Madison County Sheriff's Office Public Records Request and Body-Worn, Dashboard, and Other Audio/Visual Recording Disclosure and Release Policy

The Madison County Sheriff is fully committed to making public records available in a timely and efficient manner. To facilitate this commitment, the following public records request procedures are established to provide a defined and consistent process for records requests. These procedures balance the public's right to access records with the equally important interests of complying with state public records laws, protecting records from damage, loss, alteration, or disorganization, and preventing excessive interference with essential government functions.

The public record custodian bears the responsibility of maintaining the record, permitting public inspection, and providing copies of the record upon request. North Carolina law provides that the public official in charge of an office that holds the public record is the custodian of the records. The statute also authorizes a fee to be charged in certain circumstances for responding to public records requests and the production of public records.

1. How to Request Copies of Public Records

All public records requests must be made to the public official in charge of the office where the public record is maintained. For most records held by departments that report to the Madison County Sheriff, the records custodian will be the Sheriff. Through this policy, the Sheriff designates Ashlynn Quintero (or her successor) as the employee who will process all public records requests made to the Sheriff. For records held in offices supervised by independent public officials and boards (e.g. Madison County, Town of Marshall, and the Mars Hill Police Department) requests for records within their custody must be made directly to that custodian of records for those governmental bodies or departments.

To process public records requests in a timely, consistent, and orderly fashion, the Sheriff asks that all requests be submitted in writing on the Madison County Sheriff Public Records Request Form attached as Attachment A (the "Form"). Requests should be mailed or emailed to Ms. Quintero using the following contact information:

Mailing / Delivery address:
Madison County Sheriff
Attn: Ashlynn Quintero, Public Records Requests
348 Medical Park Drive
Marshall, NC 28753
Email: mcsopublicrecordsrequest@madisoncountync.gov

To track receipt and fulfillment of public record requests, requests made by phone will not be accepted. A request is considered filed when the public records custodian has confirmed receipt of the request form. If a requestor does not use the Form or submit the request via the above-listed contact information, the Sheriff's evaluation of and response to the request may be delayed.

When making a records request, the written request should provide the following information, as indicated on the Form:

a) Date of the request;
b) Requestor's name;
c) Requestor's full mailing address (name, organization, street address, city, state, ZIP);
d) Requestor's day time phone number;
e) Requestor's email address;
f) A complete description of the record or records requested;
g) If known, the title, date, and location of the requested record or records; and
h) Whether the requestor intends to inspect the records or would like a physical or digital copy of the record.

2. What to Expect After Submitting a Request

Within two (2) business days of receipt of the request, the Sheriff's Office will typically provide an acknowledgement of receipt of the request. For requests that do not require extensive research, use of information technology, or clerical resources, the Sheriff's Office will provide a follow-up response to the request as soon as possible, which is normally within five (5) business days of receipt. If the request is received after 5 p.m., the request will be considered received on the next business day. A follow-up response from the Sheriff's Office may include:

- A disclaimer that the record will only be made available after the payment of any applicable fees (see fee schedule below);
- An estimate of the time necessary for further response;
- The denial of the request accompanied by an explanation of the basis for the denial;
- A request that a deposit be made with the Sheriff to cover any applicable fees associated with the request; or
- Questions to clarify the request.

If the follow-up response asks for clarification of the request, no further response will be given by the Sheriff's Office until a clarifying response is received. Once the Sheriff's Office receives a complete request, the County will respond either by:

- Providing or making the requested record available; or
- Denying the request and providing an explanation of the basis for the denial.

The County's response to a request will be considered complete and final upon:

- Requestor's inspection of the record;
- Notification to the requestor that the requested photocopies of the record are available for payment and pick-up/electronic transfer (in the event copies were requested); or
- A denial of the request.

Where a request for public records is extraordinarily large and requires extensive use of information technology resources or clerical or supervisory assistance as set forth in N.C. Gen.

Stat. § 132-6.2(b), the Sheriff's Office will reach out to the requestor to discuss an appropriate procedure to efficiently meet the request and the fees associated with the request.

All public record requests become public records as soon as they are received by the Sheriff's Office. The Sheriff's Office may post requests it receives online along with the Sheriff's response to the request.

A public record request is not continuing in nature. Therefore, it only applies to public records that exist as of the date the request is submitted. If additional records are created after the date of the requestor's original request, the requestor must submit a new request for those public records. As a default, any records or portions of records made available by the Sheriff's Office will be provided to the requestor in the same format they are maintained by the County. If the requestor specifies a preference for a specific format, records will be produced in the requested format if: (1) it is determined that the records exist and are subject to release; (2) the County is capable of providing the records in the requested format; (3) the requested format is consistent with how the record is maintained and production in the requested format is otherwise reasonable; and (4) the requestor pays all fees associated with fulfilling the request in the desired format.

Requests for public records will be considered and fulfilled in the order in which they are received. Similarly, multiple requests from the same requestor and/or different requestors from the same organization will be addressed and fulfilled according to the order in which they are received.

If a record subject to a request is legally protected from disclosure, it will not be made available by the Sheriff's Office. However, in situations where the record is not protected from disclosure, but includes protected information, the record will be produced in a redacted format.

3. Requests to Inspect Public Records

If a requestor chooses to only inspect records in person, the Sheriff's Office will notify the requestor once the records are available for inspection. The records will be available for inspection at a date and time mutually agreeable between the requestor and the Sheriff's Office. The appointment to inspect may need to be broken into intervals, possibly over several days, so as to not interfere with governmental operations.

Any appointment to inspect records is limited to no more than two (2) hours on any given day, unless otherwise mutually agreed upon between the requestor and the Sheriff's Office. Records will be made available to the requestor for up to fourteen (14) calendar days. If the requestor fails to contact the Sheriff's Office within fourteen (14) calendar days of being notified that the records are available for inspection, the requester must submit a new records request.

