



MARK MUSELLA
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Office of the County Prosecutor

County of Bergen

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February 7, 2024

Via email opra+request-57755-56e03a9c@requests.opramachine.com
Brady Giglio Auditor

Re. Request for Public Records received 1-28-24

Dear Sir or Madam:

This is in response to your request for public records dated 1-28-24 which this office received on 1-29-24 and in which you sought the following:

As per the New Jersey Attorney General's Law Enforcement Directive Directive 2019-6, the New Jersey Attorney General stated "I hereby direct all County Prosecutors to implement a policy within their respective counties consistent with this Directive to ensure compliance with Brady and Giglio."

Therefore, We requesting the following records of your county's Prosecutor's Office:

- The policy implemented consistent with the aforementioned Attorney General Directive 2019-6 to ensure compliance with Brady and Giglio;
- 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.

As to Request 1, please see attached Bergen County Prosecutor's Office Law Enforcement Directive 2020-1 Implementing Attorney General Directive 2019-6.

As to Request 2, please be advised this Office does not possess public records responsive to your request. See *Williams v. Passaic County Prosecutor's Office*, GRC Complaint No. 2014-



A State Accredited and Nationally Recognized Law Enforcement Agency

297 (finding that where "no records responsive to the request exist, no unlawful denial of access occurred").

The Bergen County Prosecutor's Office also reserves the right to raise any other ground for denial not raised in this response. The failure of the Bergen 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 or are otherwise exempt from disclosure. 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 PO 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 Council 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,

MARK MUSELLA
Bergen County Prosecutor

Maria Fagliarone/s/
Maria Fagliarone
Assistant Records Custodian

Attachment