

GUIDELINES FOR USE OF PROFESSIONAL SURVEILLANCE SERVICES

These guidelines have been developed to document the Charlotte Firefighters' Retirement System (CFRS) Board of Trustees' philosophy and policy for use of professional surveillance services in relation to disability retirement cases.

- Applicability:
- 1) An active member who applies for disability retirement pursuant to Section 19 or Section 20 of the CFRS Act may be subject to surveillance.
 - 2) An inactive member who was temporarily retired pursuant to Section 19 or Section 20 of the CFRS Act and Section 3(A)(2) or Section 3(B)(2) of the Disability Regulations may be subject to surveillance.

Authority: The Administrator of the CFRS, in consultation with legal counsel, shall have the authority to and may engage professional surveillance services to provide surveillance of an applicable individual.

Rationale: The Administrator must have good cause to propose surveillance of an applicable individual. This cause may be a request or recommendation from the CFRS Medical Board or other reasonable suspicion that the individual is not entitled or no longer entitled to disability benefits or has falsified either the claimed disability or extent of the claimed disability. Within a reasonable time after the Administrator proposes surveillance on an applicable individual, the Administrator will document in writing the basis for the cause allowing for the proposed surveillance.

Surveillance Services: Surveillance services shall be provided by a firm licensed for such work by the State of North Carolina, as provided in Chapter 74C of the North Carolina General Statutes. All surveillance will be performed within prescribed legal limitations and state regulations. For those firms that are not based within the State of North Carolina, any out-of-State firm shall be licensed for such work by the appropriate governmental authority that regulates such firms in their home state.

Any firm engaged to perform surveillance will provide a written report to the Administrator and a copy of any surveillance video made in conjunction with the surveillance, within no less than fifteen (15) days after the completion of said surveillance.

Any firm engaged to perform surveillance on an applicable individual, as that term is defined above, shall be advised of the scope of their assignment, and should they determine that the scope should be enlarged or restricted, they shall advise the Administrator of the need to enlarge or restrict the scope of the investigation, and any such request will be approved or denied by the Administrator, in her or her discretion.

Any firm utilized to perform surveillance on an applicable individual, as that term is defined above, shall not attempt to contact the individual, and shall not be present on the property of the applicable individual at any time during the surveillance.

Any firm utilized to perform surveillance on an applicable individual, as that term is defined above, shall cooperate fully with any requests made of the firm by local law enforcement authorities during any surveillance operations.

Summary of Changes
1/26/2023 - Rationale section

Adopted 10/23/2002