4. Duplication, Mailing, and Special Service Fees

If the requestor asks that a copy of the public record be produced, the requestor must pay all fees related to the request prior to release of the copy. The fee schedule for copies is listed below:

8 1/2" X 11" single-sided hardcopy: $0.03
8 1/2" X 11" double-sided hardcopy: $0.05
Digital Copy delivered via email attachment (of ten megabytes or less) or link: No cost
Digital Copy via thumb drive: market rate of thumb drive or other storage device

Public records that are not otherwise available in pre-printed form or that require an extensive use of clerical, supervisory, or information technology resources may be considered a special service and subject to an additional labor charge at a rate of $20.00/per hour. This rate is based on the costs associated with assigning an employee or independent contractor to process the request. Charges under this provision shall be incurred in 6-minute increments.

Standard US Postal Service first class mailing fees will also be charged for mailing physical copies or digital copies contained on a physical storage device.

5. Fee Deposit

If it is estimated that the duplication, mail, or special service fees applicable to a particular record request exceed $50.00, the Sheriff's Office, at its discretion, may require the requestor to deposit a sum equal to 75 percent of the estimated cost prior to preparing a response to the request. If a deposit is required, the Sheriff's Office will notify the requestor. In the event that the actual duplication and deposit fees are less than the amount deposited by the requestor, the Sheriff's Office will return the excess amount deposited.

6. Payment of Required Fees

Payment of all fees must be made prior to the release of public records. When appropriate, the payment of a deposit may be required prior to the duplication of any records (see Paragraph 5 above). All payments must be made by cash, money order, debit/credit card or check payable to Madison County Sheriff's Office. Payment must be made in person at the Madison County Sheriff's Office, 348 Medical Park Drive, Marshall, NC 28753. A copy of the public records request must be submitted with payment.

7. Failure to Pay Required Fees

If a requestor fails to pay a bill for fees incurred within 30 calendar days, the Sheriff's Office may require the requestor to pay any past due amount owed before it will process any new request or complete any pending requests from the delinquent requestor. In addition, on future requests, the Sheriff's Office may require advance payment of the full amount of the estimated fee. If the Sheriff's Office is unable to collect fees from a requestor, the Sheriff may, upon providing thirty (30) calendar days' notice to the requestor, destroy the duplicated set of records to avoid storage concerns and costs. Even when a duplicated set of records is destroyed, the requestor is still responsible for the costs the Sheriff's Office incurred in duplicating the records.

8. Body-Worn, Dashboard, and Other Audio/Visual Camera Recording Disclosure and Release Requests

N.C. Gen. Stat. § 132-1.4A governs the disclosure and release of body-worn, dashboard, and other audio/visual recordings operated by the Sheriff's Department. Any person can request the release[1] of recordings through the process established in Section 132-1.4A. However, disclosure[2] of a recording is only available to a person (or his or her personal representative) whose image or voice is captured in the recording.

Requests to disclose recordings must be made in writing and should be mailed or emailed to Ms. Quintero using the following contact information:

Mailing / Delivery address:
Madison County Sheriff
Attn: Ashlynn Quintero, Body Camera Footage Disclosure Request
348 Medical Park Drive
Marshall, NC 28753
Email: mcsopublicrecordsrequest@madisoncountync.gov

To process disclosure requests in a timely, consistent, and orderly fashion, the Sheriff's Office asks that all requests be submitted on the attached Disclosure Request Form attached as Attachment B (the "Disclosure Request Form" or "DRF"). The disclosure request must contain all of the requested information on the DRF. The Sheriff's Office will attempt to respond to all recording disclosure requests within three (3) business days.

Recordings can only be released when approved by a superior court judge. Persons requesting the release of recordings must file a petition or action with the Madison County Superior Court. More information on the procedure for obtaining the release of a recording can be found in N.C. Gen. Stat. § 132-1.4A.

Adopted by the Madison County Sheriff on April 19, 2021.

[1] Pursuant to N.C. Gen. Stat. § 132-1.4A9A)(7), release means: "to provide a copy of the recording."
[2] Pursuant to N.C. Gen. Stat. § 132-1.4A(a)(4), disclosure or disclose means: "to make a recording available for viewing or listening to by the person requesting disclosure, at a time and location chosen by the custodial law enforcement agency. This term does not include the release of a recording."

Attachment A

Madison County Sheriff's Public Records Request Form

Date of request: _____

Requestor's name: _____

Mailing Street Address: _____

City: _____ State: _____ Zip: _____

Telephone number: _____

Email address: _____

Record Information

Title of requested record (if known): _____

_____

Date requested record was created (if known): _____

Location/Department where requested record is located (if known): _____

_____

Record Format

_____ I want to inspect the record (no duplication fee)

_____ I want the record emailed to the email address provided above (no duplication fee)

_____ I want a photocopy of the record (duplication fee, see Public Records Procedure)

_____ I want a digital copy of the record (duplication fee, see Public Records Procedure)

(For Internal Sheriff's Office Use Only)

Date request received: _____ Date request completed: _____

Fees associated with record request: _____

_____

Attachment B

Madison County Sheriff's Body-Worn Camera Recording Disclosure Form

Date of request: _____

Requestor's name: _____

Mailing Street Address: _____

City: _____ State: _____ Zip: _____

Telephone number: _____

Email address: _____

Recording Information

Approximate date and time of the activity captured in the recording: _____

_____

Officer or Department Involved in Recording (if known): _____

_____

Any additional information you have to identify the requested recording: _____

_____

_____

_____

(**For Internal Sheriff's Office Use Only**)

Date request received: _____ Date request completed: _____

Outcome of request: _____

_____