

Disclosure and Release of Custodial Law Enforcement Agency Recordings

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October 4, 2026

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There are three mechanisms for producing law enforcement agency recordings: disclosure (allowing someone to view the recording), release pursuant to a court order, and release by the agency for law enforcement purposes. This paper addresses these methods for production, which are set forth in G.S. 132-1.4A, and when they apply.

Disclosure

To disclose a recording means to make it available for viewing or listening to by the person requesting disclosure at a time and location chosen by the custodial law enforcement agency (“agency”). G.S. 132-1.4A(a)(4). The term disclosure does not include providing a requestor with a copy of the recording. *Id.*

The requirements for and ability to disclose a recording vary depending upon whether the recording depicts a death or serious bodily injury or whether it does not. Serious bodily injury is defined for purposes of G.S. 132-1.4A as a “bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme

pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.” G.S. 132-1.4(a)(8).

No death or serious bodily injury.

If the recording **does not** depict death or serious bodily injury, the law enforcement agency may disclose a recording to an authorized person who makes a proper written request to the head of the agency. G.S. 132-1.4A(c).

Proper written request.

A person who requests disclosure of a recording must make a written request to the head of the agency that states the date and approximate time of the activity captured in the recording or that otherwise identifies the activity with reasonable particularity sufficient to identify the recording. G.S. 132-1.4A(c).

Authorized person.

The head of the agency may only disclose a recording to the following individuals:

- a person whose image or voice is in the recording,
- a personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure,
- a personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording,
- a personal representative of a deceased person whose image or voice is in the recording, and
- a personal representative of an adult person who is incapacitated and unable to consent to disclosure.

G.S. 132-1.4A(c).

A 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.” G.S. 132-1.4A(a)(5).

If a person whose image or voice is in the recording is deceased, the term also includes:

- 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, and
- the parent or guardian of a surviving minor child of the deceased.

G.S. 132-1.4A(a)(5).

Factors for consideration.

Upon receiving a written request for disclosure, the agency must, “as promptly as possible,” disclose the relevant portion of the recording or notify the requestor of the agency’s decision not to disclose the recording. G.S. 132-1.4A(d).

In determining whether to disclose a recording, the agency may consider any of the following factors:

- if the person requesting disclosure of the recording is a person authorized to receive disclosure,
- if the recording contains information that is otherwise confidential or exempt from disclosure or release under state or federal law,
- if disclosure would reveal information regarding a person that is of a highly sensitive personal nature,
- if disclosure may harm the reputation or jeopardize the safety of a person,
- if disclosure would create a serious threat to the fair, impartial, and orderly administration of justice, and
- if confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.

G.S. 132-1.4A(d).

Process for disclosure.

The agency may choose the time and location for disclosure. G.S. 132-1.4A(a)(4). The agency is permitted to disclose only the portions of the recording relevant to the person's request. G.S. 132-1.4A(c). A person who receives disclosure may not record or copy the recording. G.S. 132-1.4A(c).

Appeal from delayed or denied disclosure.

If a law enforcement agency denies disclosure pursuant to G.S. 132-1.4A(d) or fails to provide disclosure within three business days of a request for disclosure, the person seeking disclosure may apply to the superior court in any county in which any portion of the recording was made for a review of the denial of disclosure. G.S. 132-1.4A(e). The Administrative Office of the Courts (AOC) has not promulgated a form for use by a person seeking such review and it appears that such a person must pay a filing fee, as the statute does not say otherwise. *Cf.* G.S. 132-1.4A(f) (specifying that filing fees do not apply to petitions for release of a recording to a person authorized to receive disclosure).

Notice and hearing.

