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Member N.J. and PA Bar

September 11, 2024

Dear Anonymously,

Please be advised that I serve as the attorney for Woolwich Township, New Jersey. This is in response to your request of August 16, 2024. The Woolwich Township Police Department is in receipt of an information request as follows:

All officer body cam footage from calls for service to 110 Marl Rd. Swedesboro, N.J. 08085 from January 1, 2019 until October 20, 2021.

The police department has conducted a search and found that there are some records that appear responsive to the above request. Unfortunately, we are unable to process this request for information either under OPRA or common law as these records deal with criminal investigatory reports which are not available unless one has a legal interest in the records. These records are not available under OPRA as criminal investigatory reports.

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 interest in the subject matter of the material 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 Authority*, 124 N.J. 478, 487 (1991); *Loigman v. Kimmelman*, 102 N.J. 98 (1986); *Nero v. Hyland*, 76 N.J. 213, 222 (1978). Your common law request is denied due to your failure to identify yourself and your interest in the requested records other than a vague legal proceeding comment; identity and interest are coordinate not necessary.

However, I must add that a new OPRA form has been adopted by the State of New Jersey that does require additional information; I am not being guided by the new form in limiting my response as it stands as stated above. However, I am caused to comment that requests for this

information may be available to you since you have spoken of a legal proceeding. If in a future request you identify the court term and docket number, it may change the township response if you are a party to said litigation. You may also consider a subpoena pursuant to an open action.

Very truly yours,

A handwritten signature in black ink, appearing to be 'John A. Alice', written in a cursive style.

John A. Alice

JAA/lv

cc: Chief Joseph A. Morgan, III, Woolwich Police Dept.
Jessica Mignogna, Woolwich Township Clerk