

Morris County Sheriff's Office

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Mark S. Spitzer
Undersheriff

Alan J. Robinson
Undersheriff

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Chief



Christopher E. Klein
Warden

Richard A. Rose
Chief Warrant Officer

October 9, 2018

VIA-E-MAIL (opra+request-2563-ecf882d3@requests.opramachine.com)

Re: September 29, 2018 - Open Public Records Act Request

Dear Abdul Hai,

The Morris County Sheriff's Office's Records Custodian received your Open Public Records Act (OPRA) request on Monday, October 1, 2018. As such, the seven (7) business day deadline to respond to your request is set for Thursday, October 11, 2018. Your OPRA seeks the following:

1033 Program: Can you tell me since 2015 what equipment have you got through this program? What policies do you have in regards to this program?

*Please be advised the Appellate Division of the Superior Court of New Jersey and the New Jersey Government Records Council (GRC) have both held that police incident reports are exempt from disclosure as criminal investigatory records when they pertain to any criminal investigation or related civil proceeding, and when they reveal medical evaluative information. See North Jersey Media Group, Inc. v. Township of Lyndhurst, 441 N.J. Super. 70, 105-106 (App. Div. 2015) (citing N.J.S.A. 47:1A-1.1); see also Kovacs v. Irvington Police Department, GRC Complaint No. 2014-196 (January 2015) (holding and observing that the Government Records Council "has long held that police incident reports" are exempt from disclosure under OPRA as "**criminal investigatory records**" when they pertain to any criminal investigation or related civil proceeding)(citing Nance v. Scotch Plains Police Dep't, GRC Complaint No. 2003-125 (January 2005); Rivera Passaic Cnty. Sherriff's Office, GRC Complaint No. 2010-152 (May 2011); and Connelly v. Twp. of Montville, GRC Complaint No. 2013-59 (September 2013)); Rivera v. Town of West New York, GRC Complaint No. 2010-208 (February 2013) (citing Bart v. City of Passaic, GRC Complaint No. 2007-162 (April 2008) and Executive Order No. 26 (Gov. McGreevy 2002)); Hockensmith v. Atlantic Cnty. Prosecutor's Office, GRC Complaint No. 2014-288 (Mar. 2015) (observing that under OPRA "criminal investigatory records include records involving all manner of crimes, resolved or unresolved, and includes information that is part and parcel of an investigation, confirmed and unconfirmed.") (Emphasis added and internal citations omitted); Nevin v. N.J. Dept. of Health & Senior Servs., GRC Complaint No. 2013-18 (Feb. 2014) (observing that Executive Order No. 26 (Gov. McGreevy 2002) exempts from public*

access “[i]nformation concerning individuals . . . relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation . . . [.]”).

In response to your OPRA Request, the Morris County Sheriff's Office has not received any equipment through the 1033 Program. Also, our department does not have any policies outlining this program.

Thank you.

Your September 29, 2018 OPRA request is now deemed answered and closed.

Sincerely,



*Katherine A. Rogers
Morris County Sheriff's Office
Supervisor of Criminal Information Records
Records Custodian*