The superior court must set the matter for hearing as soon as practicable. G.S. 132-1.4A(e). The hearing may be in-person or may be conducted via audio and video transmission. See G.S. 7A-49.6 (providing that except as otherwise provided judicial officials may conduct proceedings of all types using an audio and video transmission in which the parties, the presiding official, and any other participants can see and hear each other). The following persons (or their representatives) must be notified and provided an opportunity to be heard: (1) the head of the custodial law enforcement agency, (2) any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency, and (3) the district attorney. *Id.*

The court may conduct an in camera review of the recording, see G.S. 132-1.4A(e), meaning that the court may review the recording in private, without revealing its contents in open court, see *Gray Media Grp., Inc. v. Town of Matthews*, __ N.C. App. __, 928 S.E.2d 475, 478 n.1 (2026). The court may use form AOC-CV-281 to obtain a copy of the recording and to effectuate notice. Pursuant to that form, the court may order the head of the agency to provide a list of all law enforcement agency personnel whose image or voice is in the recording as well as a copy of the recording. *Id.* The form order contemplates that the list and the recording are to be submitted and kept under seal and that these documents may not be inspected or copied by any person other than the presiding superior court judge, unless and until ordered disclosed. *Id.* The court also may use the form to order the agency head to provide (a) appropriate software or means of reviewing the recording and (b) notice to (i) any law enforcement agency personnel whose image or voice is in the recording, (ii) the head of that person's employing law enforcement agency, and (iii) the district attorney. *Id.* The form order states that if the head of the agency is unable to give notice to any law enforcement agency personnel whose image or voice is in the recording, he or she must so state in the certificate of service and explain why notice was not given but must not identify those personnel by name. *Id.*

Consideration by court.

The court may order disclosure only if it finds that the agency abused its discretion in denying the request for disclosure. *Id.* AOC-CV-273 is the form on which the court may set forth its order following review of an agency's denial of disclosure pursuant to G.S. 132-1.4A(e).

Any subsequent proceedings in the matter must be accorded priority by the trial and appellate courts. G.S. 132-1.4A(e).

Death or serious bodily injury.

A recording that depicts a death or serious bodily injury may only be disclosed pursuant to court order. G.S. 132-1.4A(b1).

Request for disclosure.

As with recordings that do not depict a death or serious bodily injury, the process for disclosure of a recording that does depict death or serious bodily injury begins with a written request. In the case of a recording depicting a death or serious bodily injury, however, the requestor must submit the request on a signed and notarized form developed by the AOC and provided by the agency. G.S. 132-1.4A(b2). AOC-CV-275 is the form developed by AOC for this purpose. The form must (and AOC-CV-275 does) include a notice that, if disclosed, the recording may not be recorded or copied, or if unlawfully recorded or copied may not be knowingly disseminated. G.S. 132-1.4A(b2). It must also provide notice of the criminal penalties for unlawful recording, copying, and dissemination. *Id.*; G.S. 132-1.4A(b4) (setting forth the penalties).

Filing of a petition.

No later than three business days after receiving a notarized AOC-CV-275 requesting disclosure pursuant to G.S. 132-1.4A(b1), the agency must file a petition in the superior court in any county

where any portion of the recording was made for issuance of a court order regarding disclosure of the recording. G.S. 132-1.4A(b3). There is no fee for filing such a petition. G.S. 132-1.4A(b3).

The agency also must (within this same timeframe) deliver to the senior resident superior court judge for that district (or his or her designee) a copy of the petition and a copy of the recording. G.S. 132-1.4A(b3). The recording remains confidential unless and until the court orders disclosure. *Id.*

AOC-CV-276 is a form petition for the agency's use in these circumstances. It provides for the submission of the notarized request for disclosure, contains a space for the agency to state its position on whether disclosure should be granted, and affirms that the agency will deliver a copy of the recording within the requisite timeframe or will provide an explanation of why the recording is not being delivered. See AOC-CV-276.

Notice and hearing.

