



Camden County Prosecutor's Office

200 Federal Street

Camden, New Jersey 08103

REQUEST FOR PUBLIC RECORDS

PUBLIC RECORDS REQUEST RESPONSE

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TO: Clint Freeman, opra+request-25793-962292f8@requests.opramachine.com

☐ Document(s) provided: pages at total cost of:

☒ Document(s) not provided (see below)

The document or documents listed below and requested by you are not being provided because the document or documents are not public records as provided by law, as noted below:

Privileged or Protected Category

Authority

- | | |
|---|--|
| ☐ Autopsy Reports | <u>N.J.S.A. 47:1A-1.1, et seq.</u> ; <u>N.J.S.A. 52:17B-92</u> |
| ☐ Child abuse or sex assault victim name or address | <u>N.J.S.A. 2A:82-46b</u> |
| ☐ Court records sealed | Executive Order 69 |
| ☐ Computer security information | <u>N.J.S.A. 47:1A-1.1, et seq.</u> |
| ☐ Criminal investigatory records | <u>N.J.S.A. 47:1A-1.1, et seq.</u> |
| ☐ Credit Card Numbers | <u>N.J.S.A. 47:1A-1.1, et seq.</u> |
| ☐ Grand Jury testimony, information | Court Rule 3:6-7 |
| ☐ Grievance information with public employer | <u>N.J.S.A. 47:1A-1.1, et seq.</u> |
| ☐ Domestic Violence data | <u>N.J.S.A. 2C:25-33</u> |
| ☐ Drivers' license numbers | <u>N.J.S.A. 47:1A-1.1, et seq.</u> |
| ☐ DYFS information | <u>N.J.S.A. 9:6-8.10</u> |
| ☐ Electronic Surveillance Materials | <u>N.J.S.A. 2A:156A-19</u> |
| ☐ Emergency or security information or procedures | <u>N.J.S.A. 47:1A-1.1, et seq.</u> ; <u>N.J.A.C. 13:1E-3.2</u> |
| ☐ Employee sexual harassment complaints | <u>N.J.S.A. 47:1A-1.1, et seq.</u> |
| ☐ Fingerprint cards | Executive Order 69 |
| ☐ Inter-agency or intra agency advisory communications | <u>N.J.S.A. 47:1A-1.1, et seq.</u> |
| ☐ Juvenile records | <u>N.J.S.A. 2A:4A-60</u> |
| ☐ Labor Negotiation information, strategy or positions | <u>N.J.S.A. 47:1A-1.1, et seq.</u> ; <u>N.J.A.C. 13:1E-3.2</u> |
| ☐ Medical Examiner Photographs | <u>N.J.S.A. 47:1A-1.1, et seq.</u> |
| ☐ Otherwise inappropriate material | Executive Order 69; <u>N.J.A.C. 13:1E-3.2</u> |
| ☐ Pension and personnel records | <u>N.J.S.A. 47:1A-1.1, et seq.</u> |
| ☐ Photographs | <u>N.J.S.A. 47:1A-1.1, et seq.</u> ; Exec. Order 69 |
| ☐ Pre-Sentence Investigations | <u>State v. DeGeorge</u> , 113 <u>NJ Super.</u> 542 (App. Div. 1971) |
| ☐ Privacy Interest | <u>N.J.S.A. 47:1A-1.1 et seq.</u> ; <u>Asbury Park Press v. Ocean County Prosecutor's Office</u> , 374 <u>N.J. Super.</u> 312, 330 (Law Div. 2004) |
| ☐ Public Agency insurance communications | <u>N.J.S.A. 47:1A-1.1, et seq.</u> |
| ☐ Safety of persons or public | <u>N.J.S.A. 47:1A-1.1, et seq.</u> ; Exec. Order 69; <u>N.J.A.C. 13:1E-3.2</u> |
| ☐ Security measures and surveillance techniques | <u>N.J.S.A. 47:1A-1.1, et seq.</u> ; <u>N.J.A.C. 13:1E-3.2</u> |
| ☐ Social Security Numbers | <u>N.J.S.A. 47:1A-1.1, et seq.</u> |
| ☐ Unlisted Telephone Numbers | <u>N.J.S.A. 47:1A-1.1, et seq.</u> |
| ☐ Victim locations (Domestic Violence) | <u>N.J.S.A. 2C:25-26c.</u> |
| ☐ Victim records | <u>N.J.S.A. 47:1A-1.1, et seq.</u> |
| ☐ Record has been destroyed/not retained pursuant to: | Records Retention and Disposition Schedule (NJ Dept. of State, Div. of Archives Mgmt.) |
| ☐ Other | |



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The Camden County Prosecutor's received your OPRA Request dated September 8, 2021. You have requested:

"All records of K9 training of both handler and dog. (performance reviews and complaints. Conviction and dismissals in regards to Alerts and Hits that result in search of property. All body cam footage from the 6-7th day of September, 2021"

A proper [OPRA] request 'must identify with reasonable clarity those documents that are desired.' "Burke v. Brandes, 429 N.J. Super. 169, 174 (App. Div. 2012) (quoting Bent v Township of Stafford Police Dept., Custodian of Records, 381 N.J. Super. 30, 37 (App. Div. 2005). Request for general information that must be "analyzed, collated and compiled" by the custodian are not within the scope of OPRA. MAG Entm't, LLC v Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 49 (App. Div. 2005).

