



OFFICE OF THE PROSECUTOR

County of Atlantic

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

William E. Reynolds
Acting Prosecutor

(609) 909-7900 • Fax: (609) 909-7806

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Anonymous

opra+request-34201-79d3e9d1@requests.opramachine.com

Re: Open Public Records Act Request #22-74

Dear Sir or Madam:

This letter is in response to your public records request under the Open Public Records Act and common law, received by this agency via email on July 26, 2022, seeking “[a]ny and all list[s] of officers in the county that require disclosure due to Brady/Giglio Disclosure mandates.”

Exculpatory material under Brady v. Maryland, 373 U.S. 83 (1963) and impeachment evidence under Giglio v. United States, 405 U.S. 150 (1972) are confidential. New Jersey Attorney General issued Law Enforcement Directive No. 2019-6, ¶ II, B. For investigative employees of a law enforcement agency, Brady and Giglio material derives from internal affairs records. Internal affairs records are confidential pursuant to the Attorney General’s Internal Affairs Policy and Procedures manual, with which all law enforcement agencies in New Jersey must comply pursuant to N.J.S.A. 40A:14-181. Rivera v. Union Cnty. Prosecutor’s Office, 250 N.J. 124, 142-43 (2022).

The Open Public Records Act exempts from disclosure government records that are recognized by statute as confidential. N.J.S.A. 47:1A-9b. As the information contained in a list of officers with Brady/Giglio material derives from internal affairs records, and as N.J.S.A. 40A:14-181 “effectively recognizes a grant of confidentiality established by the IAPP,” Rivera, 250 N.J. at 143, any such list of officers maintained by this agency is exempt from disclosure under OPRA. N.J.S.A. 47:1A-9b.

As you also have not established your entitlement to the records under common law, see N. Jersey Media Grp., Inc. v. Twp. of Lyndhurst, 229 N.J. 541, 578 (2017), I must respectfully deny your request under common law as well.

Very truly yours,

/s/ John J. Santoliquido

John J. Santoliquido
Special Deputy Attorney General
Custodian of Records