The trial court must conduct an in camera review of the recording and must schedule the matter for hearing as soon as practicable. G.S. 132-1.4A(b3). The hearing may be in-person or may be conducted via audio and video transmission. See G.S. 7A-49.6 (providing that except as otherwise provided judicial officials may conduct proceedings of all types using an audio and video transmission in which the parties, the presiding official, and any other participants can see and hear each other). The following persons must be notified of the hearing and must be given an opportunity to be heard at the initial hearing and any subsequent proceeding: (1) the head of the custodial law enforcement agency, (2) any law enforcement personnel whose image or voice is in the portion of the recording requested to be disclosed and that person's employing law enforcement agency; (3) the district attorney, (4) the investigating law enforcement agency, and (5) the party requesting disclosure. G.S. 132-1.4A(b3).

The court may use form AOC-CV-279 to effectuate notice. Pursuant to that form, the court may order the petitioning agency to provide a list of any law enforcement agency personnel whose image or voice is in the recording as well as a copy of the recording. See AOC-CV-279. The form order contemplates that the list and the recording are to be submitted and are kept under seal and that these documents may not be inspected or copied by any person other than the presiding superior court judge, unless and until ordered disclosed. *Id.* The court also may use the form to order the head of the petitioning agency to provide (a) appropriate software or means of reviewing the recording and (b) notice to the district attorney, the investigating law enforcement agency (if different from the petitioning agency), any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency. *Id.* The form order states that if the head of the petitioning agency is unable to provide notice to all law enforcement agency personnel whose images or voices are in the recording, he or she must so state in the certificate of service and explain why notice was not given but must not identify those personnel by name. *Id.*

Factors for disclosure.

In determining whether the recording may be disclosed, the court must consider the following factors:

- (1) if the person requesting disclosure of the recording is a person authorized to receive disclosure (note that the same persons are authorized to receive disclosure of recordings depicting death or serious bodily injury as are authorized to receive disclosure of other recordings),
- (2) if the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law,
- (3) if disclosure would reveal information regarding a person that is of a highly sensitive and personal nature,
- (4) if disclosure may harm the reputation or jeopardize the safety of a person,
- (5) if disclosure would create a serious threat to the fair, impartial, and orderly administration of justice, and
- (6) if confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.

G.S. 132-1.4A(b3).

If disclosure is denied based on this last factor, the court must schedule a subsequent hearing for no more than 20 business days after issuance of the order denying disclosure to reconsider the matter. *Id.* (The court may use form AOC-CV-279 to ensure that the entitled parties receive notice of the subsequent hearing. AOC-CV-278 is the form order for use by the court following such a hearing.)

Court order.

Within seven business days of the filing of the petition, the court must enter an order instructing that the recording be: (1) immediately disclosed without editing or redaction; (2) immediately disclosed with editing or redaction; (3) disclosed at a later date with or without editing or redaction; or (4) not disclosed to the person or persons seeking disclosure. G.S. 132-1.4A(b3). AOC-CV-277 is the form order. The court may order any conditions or restrictions on the disclosure that the court deems appropriate. *Id.* While courts have discretion in imposing conditions or restrictions, they must be careful to act reasonably and not arbitrarily. In *In re Custodial Law Enf't Recording Sought by City of Greensboro*, 383 N.C. 261 (2022), for example, the North Carolina Supreme Court determined that a trial court abused its discretion in denying the City of Greensboro's motion to modify restrictions imposed on the release of police department body camera recordings. The trial court had previously entered an order that allowed members of the Greensboro City Council to view the recordings but prohibited them from disclosing or discussing their contents to or with others. When the city sought reconsideration of that order on the basis that the restrictions prevented council members from carrying out their duties, the court summarily denied the motion

after noting that council members had not “bothered to watch” the video. *Id.* at 265. The North Carolina Supreme Court determined that the trial court’s failure to consider the city’s reasons for seeking the modification, relying only on council members’ failure to watch the recordings while the restrictions were in place, demonstrated an abuse of discretion. *Id.* at 269. The court may use its contempt powers to enforce such conditions. See G.S. 5A-11(a)(3) (defining willful disobedience of a court order as criminal contempt).

