



MIDDLESEX COUNTY PROSECUTOR'S OFFICE

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January 28, 2025

Mr. Charlie Kratovil
VIA EMAIL TO editor@newbrunswicktoday.com

RE: OPRA Request # W021405-123024

Dear Mr. Kratovil,

The Middlesex County Prosecutor's Office is in receipt of your OPRA request seeking "All information required under NJSA 47:1A-3(b) regarding case # 22-01019 and a copy of the initial incident report and any subsequent reports from his case." Please be advised that this office is unable to comply with your request.

The records you request would confirm an investigation into an individual which did not result in a criminal conviction. The Middlesex County Prosecutor's Office will neither confirm nor deny whether an individual who has neither been charged nor arrested in Middlesex County is, or has been, the subject of an investigation. Law enforcement agencies routinely receive allegations that are determined to be unprovable. Identifying the target of such allegations and/or providing related records could subject this Office and its employees to civil liability and professional discipline. *North Jersey Media Group, Inc. v. Bergen County Prosecutor's Office*, 447 N.J. Super. 182, 189 (App. Div. 2016); *N.J.S.A. 47:1A-9(b)*.

Specifically as to your request for the initial incident report and any subsequent reports, the New Jersey Supreme Court determined in *North Jersey Media Group Inc. v. Township of Lyndhurst*, 441 N.J. Super. 70 (App. Div. 2015), aff'd. in part, rev'd. in part, 229 N.J. 541(2017),

that certain criminal investigatory records are not considered public records, and cannot be released under N.J.S.A. 47:1A-1.1, et seq. Incident reports and supplemental investigative reports are considered criminal investigatory records and are barred from disclosure.

In response to your request for information under NJSA 47:1A-3(b), no arrest has been made and, as you note in your email correspondence, the crime type is sexual assault. There is no other information under NJSA 47:1A-3(b) which can be provided at this time.

You have a right to appeal this decision. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the General Records Counsel 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, N.J. 08625, by e-mail at grc@dca.state.nj.us, or at its website 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.

Regards,

/s/ Joseph Jakuback

Joseph Jakuback, Esq.

Assistant Prosecutor

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