



disclosed to the Plaintiffs as a public record pursuant to North Carolina General Statutes § 132.

5. North Carolina General Statutes §132-1 defines a public record as "all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions."

6. The Defendant, City of Greensboro, did not provide the Plaintiffs with the requested RMA Report because outside legal counsel advised that the RMA Report is a personnel record and pursuant to North Carolina General Statutes § 160A-168 is protected from disclosure to the public.

7. The RMA Report requested by the Plaintiffs was generated as a result of a joint investigation with Risk Management Associates (RMA) and the Defendant's in-house Legal Department. Defendant's employees Attorneys Blair Carr and ToNola Brown-Bland conducted employee interviews with representatives of RMA. The investigative report was sent to the Defendant by RMA. The RMA Report consists of information concerning the performance of several current and former employees of Defendant, and includes an Executive Summary, Introduction and Appendix items A. through Y.

8. The Plaintiffs requested information from closed sessions of the City Council.

9. The Defendant, City of Greensboro, did not provide the Plaintiffs with unredacted closed session minutes because North Carolina General Statutes § 143-318.10(e) provides that minutes of closed sessions "may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session."

10. The Defendant, City of Greensboro, met with the Plaintiffs in an effort to have a clear understanding of their public records request. Outside legal counsel and in-house legal counsel for the Defendant, City of Greensboro, wrote the Plaintiffs in an effort to explain why the City of Greensboro could not provide the RMA Report and portions of the requested closed session minutes.

11. The public records law does not require the Defendant, City of Greensboro, to provide the Plaintiffs with an explanation or legal justification for refusing to release requested documents. Nevertheless, the Defendant, City of Greensboro, did notify Plaintiffs that state statutes prevented the release of the RMA Report and certain portions of closed session minutes.

12. When a city maintains records that combine records that are open to public access with records that are not, North Carolina General Statutes § 132-6 requires the government to permit access to the public portions, either by extracting the public parts from the whole or by excising the confidential parts.

13. The Court reviewed the RMA Report and the redacted closed session minutes in dispute.

14. The Defendant, City of Greensboro, acted with substantial justification in denying access to the RMA Report; and in releasing redacted portions of the requested closed session minutes.

15. Review of the documents submitted for review indicate a small portion of the RMA Report has portions that may be redacted and provided to the Plaintiffs; and a small portion of the redacted closed session minutes should be unredacted and provided to the Plaintiffs.

NOW, THEREFORE, THE COURT ORDERS, ADJUDGES AND DECREES AS FOLLOWS:

1. The Defendant, City of Greensboro, shall produce to the Plaintiffs the following documents from the RMA Report:

- a. A redacted copy of the Executive Summary;
- b. A redacted copy of the Introduction; and
- c. Items from the Appendix identified as
  - A. Initial newspaper article on the finding of the Hinson tracking device dated 6/10/2005
  - B. "Secret Police" newspaper article dated 6/16/2005
  - C. Chief David Wray's press statement dated 6/17/2005
  - D. "Connect the Dots" newspaper article dated 6/19/2005
  - E. CALEEA Assessment of Internal Affairs & Special Intelligence Section by Kleinknecht dated 7/27/2005
  - F. GPD Organizational Chart
  - G. GPD Directives
  - H. GPD SOP's
  - K. Newspaper article on surveillance at Beverly Hinson's residence
  - L. Corporal Webb's report of Beverly Hinson's complaint and e-mail from Captain Lojko dated 6/17/2005
  - M. Corporal Webb's unedited report of Beverly Hinson's complaint dated 6/24/2005
  - N. Letter to Beverly Hinson advising her of findings dated 7/6/2005

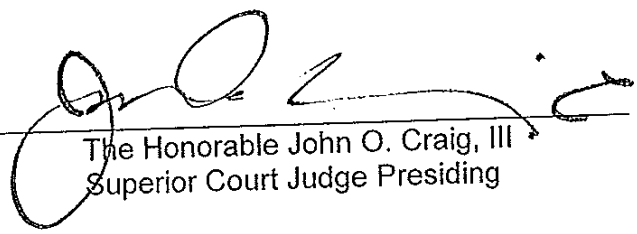
2. The Defendant, City of Greensboro, shall provide another copy of the closed session minutes to the Plaintiffs, unredacting the portions as directed by this Court.

3. The Plaintiffs are not entitled to attorneys' fees in this matter as the Defendant, City of Greensboro, acted with substantial justification in denying access to the public records in question; and the Defendant, City of Greensboro, sought the advice of an attorney and such advice was followed.

4. The Defendant, City of Greensboro, will provide the Court with the documents ordered to be redacted for review and approval by the Court.

5. The Defendant, City of Greensboro, will serve the Plaintiffs with a copy of the documents ordered to be produced in this matter within 10 days after service of this Order on the Plaintiffs in this action.

This the 6<sup>th</sup> day of March, 2000.



The Honorable John O. Craig, III  
Superior Court Judge Presiding