

MECKLENBURG COUNTY SUPERIOR COURT
LAW ENFORCEMENT AGENCY RECORDING PROCEDURE IN CIVIL SUPERIOR COURT
(CHAPTER 132 OF THE GENERAL STATUTES)

1. Step 1 – Petitioner Files Appropriate Form

Petitioner must request and/or file appropriate forms with the Civil Division of the Mecklenburg County Clerk of Superior Court (3rd floor Mecklenburg County Courthouse – Suite 3725, 832 East 4th Street, Charlotte, NC 28202).

Forms: Petitioner must present to the Clerk the original and three (3) copies of only one of the two forms immediately below.

- a. ***Petition for Release of a Law Enforcement Agency Recording*** (State Form: AOC-CV-270)
 - (1) Person authorized to receive release or the LEA with the recording → no filing fee
 - (2) All others → civil superior filing fee (per AOC)
- b. ***Petition on Review of Disclosure Denial of a Law Enforcement Agency Recording*** (State Form: AOC-CV-272)
 - (1) Person authorized to receive release or the LEA with the recording → no filing fee
 - (2) Civil superior filing fee (per AOC)

2. Step 2 – Petitioner Delivers Order to Courtroom Clerk

Petitioner must complete the top portion of the ***Order Requiring Custodial Law Enforcement Agency to Transmit Law Enforcement Agency Recording and to Provide Required Notice*** (State Form: AOC-CV-274). Petitioner will deliver three copies of the filed Petition and an original and three copies of the above Order to the Courtroom Clerk in 6310 when court is in session.

Courtroom 6310 is generally in session:

- a. Monday: 10:00 AM – 12:30 PM; and 2:00 PM – 5:00 PM
- b. Tuesday – Thursday: 9:30 AM – 12:30 PM; and 2:00 PM – 5:00 PM
- c. Friday – Court not in sessions

On Friday or any time that court is not in session, delivery should be made to TCA Caseflow Management Division (Suite 3420). Under these circumstances the TCA Caseflow Management Division will execute Step 3 b. and 3 c. below.

3. Step 3 – Courtroom Clerk Processes and Returns Order to Petitioner

- a. Sets Court Date. The Courtroom Clerk in 6310 reviews the Petition and calls the TCA Caseflow Management Division for a hearing date and time. Hearings must be set as soon as practicable in accordance with the statute. In order for the law enforcement agency to have time to receive and process the order and for the judge to have time to review the recording in advance of the hearing, the hearing date assigned should be 4-5 working days in the future.
- b. Obtains Judicial Signature. The Courtroom Clerk presents the Order to the Superior Court Judge in that courtroom for his or her signature. The Clerk will then either hand the signed order to the petitioner, place the order in the courtroom pickup basket if the petitioner has departed or mail the orders to the petitioner if a self-addressed, stamped envelope is included.
- c. Notifies Judges' Office. The Courtroom Clerk in 6310 will notify the Judges' Office (Superior Court Judicial Assistant) that the Order has been signed and the specified hearing date has been set.

4. Step 4 – Petitioner Must Serve Copies of the Orders

When the Petitioner retrieves the completed documents from the Courtroom Clerk, he or she must then serve a copy of the Petition and Order on the following:

- a. Head of Custodial Law Enforcement Agency
- b. District Attorney
- c. TCA Caseflow Management Division

5. **Step 5: Law Enforcement Agency Delivers Copy to Judicial Office**

The Law Enforcement Agency will deliver a copy of the recording to the Judges' Office (Superior Court Judicial Assistant) as follows:

- a. Copy of the recording and list of personnel depicted in the recording are to be placed in a sealed envelope
- b. ***Transmittal of Law Enforcement Agency Recording*** (Local Form: CCF-88) is to be completed by Law Enforcement Agency and attached to the outside of the sealed envelope

The Superior Court Judicial Assistant will write the file number on the outside of the sealed envelope and contact the judge assigned to be in Courtroom 6310 on the designated hearing date and advise that the recording is available for his or her review. The Superior Court Judicial Assistant will store the envelope in a secured location until the presiding judge requests it.

6. **Step 6: Judicial Hearing Conducted**

Superior Court Judge will review recording and conduct hearing as set in the ***Order Requiring Custodial Law Enforcement Agency to Transmit Law Enforcement Agency Recording and to Provide Required Notice***. Superior Court Judge will thereafter enter an Order:

- a. ***Order on Review from Denial Disclosure of a Law Enforcement Agency Recording*** (State Form: AOC-CV-273)
- b. ***Order for Release of a Law Enforcement Agency Recording*** (State Form: AOC-CV-271)

***State Forms are available at: www.nccourts.gov or for the specific State Forms described above:

https://www.nccourts.gov/documents/forms?contains=law%20enforcement%20recording&field_form_type_target_id=All&field_language_target_id=All

***Local Mecklenburg County forms are available at:

<https://www.nccourts.gov/locations/mecklenburg-county/mecklenburg-county-local-rules-and-forms>