Criminal penalties for copying and recording.

Willfully recording, copying, or attempting to record or copy a recording disclosed pursuant to G.S. 132-1.4A(b1) is a Class 1 misdemeanor. G.S. 132-1.4A(b4). Dissemination of a recording or a copy of a recording disclosed pursuant to G.S. 132-1.4(b1) is a Class I felony. G.S. 132-1.4A(b4).

Attorney’s Fees

A court may not award attorney’s fees to any party in an action brought pursuant to G.S. 132-1.4A. G.S. 132-1.4A(m).

Release by Petition

The second type of production that may be requested by a party and ordered by the court is release. Release is defined as providing a copy of a recording. G.S. 132-1.4(a)(7). Release for any purpose other than a law enforcement purpose (discussed in the next section) requires a court order. See G.S. 132-1.4A(g); *see also State v. Chemuti*, 388 N.C. 412 (2025) (holding that a district court judge could not order release of a custodial law enforcement agency recording to a defendant charged with a misdemeanor in district court; explaining that the defendant was instead required to seek release from the superior court pursuant to G.S. 132-1.4A); Shea Denning, *State v. Chemuti and the Release of Law Enforcement Agency Recordings to District Court Defendants*, North Carolina Criminal Law Blog (December 4, 2025). There are two processes by which a petitioner may seek release of a recording: a so-called “expedited” process under G.S. 132-1.4A(f), and a regular (though still “priority”) process pursuant to G.S. 132-1.4A(g).

Expedited process

The expedited process is available to a person authorized to receive disclosure pursuant to G.S. 132-1.4A(c) and to a custodial law enforcement agency seeking release of a recording to a person authorized to receive disclosure. G.S. 132-1.4A(f). An order releasing a recording pursuant to G.S. 132-1.4A(f) may only order release to a person authorized to receive disclosure. *Id.*

Filing of a petition. An authorized person or an agency seeking to release a recording to a person authorized to receive disclosure may petition the superior court in any county where any portion of the recording was made for an order releasing the recording. *Id.* The petition must be filed on a form approved by the AOC (that form is AOC-CV-270) and must state the date and approximate time of the activity captured in the recording or otherwise identify the activity with reasonable particularity sufficient to identify the recording. G.S. 132-1.4A(f). There is no fee for filing such a petition. *Id.*

Notice. If the petitioner is a person authorized to receive disclosure, the head of the agency must be given notice and an opportunity to be heard. *Id.* The form petition implements the notice requirement by requiring a certification by the petitioner that a filed copy of the petition was served on the head of the agency. See AOC-CV-270.

Consideration by the court.

The court must accord the matter priority and set it for hearing as soon as practicable. G.S. 132-1.4A(f). The hearing may be in-person or may be conducted via audio and video transmission. See G.S. 7A-49.6 (providing that except as otherwise provided judicial officials may conduct proceedings of all types using an audio and video transmission in which the parties, the presiding official, and any other participants can see and hear each other).

The court may use AOC-CV-274 to provide notice of hearing and to order the head of the agency to provide the court with the following in advance of the hearing date: (1) a copy of the recording identified in the petition; (2) a list of any law enforcement agency personnel whose image or voice is in the recording; and (3) appropriate software or means to conduct an in camera review of the recording. See AOC-CV-274. The copy of the recording and list of any law enforcement agency personnel whose voice or image is in the recording are kept under seal and are not open to inspection by any person except the judge conducting the hearing unless and until the recording is ordered released or disclosed. *Id.* Though AOC-CV-274 directs the head of the agency to provide the court with a list of any law enforcement agency personnel whose image or voice is in the recording, such persons are not afforded a right to be heard pursuant to G.S. 132-1.4A(f).

