



OFFICE OF THE PROSECUTOR

County of Atlantic

4997 Unami Boulevard
P.O. Box 2002
Mays Landing, NJ 08330

William E. Reynolds
Prosecutor

(609) 909-7900 • Fax: (609) 909-7806

February 26, 2024

Erin
opra+request-58557-359645a6@requests.opramachine.com

Re: Open Public Records Act Request #24-26

Dear Madam:

This letter is in response to your public records request under the Open Public Records Act, received by this agency via email on February 19, 2024, seeking “1) the policy implemented consistent with [New Jersey Attorney General’s Law Enforcement Directive 2019-6] to ensure compliance with Brady and Giglio; [and] 2) a list with all the NAMES, RANK, AGENCY EMPLOYED BY and DATE OF ALL LAW ENFORCEMENT OFFICERS ADDED to the Brady Giglio list by your County’s Prosecutors Office since 1/1/2014.”

The implementation of directives related to Brady and Giglio obligations is guided by the New Jersey Attorney General’s Internal Affairs Policy and Procedures. N.J.S.A. 40A:14-181. Pursuant to both the IAPP and case law, “[t]he nature and source of internal allegations, the progress of internal affairs investigations, and the resulting materials are confidential information and remain exempt from access under the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1.1 to -13.” See New Jersey Attorney General’s Office, *Internal Affairs Policy & Procedures*, § 9.6.1 (Nov. 2022); Rivera v. Union Cnty. Prosecutor’s Off., 250 N.J. 124, 141 (2022). The Open Public Records Act provides, “[t]he provisions of this act (C.47:1A-5 et al.), shall not abrogate any exemption of a public record or government record from public access heretofore made pursuant to P.L.1963, c. 73 (C.47:1A-1 et seq.); any other statute; resolution of either or both Houses of the Legislature; regulation promulgated under the authority of any statute or Executive Order of the Governor; Executive Order of the Governor; Rules of Court; any federal law; federal regulation; or federal order.” N.J.S.A. 47:1A-9. Additionally, N.J.S.A. 47:1A-10 exempts personnel records from OPRA disclosure. Therefore, I must respectfully deny your request for Item 2.

Please find enclosed the Atlantic County Prosecutor’s Office’s policy directive implementing New Jersey Attorney General’s Law Enforcement Directive 2019-06. Please note

that the failure of the Atlantic County Prosecutor's Office to assert an exception, exemption or privilege does not act as a waiver of any ground for denial.

Very truly yours,

Kristen Pulkstenis
Assistant Prosecutor
Custodian of Records