



26TH JUDICIAL DISTRICT OF NORTH CAROLINA MECKLENBURG COUNTY

LAW ENFORCEMENT AGENCY RECORDING PROCEDURE IN CIVIL SUPERIOR COURT (CHAPTER 132 OF THE NORTH CAROLINA 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 (Mecklenburg County Courthouse –832 East 4th Street, 3rd Floor, Suite 3725, Charlotte, NC 28202).

Forms: Petitioner must present to the Clerk the original and three (3) copies of the applicable forms below.

- a. ***Petition for Release of Custodial Law Enforcement Agency Recording (State Form: [AOC-CV-270](#))****
 - a. Person authorized to receive release or the LEA with the recording → no filing fee
 - b. All others → civil superior filing fee (per AOC)
 - c. Petitioner must include the law enforcement complaint number that corresponds to the recording on the Petition or, if no complaint number is available, the date and approximate time of activity captured in the recording. Petitioners may dial 3-1-1 to request the complaint number.
- b. ***Petition for Review of Denial or Delay of Disclosure of Custodial Law Enforcement Agency Recording (State Form: [AOC-CV-272](#))***
 - a. Person authorized to receive release or the LEA with the recording → no filing fee
 - b. Civil superior filing fee (per AOC)
- c. ***Order Requiring Custodial Law Enforcement Agency to Transmit Law Enforcement Agency Recording and to Provide Required Notice (State Form: [AOC-CV-274](#))***
 - a. Petitioner will deliver three copies of the filed Petition and an original and three copies of the above Order to the Clerk.
- d. ***Important Note: Petitioner Must Serve Copies of the Petition**
 - a. Prior to filing the Petition with the Clerk, the Petitioner must serve a copy of the Petition on the following:
 1. Head of Custodial Law Enforcement Agency
 2. District Attorney
 3. TCA Caseflow Management Division

2. Step 2 – Clerk Delivers Petition and Order to Judicial Office and Returns Order to Petitioner

- a. Obtains Judicial Signature. The Clerk delivers the Petition and Order to the Judges' Office (Superior Court Coordinator) for signature by a Superior Court Judge. The judge will review the Petition to determine if service on the Head of the Custodial Law Enforcement Agency and District Attorney has been completed and whether a complaint number is included on the Petition.
- b. Sets Court Date. The Superior Court Coordinator will contact 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 four (4) to five (5) working days in the future.

- c. Returns Order to Petitioner. The Superior Court Coordinator will send the Petition and signed Order with the hearing date and time to the Clerk. The Clerk will mail the orders to the Petitioner if a self-addressed, stamped envelope is included. If a self-addressed stamped envelope is not included, the Petition and signed Order can be picked up from the Clerk's Office, Civil Files Room 3342.

3. **Step 3 – TCA Caseflow Management Division Sends Notice of Hearing**

The TCA Caseflow Management Division will send notices of hearing to the following:

- a. Petitioner
- b. Head of Custodial Law Enforcement Agency
- c. District Attorney

The Notice of Hearing will include the complaint number, if provided. Published calendars will also include the complaint number and will be sent to the Head of Custodial Law Enforcement Agency and District Attorney via email.

4. **Step 4 – 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 Coordinator) as follows:

- a. Copy of the recording and list of personnel depicted in the recording are to be placed in a sealed envelope.
- b. ***Order Requiring Custodial Law Enforcement Agency to Transmit Law Enforcement Agency Recording and to Provide Required Notice*** (State Form: [AOC-CV-274](#)) is to be attached to the outside of the sealed envelope.

The Superior Court Coordinator 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 review. The Superior Court Coordinator will store the envelope in a secured location until the presiding judge requests it.

5. **Step 5 – Judicial Hearing Conducted**

The Superior Court Judge will review the recording and conduct the hearing as scheduled in the ***Order Requiring Custodial Law Enforcement Agency to Transmit Law Enforcement Agency Recording and to Provide Required Notice***.

The 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%20agency&field_form_type_target_id=81&field_language_target_id=All