The court must first determine whether the person to whom release is requested is a person authorized to receive disclosure. G.S. 132-1.4A(f). In making this determination, the court may conduct an in camera review of the recording. *Id.* The court may, in its discretion, allow the petitioner to be present during this review to assist in identifying the image or voice in the recording that authorizes disclosure to the person to whom release is requested. *Id.* If the court determines that the person is not authorized to receive disclosure, there is no right of appeal. *Id.* The petitioner may instead file a request for release pursuant to G.S. 132-1.4A(g). G.S. 132-1.4A(f).

Factors for consideration.

If the court determines that the person to whom release of the recording is requested is a person authorized to receive disclosure, the court must consider the following standards along with any others the court deems relevant in determining whether to order the release of all or a portion of the recording:

- (1) whether release is necessary to advance a compelling public interest,
- (2) whether the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law,
- (3) whether the person requesting release is seeking to obtain evidence to determine legal issues in a current or potential court proceeding,

- (4) whether release would reveal information regarding a person that is of a highly sensitive personal nature,
- (5) whether release may harm the reputation or jeopardize the safety of a person,
- (6) whether release would create a serious threat to the fair, impartial, and orderly administration of justice,
- (7) whether confidentiality is necessary to protect an active or inactive internal or criminal investigation or potential internal or criminal investigation, and
- (8) whether there is good cause shown to release all portions of a recording.

G.S. 132-1.4A(f), (g).

The statute does not define the evidence required to meet these standards, the burden or standard of proof, or the relative weight to be afforded to one standard versus another or to statutory standards versus other factors that the presiding judge deems relevant. See John Rubin, *The Andrew Brown Body Cam Rulings*, North Carolina Criminal Law Blog (May 11, 2021) (noting these aspects of the statute and stating that the statutory standards are “subject to interpretation” and “[p]eople could interpret [them] differently”). The court may review the recording in camera to determine how the standards apply. G.S. 132-1.4A(f).

The court may release only those portions of the recording that are relevant to the petitioner’s request. The AOC form order for granting or denying a petition for release under G.S. 132-1.4A(f) is AOC-CV-271.

If the court orders release, it may place any conditions or restrictions on the release of the recording that the court deems appropriate. G.S. 132-1.4A(f). Those conditions might include a prohibition against further release of the recording or a restriction against altering or modifying a recording, along with other reasonable restrictions. While courts have discretion in imposing conditions or restrictions, they must be careful to act reasonably and not arbitrarily. See *In re Custodial Law Enf’t Recording Sought by City of Greensboro*, 383 N.C. 261 (2022) (discussed above). The court may use its contempt powers to enforce such conditions. See G.S. 5A-11(a)(3) (defining willful disobedience of a court order as criminal contempt).

Fee for copying a recording.

An agency ordered to release a recording may charge a fee to offset the cost it incurs in making a copy of the recording for release. G.S. 132-1.4A(l). The fee may not exceed the actual cost of making the copy. *Id.*

Regular Process.

Another process for seeking and obtaining release of agency recordings, referred to herein as the “regular process,” is set forth in G.S. 132-1.4A(g). That subsection does not limit release to a person authorized to receive disclosure. Instead, it provides that any custodial law enforcement agency or

any person requesting release may “file an action in the superior court” in any county where any portion of the recording was made for an order releasing the recording. G.S. 132-1.4A(g). Media entities, members of the public who are not depicted in the recording, and agencies that wish to publicly release their own recordings may utilize this process.

Filing of an action. The filing of a petition satisfies the requirement for “fil[ing] an action.” See *In re McClatchy Co.*, 386 N.C. 77, 89 (2024) (concluding that “major similarities” between subsections (f), which refers to a petition, and (g), which refers to an action “reflect a legislative intent that proceedings under both follow substantially the same procedures[;]” rejecting agency’s argument that subsection (g) required the filing of a complaint). In other words, the party seeking release is not required to file a complaint and summons, though the party may choose to do so.

