

_____ County

IN THE MATTER OF RECORDING OF DEATH OR SERIOUS BODILY INJURY SOUGHT BY:		ORDER ON HEARING TO RECONSIDER REQUEST TO DISCLOSE RECORDING OF DEATH OR SERIOUS BODILY INJURY
Name Of Requestor		
Address Of Requestor		
Name And Address Of Petitioning Law Enforcement Agency		G.S. 132-1.4A(b1), (b3)
		Name Of Agency Head

This matter came before the undersigned Superior Court Judge to determine whether, after a request to disclose a recording of death or serious bodily injury was denied on the basis that confidentiality is necessary to protect an active or inactive internal or criminal investigation or potential internal or criminal investigation, disclosure of that recording is warranted under Chapter 132 of the General Statutes. Following a hearing, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. On (date) _____, the petitioning law enforcement agency named above filed a *Petition For Review Of Request To Disclose Recording Of Death Or Serious Bodily Injury*, relative to a *Request To Law Enforcement Agency To Disclose Recording Of Death Or Serious Bodily Injury* that was submitted by _____.
 2. On (date) _____, the Court denied this request to disclose a recording of death or serious bodily injury on the basis that confidentiality is necessary to protect an active or inactive internal or criminal investigation or potential internal or criminal investigation.
 3. The head of the petitioning law enforcement agency did did not give notice of the hearing to reconsider to the District Attorney, the investigating law enforcement agency (if different than the petitioning law enforcement agency), and the requestor named above.
 4. The head of the petitioning law enforcement agency did did not give notice of the hearing to reconsider 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.
 5. 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.
 6. The Court conducted an in-camera review of the recording on (date) _____.
 7. The recording was made was made in some portion was not made in this county.
 8. The Court determined that the requestor is the following:
(NOTE TO JUDGE: "Personal representative" is defined as "A parent, court-appointed guardian, spouse, or attorney licensed in North Carolina of a person whose image or voice is in the recording. If a person whose image or voice is in the recording is deceased, the term also means the personal representative of the estate of the deceased person; the deceased person's surviving spouse, parent, or adult child; the deceased person's attorney licensed in North Carolina; or the parent or guardian of a surviving minor child of the deceased." G.S. 132-1.4A(a)(5).)
 - A person who is depicted sustaining serious bodily injury in the recording.
 - A personal representative of a person who is depicted sustaining serious bodily injury in the recording.
 - A personal representative of a person whose death is depicted in the recording.
 - None of the above.
- and**
- The Court considered the applicability of all of the factors in G.S. 132-1.4A(b3) and determined the following:
- The requestor is 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.

(Over)

- Disclosure would reveal information regarding a person that is of a highly sensitive personal nature.
- Disclosure may harm the reputation or jeopardize the safety of a person.
- 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 (if applicable):

CONCLUSIONS OF LAW

In light of the foregoing findings of fact, the Court concludes that:

- the requestor is entitled to immediate disclosure of all of the recording, without editing or redaction.
- the requestor is entitled to immediate disclosure of the recording, but with editing or redaction applied.
- the requestor is entitled to disclosure at a later date of all of the recording, without editing or redaction.
- the requestor is entitled to disclosure at a later date of the recording, but with editing or redaction applied.
- the requestor is not entitled to disclosure of the recording.

ORDER

It is therefore Ordered that (check one)

Request Granted:

The petitioning law enforcement agency shall in a private setting disclose to the requestor the following portions of the recording:
(list, and indicate if all portions are to be disclosed)

- The Court places the following conditions/restrictions on the disclosure of the recording: (Specify any portions of the recording that is to be redacted or edited, but without stating information that is to be kept confidential or private. If the requestor is entitled to disclosure at a later date, specify the date at which the petitioning law enforcement agency should disclose the recording to the requestor.)

Request Denied:

The petitioning law enforcement agency shall not disclose any portion of the recording to the requestor.

- The request was denied on the basis that confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation. Pursuant to G.S. 132-1.4A(b3), the Court will schedule a subsequent hearing, to be held no more than 20 business days after the issuance of this Order, to reconsider whether the recording should be disclosed. **(NOTE TO COURT: Form AOC-CV-279, Order To Provide Notice Of Hearing On Request To Disclose Recording Of Death Or Serious Bodily Injury, may be used to set the subsequent hearing date and to order the petitioning law enforcement agency to provide notice of that hearing.)**

SIGNATURE OF SUPERIOR COURT JUDGE

Date	Name Of Superior Court Judge (type or print)	Signature Of Superior Court Judge
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- Senior Resident Superior Court Judge Designee Of The Senior Resident Superior Court Judge