

Chief Justice Paul Newby  
Director Andrew Heath  
General Counsel Trey Allen  
Communications Director Graham Wilson  
Information and Communications Specialist Charles Keller

N.C. Administrative Office of the Courts  
PO Box 2448  
Raleigh, NC 27602-2448

Sent via email September 9, 2022

Chief Justice Newby:

As a coalition of reporters and editors from four news organizations located in North Carolina, and the NC Open Government Coalition, we are collectively writing to express concern over recent denials of mid-year criminal ACIS court data and the decision to end future extracts, including the annual extract processed in January of each year.

This data is public under the NC Public Records law, G.S. § 132-1. More than 15 years ago, AOC set a precedent by providing this public information collegially and expeditiously. We are all grateful for that. The public discourse -- and state policymakers -- have benefitted from the insights gleaned from our analysis of the data.

However, recent requests have been denied on the grounds of "protecting the interests of persons qualifying for expunctions."

We disagree for the following reasons:

- 1: Concern about some expunctions should not prevent the release of public records. Consistent with North Carolina law, we agree that expunctions should be removed or redacted from the data consistent with G.S. § 132-6(c). The rest of the information remains public record, and the AOC has a long track record of providing this data upon request.
- 2: The AOC has regularly provided this data for years to anyone who requested it. Changes in the law regarding expunctions do not place any significant burden on the AOC justifying withholding other public information from the criminal extracts.
- 3: The AOC still provides this public data to vendors who then sell it, negating any argument that it cannot be provided with expunction related information removed. The data is also still available to the public on terminals in county courthouses statewide, again negating any argument that the data cannot be provided.
- 4: Public agencies in North Carolina must provide records in the form in which they are requested, so long as the agency has the capacity to do that. Under G.S. § 132-6.2(a), requesters "may elect to obtain [the records] in any and all media in which the public agency is

capable of providing them. No request for copies of public records in a particular medium shall be denied on the grounds that the custodian has made or prefers to make the public records available in another medium.”

5: It is in the best interests of justice and the judges and public servants who administer justice through the AOC to provide data on criminal court proceedings in an open, transparent, efficient and low-cost fashion. Doing so enhances public knowledge of the justice system and public trust in that system. Past analysis of this data by journalists and academics has made significant contributions to policy development in the state. Recent examples include a joint project by *The Charlotte Observer* and *The News & Observer* on [extreme speeding](#), a series by *Carolina Public Press* on [sexual assaults](#) and [publications](#) by UNC’s Jessica Smith on cash bail.

Our concern is that the AOC is changing protocols to force the public, and news organizations specifically, to “purchase” public records which the General Assembly made clear are “the property of the people.” G.S. § 132-1(b). The North Carolina Public Records Law provides that “the people may obtain copies of their public records and public information free or at minimal cost.”

We kindly ask that you reconsider this decision and provide the mid-year extract as soon as possible. We would also like to discuss, either virtually or in person, the process and timing for expungements. We have a collective interest to protect the flow of public information while safeguarding the interests of individuals with expunged criminal records.

We await your immediate reply.

Sincerely,

Kate Martin  
Lead Investigative Reporter  
Carolina Public Press

Tyler Dukes  
Investigative Reporter  
The News & Observer

David Raynor  
Investigative Reporter  
The News & Observer

Angie Newsome  
Executive Director  
Carolina Public Press

Carli Brosseau  
Investigative Reporter  
The News & Observer

Ames Alexander  
Investigative Reporter  
The Charlotte Observer

Gavin Off  
Data Reporter  
The Charlotte Observer

Jason deBruyn  
Health and Data Reporter  
N.C. Public Radio - WUNC

Cathy Clabby  
Investigations Editor  
McClatchy, Southeast

Bill Church,  
Executive Editor,  
The News & Observer

Rana Cash,  
Executive Editor  
The Charlotte Observer

Brooks Fuller  
Executive Director  
On behalf of:  
NC Open Government Coalition

c: Michael J. Tadych, Stevens Martin Vaughn & Tadych, PLLC