Filing fees do apply to actions filed under G.S. 132-1.4A(g) as there is no provision stating otherwise. Finally, there is no AOC form for actions seeking release under G.S. 132-1.4(g) as there is for petitions for release under G.S. 132-1.4A(f). (A previous version of AOC-CV-270 applied to both types of actions. However, following the North Carolina Court of Appeals’ determination in *In re Custodial L. Enf’t Agency Recording*, 288 N.C. App. 306 (2023), that a party seeking release of recordings pursuant to G.S. 132-1.4A(g) was required to initiate such a request by filing an ordinary civil action rather than a petition using an AOC form, the AOC amended AOC-CR-270 to be used only for petitions under G.S. 132-1.4A(f). The AOC did not reissue the form after the North Carolina Supreme Court in *In re McClatchy Co.*, 386 N.C. 89 (2024), overruled *In re Custodial L. Enf’t Agency Recording*.) The action requesting release must state the date and approximate time of the activity captured in the recording or otherwise identify the activity with reasonable particularity sufficient to identify the recording. G.S. 132-1.4A(g).

Notice. The following persons must be notified of an action under G.S. 132-1.4A(g) and must be provided an opportunity to be heard at any ensuing proceeding: (1) the head of the custodial law enforcement agency, (2) any law enforcement agency personnel whose image or voice is in the recording and the head of that person’s employing law enforcement agency, and (3) the district attorney. G.S. 132-1.4A(g).

Consideration by the court.

The court must set the matter for hearing as soon as practicable. The hearing may be in-person or may be conducted via audio and video transmission. See G.S. 7A-49.6 (providing that except as otherwise provided judicial officials may conduct proceedings of all types using an audio and video transmission in which the parties, the presiding official, and any other participants can see and hear each other). The court must accord priority to subsequent proceedings in the action (as must the appellate courts). See G.S. 132-1.4A(g).

The court may use form AOC-CV-281 to obtain a copy of the recording and to ensure that the proper parties receive notice. The court may use that form to order the head of the agency to provide a list of any law enforcement agency personnel whose image or voice is in the recording as well as a copy of the recording. AOC-CV-281. The form order contemplates that the list and the recording are to be

submitted and are kept under seal and that these documents may not be inspected or copied by any person other than the presiding superior court judge, unless and until ordered released or disclosed. *Id.* The court also may use AOC-CV-281 to order the head of the agency to provide (a) appropriate software or means of reviewing the recording and (b) notice to the district attorney and any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency. *Id.* The form order states that if the head of the agency is unable to give notice to any law enforcement agency personnel whose image or voice is in the recording, he or she must so state in the certificate of service and explain why notice was not given but must not identify those personnel by name. *Id.*

Factors for consideration.

In addition to any other standards the court deems relevant, the court must consider the following standards in determining whether to release the recording:

- (1) whether release is necessary to advance a compelling public interest,
- (2) whether the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law,
- (3) whether the person requesting release is seeking to obtain evidence to determine legal issues in a current or potential court proceeding,
- (4) whether release would reveal information regarding a person that is of a highly sensitive personal nature,
- (5) whether release may harm the reputation or jeopardize the safety of a person,
- (6) whether release would create a serious threat to the fair, impartial, and orderly administration of justice,
- (7) whether confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation, and
- (8) whether there is good cause shown to release all portions of a recording.

G.S. 132-1.4A(g). As is the case with petitions for release pursuant to subsection (f), subsection (g) does not define the evidence required to meet these standards, the burden or standard of proof, or the relative weight to be afforded to one standard versus another or to statutory standards versus other factors that the presiding judge deems relevant. The court may review the recording in camera to determine how the standards apply. G.S. 132-1.4A(g).

The court may release only those portions of the recording that are relevant to the petitioner's request. The AOC form order for granting or denying a petition for release under G.S. 132-1.4A(g) is AOC-CV-280.

