



GLASSBORO POLICE DEPARTMENT

1 South Main Street
Glassboro NJ 08028
Phone #856-881-1501
Fax #856-881-6872

January 24, 2023

Via email only (opra+request-38676-7dc29833@requests.opramachine.com)

FratzLaws

Re: Open Public Records Act/Common Law Records Request

Dear FratzLaws:

The Borough of Glassboro Records Custodian received your request pursuant to the Open Public Records Act (OPRA) and the New Jersey common law right of access, dated January 1, 2023, via email on January 3, 2023, and forwarded it on that day to the Glassboro Police Department Records Sub-Custodian for response. Accordingly, the initial seven (7) business day deadline to respond to your request under OPRA was January 12, 2023. By correspondence dated January 12, 2023, we requested a seven (7) business day extension, until January 24, 2023, to further process your request.

Your records request was as follows:

From: broskiman332 <opra+request-38676-7dc29833@requests.opramachine.com>
Sent: Sunday, January 1, 2023 1:32 PM
To: Karen Cosgrove <KCosgrove@glassboro.org>
Subject: [EXTERNAL] OPRA request - Arrest / Incident Reports

Dear Rowan University DEPARTMENT OF PUBLIC SAFETY:

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

Any and all incident reports, arrest reports, EMS Requests CAD details, officer reports, law enforcement reports, probable cause findings for any incident regarding the Glassboro Police Department between the hours of 12AM on January 1st, 2023 to 6am January 1st, 2023.

Yours faithfully,

FratzLaws

Response to Common Law Request

The common law right to access public records depends on three requirements: (1) the records must be common law public documents; (2) the person seeking access must establish an interest in the subject matter of the material; and (3) the citizen's right to

access must be balanced against the State's interest in preventing disclosure. *Richard Rivera v. Union County Prosecutor's Office*, 250 N.J. 124, 143-44 (2022); *South Jersey Publishing Co. v. New Jersey Expressway Auth.*, 124 N.J. 478, 487 (1991); *Loigman v. Kimmelman*, 102 N.J. 98 (1986); *Nero v. Hyland*, 76 N.J. 213, 222 (1978).

After consultation with the Borough Solicitor, we have determined that you have failed to establish a proper interest in the requested record(s). Your common law request is therefore denied.

Response to OPRA Request

A search of our available records has identified the following as responsive to your request:

01/01/23CAD Activity Detail 23-000001
01/01/23CAD Activity Detail 23-000002
01/01/23CAD Activity Detail 23-000003
01/01/23CAD Activity Detail 23-000004
01/01/23CAD Activity Detail 23-000005
01/01/23CAD Activity Detail 23-000006
01/01/23CAD Activity Detail 23-000007
01/01/23CAD Activity Detail 23-000008
01/01/23CAD Activity Detail 23-000009
01/01/23CAD Activity Detail 23-000010
01/01/23CAD Activity Detail 23-000011
01/01/23CAD Activity Detail 23-000012
01/01/23CAD Activity Detail 23-000013
01/01/23CAD Activity Detail 23-000014
01/01/23CAD Activity Detail 23-000015
01/01/23CAD Activity Detail 23-000016
01/01/23CAD Activity Detail 23-000017
01/01/23CAD Activity Detail 23-000018
01/01/23CAD Activity Detail 23-000019
01/01/23CAD Activity Detail 23-000020
01/01/23CAD Activity Detail 23-000021
01/01/23CAD Activity Detail 23-000022
01/01/23CAD Activity Detail 23-000023
01/01/23CAD Activity Detail 23-000024
01/01/23CAD Activity Detail 23-000025
01/01/23CAD Activity Detail 23-000026
01/01/23CAD Activity Detail 23-000027
01/01/23CAD Activity Detail 23-000028
01/01/23CAD Activity Detail 23-000029
01/01/23CAD Activity Detail 23-000030
01/01/23CAD Activity Detail 23-000031
01/01/23CAD Activity Detail 23-000032
01/01/23CAD Activity Detail 23-000033
01/01/23CAD Activity Detail 23-000034
01/01/23Incident Report 23-000006
01/01/23Incident Report 23-000012
01/01/23Incident Report 23-000016
01/01/23Incident Report 23-000031

Copies of the identified CAD Activity Detail reports are enclosed. Please note that, after consultation with the Borough Solicitor, parts of these records have been redacted as follows:

Privacy/Personal Information. Part(s) of the identified record(s) containing information and/or images for which identified persons have a reasonable expectation of privacy have been redacted. N.J.S.A. 47:1A-1; Executive Order No. 21 (McGreevey 2002); *Paff v. Ocean County Prosecutor's Office*, 235 N.J. 1 (2018); *Brennan v. Bergen County Prosecutor's Office*, 233 N.J. 330 (2018); *In the Matter of the New Jersey State Fireman's Association*, 230 N.J. 258 (2017); *Burnett v. County of Bergen*, 198 N.J. 408 (2009); *North Jersey Media Group v. Township of Nutley*, slip op., Docket No. A-3483-14T3 (App. Div. September 30, 2016); *Nelson v. N.J. Department of Law & Public Safety*, No. 2013-124 (GRC 2014); *Merino v. Borough of Ho-Ho-Kus*, No. 2003-110 (GRC 2004).

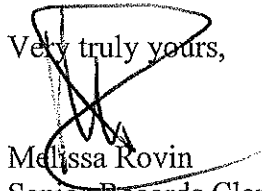
HIPAA/Protected Health Information. The identified record(s) or parts thereof are not subject to disclosure because they contain protected health information exempt from disclosure pursuant to the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule and Executive Order No. 26, paragraph 4.b.1 (McGreevey 2002) (exempting from disclosure "information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation").

After consultation with the Borough Solicitor, your request for the identified Incident Reports is denied for the following reason(s):

Criminal Investigatory Record(s). The requested record(s) or parts thereof are not required by law to be made, maintained or kept on file and pertain to a criminal investigation and are therefore exempt from disclosure pursuant to the criminal investigatory records exception of OPRA. N.J.S.A. 47:1A-1.1; *Paff v. Ocean County Prosecutor's Office*, 235 N.J. 1 (2018); *North Jersey Media Group, Inc. v. Township of Lyndhurst*, 229 N.J. 541 (2017); *Schulz v. N.J. State Police*, Complaint No. 2014-390 (GRC 2015).

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the Borough of Glassboro to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Very truly yours,


Melissa Rovin
Senior Records Clerk
Glassboro Police Department
856-881-1501 ext 88150
mrovin@glassboropd.org