained by the DA's Office contains not only police records but

also attorney work product, which are notes and research by prosecutors and is not public record. It is very rare for there to be evidence in the DA's Office file that is not in the police file, however, this was a unique situation in that the seven photographs in question were provided to the DA's Office by another source and thus not included in the police file.

The DA's Office has received numerous requests from the media asking for copies of these photos. The photos are records of a criminal investigation, and as such, they are not public records pursuant to N.C. General Statute 132-1.4. Although the office understands the public interest in this matter and appreciates journalists' goal of providing informed reports, the office believes that the public release of intimate photos of an alleged domestic violence victim would have a detrimental impact on current and future victims' willingness to report domestic violence and then work with prosecutors to seek justice.

Note: For more information about the District Attorney's Office, visit www.charmeckda.com. For updates and other information, "like" the DA's Office on Facebook at www.facebook.com/charmeckda and follow us on Twitter: @CharMeckDA.

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