If the court orders release, it may place any conditions or restrictions on the release of the recording that it deems appropriate. *Id.* Those conditions might include a prohibition against further

release of the recording or a restriction against altering or modifying a recording, along with other reasonable restrictions. While courts have discretion in imposing conditions or restrictions, they must be careful to act reasonably and not arbitrarily. See *In re Custodial Law Enf't Recording Sought by City of Greensboro*, 383 N.C. 261 (2022) (discussed above). The court may use its contempt powers to enforce such conditions. See G.S. 5A-11(a)(3) (defining willful disobedience of a court order as criminal contempt).

Fee for copying a recording.

An agency ordered to release a recording may charge a fee to offset the cost it incurs in making a copy of the recording for release. G.S. 132-1.4A(l). The fee may not exceed the actual cost of making the copy. *Id.*

Attorney Fees.

A court may not award attorney's fees to any party in an action brought pursuant to G.S. 132-1.4A. G.S. 132-1.4A(m).

Consent orders.

On occasion, agency counsel and counsel for a petitioner may reach an agreement regarding the proposed release of a recording before a scheduled hearing. That agreement may be memorialized in a proposed consent order presented to a superior court judge. If the judge enters the proposed order as a consent judgment, that judgment functions as an agreement and contract between the parties. See *Coastal Prod. Credit Ass'n v. Goodson Farms, Inc.*, 71 N.C. App. 421, 422 (1984) ("A consent judgment is a contract between the parties entered upon the record with the approval and sanction of the court.").

A judge presented with a proposed order should bear in mind two aspects of the procedure governing release. First, G.S. 132-1.4A requires judicial review. Second, subsections (f) and (g) of G.S. 132-1.4A do not have identical notice and hearing provisions. The former affords more limited notice and opportunity to be heard.

As to the first consideration, a consent order does not relieve the judge to whom it is presented of the responsibility to ensure that the standards set forth in G.S. 132-1.4A(g) support release. If a judge is unsure about whether those standards are satisfied, the judge should decline to sign the proposed order and should set the matter for hearing.

As to the second consideration, petitions for release under G.S. 132-1.4A(f) require that notice and an opportunity to be heard be afforded solely to the head of the custodial law enforcement agency. Thus, if counsel for the petitioner and counsel for the head of the agency agree to the release of a recording and memorialize that agreement in a proposed consent order, the court may enter the order upon determining that release is warranted under the applicable statutory standards. G.S. 132-1.4A(g) requires, in contrast, that, in addition to the agency head, any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency and the district attorney be provided notice and an opportunity to be heard in

any proceeding under that subsection. Thus, it appears that any proposed consent order in an action under G.S. 132-1.4A(g) must be agreed to by each of these parties in addition to the party seeking release. Agreement solely by counsel for the party seeking release and agency counsel would appear to be insufficient to support entry of a consent judgment under subsection (g).

Release for Law Enforcement Purposes

G.S. 132-1.4A(h) sets forth procedures governing the release of recordings for law enforcement purposes. Those procedures do not require action by a judicial official.

Mandatory disclosure or release.

An agency must disclose or release a recording to a district attorney for any of the following purposes:

- review of potential criminal charges,
- to comply with discovery requirements in a criminal prosecution,
- for use in criminal proceedings in district court, and
- for any other law enforcement purpose.

G.S. 132-1.4A(h).

Permissible disclosure or release.

An agency may disclose or release a recording for any of the following purposes:

- law enforcement training purposes,
- within the agency for any administrative, training, or law enforcement purpose,
- to another law enforcement agency for law enforcement purposes,
- for suspect identification or apprehension, and
- to locate a missing or abducted person.

G.S. 132-1.4A(h).

These provisions requiring and permitting disclosure and release apply notwithstanding other provisions of G.S. 132-1.4A that otherwise require a court order for disclosure or release. G.S. 132-1.4A(h).