

MAYOR

James P. Mehaffey

TOWNSHIP COMMITTEE

Megan Kerr
Ashley Morrell
Adam Reid
Jim Robinson

**WEST DEPTFORD TOWNSHIP****Municipal Building**

400 Crown Point Road
West Deptford, New Jersey 08086
Phone (856) 845-4004

Township Administrator

Lee Ann DeHart

Chief Finance Officer

Michael Kwasizur

Registered Municipal Clerk

Lee Ann DeHart

September 2, 2022

Via email only (opra+request-34973-7eb5b01d@requests.opramachine.com)

Thomas

Re: Open Public Records Act/Common Law Records Request

Dear Thomas:

The West Deptford Township Records Custodian received your request for records pursuant to the Open Public Records Act (OPRA) and the New Jersey common law right of access, dated August 28, 2022, on August 29, 2022. Accordingly, the initial seven (7) business day deadline to respond to your request under OPRA is September 8, 2022. This response to your request is being provided on the fourth business day after receipt of your request.

Your records request was as follows:

From: Thomas <opra+request-34973-7eb5b01d@requests.opramachine.com>
Sent: Sunday, August 28, 2022 7:31 AM
To: Lee Ann DeHart <LDeHart@westdeptford.com>
Subject: OPRA request - Arrest Reports

Dear West Deptford Township,

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:

Arrest reports authored by Officer Badge # 4146 from January 1, 2017 to March 31, 2017

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 Township Solicitor, we have concluded that you have failed to identify your interest in the subject matter of the requested material. Accordingly, your common law request is denied.

Response to OPRA Request

A preliminary search of our available records has identified thirty-two separate sets of records as responsive to your request.

Further processing of your request will require an extraordinary expenditure of time and effort since it would involve extensive searching of available records and review and redaction of privacy, security, medical and/or other material exempt from disclosure from the identified records.

The Open Public Records Act and New Jersey common law allow public agencies to impose special service charges whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or when fulfilling a request requires an extraordinary expenditure of time and effort. *See* N.J.S.A. 47:1A-5.c. Due to the nature of your request and the volume and type of records identified, it will be necessary to impose a special service charge to fulfill your request.

Special service charges must be based upon the actual direct cost of providing the copy or copies. OPRA mandates that the requestor shall have the opportunity to review and object to the charge prior to it being incurred. *See* N.J.S.A. 47:1A-5.c. As such, a detailed estimate is provided below:

Records search and compilation:

lowest level person capable of fulfilling the request	Tania Cruz, Police Records
direct hourly rate (minus fringe benefits)	\$22.42
number of hours anticipated to complete request	7.0
estimated search/compilation special service charge	\$156.94

Records review and redaction:

lowest level person capable of fulfilling the request	Jill S. Magill, RMC
direct hourly rate (minus fringe benefits)	\$23.73
number of hours anticipated to complete request	1.0
estimated review/redaction special service charge	\$23.73

Total estimated special service charge	\$180.67
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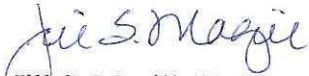
Please note that this estimated charge does not include any applicable copying charges.

IN ORDER TO PROCEED WITH FULFILLING YOUR REQUEST, WE REQUIRE A DEPOSIT IN THE AMOUNT OF \$180.67, REPRESENTING THE TOTAL ESTIMATED SPECIAL SERVICE, PAYABLE TO “WEST DEPTFORD TOWNSHIP.”

Kindly respond in writing with your acceptance or rejection of this estimated charge. We will not begin to further process these parts of your request until we receive your written acceptance and the estimated special service charge deposit. If you reject the estimated charge and you wish to challenge the special service charge, you have a right to challenge the decision.

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 Township of West Deptford Clerk's office 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.

Sincerely,



Jill S. Magill, RMC

Deputy Clerk

jmagill@westdeptford.com

856-845-4004 ext. 174