Moreover, requests for 'any and all documents' on a specific subject are overly broad and invalid. *Spectraserv, Inc. v. Middlesex Cty. Util. Auth.*, 416 N.J. Super. 565, 578 (App. Div. 2010); See also *Bent*, 381 N.J. Super. at 37 (OPRA does not "authorize a party to make a blanket request for every document a public agency has on file."); *Gannett N.J. Partners LP v Cnty. Of Middlesex*, 379 N.J. Super. 205, 212 (App. Div. 2005) (citing *MAG Entm't, LLC*, 375 N.J. Super. at 546-49). A custodian may reject a request that is overly broad or vague so as to prevent identification of the records sought. *N.J. Builders Ass'n v N.J. Council on Affordable Hous.*, 390 N.J. Super. 166, 181-82 (App. Div.), cert. denied, 190 N.J. 394 92007). "{A} proper request under OPRA must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency's documents." *Bent*, 381 N.J. Super. at 37.

OPRA does not authorize a party to make a blanket request for "every document" or "all" documents. *Bent v. Township of Stafford Police Dept., Custodian of Records*, 381 N.J. Super. 30, 37, 39 (App. Div. 2005). The requestor's obligation is to specifically describe the document sought; the request may not be a broad, generic description of documents because the custodian is not required to speculate about what the requestor seeks, nor survey agency employees regarding the request. *Bart v. Passaic Cnty. Pub. Hous. Agency*, 406 N.J. Super. 445, 451-52 (App. Div. 2009).

Records custodians are required to search their files for responsive records, but not to conduct any research on behalf of the requestor. See *Donato v. Tp of Union*, GRC Complaint No. 2005-182, Analysis (February 28, 2007). However, custodians have no obligation to create responsive records. *N.J. Builders Assoc.*, *supra*, 390 N.J. Super. at 171; *Librizzi v. Tp of Verona Police Department*, GRC Complaint No. 2009-213, Analysis (August 24, 2010). OPRA does not force government officials to identify and siphon useful information on behalf of the requestor, nor does it compel them to review, analyze, collate and/or compile data or statistics. *N.J. Builders Assoc. v. N.J. Council on Affordable Housing*, 390 N.J. Super. 166, 177 (App. Div. 2007), cert. denied, 190 N.J. 394 (2007); *MAG Entertainment*, *supra*, 375 N.J. Super. at 548-49; *Reda*, *supra*, GRC Complaint No. 2002-58, Analysis.

The Camden County Prosecutor's Office objects to this request as overly broad and/or unclear as it fails to name specifically identifiable government records and require research beyond the scope of a custodian's duties pursuant to *MAG Entertainment, LLC v. Division of Alcoholic Beverage Control*, 375 N. J. Super. 534, 546 (App. Div. 2005), *Bent v. Stafford Police Department*, 381 N.J. Super. 30, 37 (App. Div. 2005), *New Jersey Builders Association v. New Jersey Council on Affordable Housing*, 390 N. J. Super. 166, 180 (App. Div. 2007), and *Schuler v. Borough of Bloomsbury*, GRC Complaint No. 2007-151 (February 2009). See also *Toscano v. NJ Department of Labor, Division of Vocational Rehabilitation Services*, GRC Complaint No. 2010-293 (March 2012), *Elcavage v. West Milford Township (Passiac)*, GRC Complaint No. 2009-08 (April 2010), and *Wolosky v. Township of Randolph (Morris)*, GRC Complaint No. 2010-244 (February 2012).



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This request does not specify a particular event, incident or a specific time period. Kindly clarify specifically what you are seeking.

The Camden County Prosecutor's Office also reserves the right to raise any other ground for denial not raised in this response. The failure of the Camden County Prosecutor's Office to assert an exception or privilege does not act as a waiver of any ground for denial.

You have a right to appeal the decision that the document or documents are not public records. You may take your appeal to the Public Records Council or to the New Jersey Superior Court as provided by N.J.S.A. 47:1A-6 and -7.

Date: September 9, 2021

/s/ William E. Staas
Camden County Prosecutor's Office

ACKNOWLEDGMENT

I hereby acknowledge that I have received the documents requested except for any documents specifically listed above on which a determination has been made that the documents will not be provided. If any documents have not been provided, I have received information on this form as to the procedures for any appeal of the determination.

Date: _____