

_____ County

**IN THE MATTER OF
CUSTODIAL LAW ENFORCEMENT AGENCY
RECORDING SOUGHT BY:**

**ORDER ON REVIEW OF DENIAL OR DELAY
OF DISCLOSURE OF CUSTODIAL LAW
ENFORCEMENT AGENCY RECORDING**

Name Of Petitioner

Address

City, State, Zip

G.S. 132-1.4A(e)

This matter came before the undersigned Superior Court Judge on review from the denial of disclosure of a custodial law enforcement agency recording under Chapter 132 of the General Statutes. Following a hearing at which the Court considered whether the custodial law enforcement agency abused its discretion in denying the request for disclosure, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. On _____ (date), the petitioner named above applied to _____ (name of custodial law enforcement agency) for the disclosure of a recording.
2. On _____ (date), the custodial law enforcement agency pursuant to G.S. 132-1.4A(d):
 - Refused to disclose the recording and provided the petitioner with a written statement of the reason(s) for the denial, a copy of which the petitioner has filed with this Court.
 - Failed to provide disclosure to the petitioner more than three business days after the petitioner's request for disclosure.
3. The custodial law enforcement agency specified the following ground(s) for the refusal:
 - The person requesting disclosure of the recording is not a person authorized to receive disclosure pursuant to G.S. 132-1.4A(c).
 - The recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law.
 - The disclosure would reveal information regarding a person that is of a highly sensitive personal nature.
 - The disclosure may harm the reputation or jeopardize the safety of a person.
 - The disclosure would create a serious threat to the fair, impartial, and orderly administration of justice.
 - Confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.
 - Other: _____.
4. The petitioner appealed to this Court from the custodial law enforcement agency's denial and served did not serve a copy of the petition on the head of the custodial law enforcement agency and the District Attorney.
5. The head of the custodial law enforcement agency did did not give notice of the petition and hearing to all law enforcement agency personnel whose image or voice is in the recording and also to the head of each such person's employing agency.
6. Each person entitled to be notified of this proceeding was was not given an opportunity to be heard, either individually or by such person's designated representative.
7. The Court conducted an in-camera review of the recording on _____ (date).
8. The recording was made was made in some portion was not made in this county.
9. Other (if applicable): _____.

(Over)

CONCLUSIONS OF LAW

In light of the foregoing findings of fact, *(check one)*

- The Court concludes that the custodial law enforcement agency abused its discretion in denying disclosure of the recording.
- The Court concludes that the custodial law enforcement agency did not abuse its discretion in denying the disclosure of the recording.

ORDER

It is therefore Ordered that *(check one)*

Petition Granted:

The custodial law enforcement agency shall disclose to the petitioner the following portions of the recording: *(list, and indicate if all portions are to be disclosed)* _____

Petition Denied: The custodial law enforcement agency's decision not to disclose the recording to the petitioner is hereby affirmed.

SIGNATURE OF SUPERIOR COURT JUDGE

Date

Name Of Superior Court Judge *(type or print)*

Signature Of Superior Court Judge