



TOWNSHIP OF MANTUA

Gloucester County, New Jersey

BOB ZIMMERMAN
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JOHN LEGGE
TOWNSHIP COMMITTEE

EILEEN LUKENS
TOWNSHIP COMMITTEE

SHAWN LAYTON
TOWNSHIP COMMITTEE

September 3, 2024

Via email only (opra+request-64599-e9fdac6c@requests.opramachine.com)
Erin

Re: Open Public Records Act/Common Law Records Request

Dear Erin:

The Mantua Township Official Record Custodian received your request for records pursuant to the Open Public Records Act (OPRA), dated August 7, 2024, on August 8, 2024.

Your records request was as follows:

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

- 1) Copies of any police CAD report(s) with narrative(s) involving Emily Bell
- 2) Preliminary law enforcement incident report(s) involving Emily Bell
- 3) Global subject activity reports of Emily Bell
- 4) Any warrants involving Emily Bell
- 5) Criminal charge complaint(s) involving Emily Bell in S 2024 752, S 2024 751 and S 2024 744
- 6) Affidavit(s) of probable cause involving Emily Bell in S 2024 752, S 2024 751 and S 2024 744
- 7) CDR-1 or CDR-2 involving Emily Bell regarding S 2024 752, S 2024 751 and S 2024 744
- 8) All police bodycam footage involving the complainant or recordings of calls to the P.D. involving Emily Bell

Response to Common Law Request

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 an interest in the subject matter 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*

Auth., 124 N.J. 478, 487 (1991); *Loigman v. Kimmelman*, 102 N.J. 98 (1986); *Nero v. Hyland*, 76 N.J. 213, 222 (1978).

After consultation with the Township records attorney, your common law request is denied due to your failure to identify your interest in the requested records.

Response to OPRA Request - Items 1-4, 8

After consultation with the Township records attorney, these items of your request are denied for the following reason(s):

Overbroad/Improper Request. OPRA and the common law require that a requestor identify the records sought with specificity. The request may not be a broad, generic description of documents that requires the custodian to search the agency's files and analyze, compile and collate the requested information. *Bart v. Passaic County Public Hous. Agency*, 406 N.J. Super. 445, 451 (App. Div. 2009); *Bent v. Stafford Police Department*, 381 N.J. Super. 30, 37 (App. Div. 2005). If a request does not name specifically identifiable records or is overly broad, a custodian may deny access. A proper request under OPRA must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency's documents. *MAG Entertainment, LLC v. Div. of Alcoholic Beverage Control*, 375 N.J. Super. 534 (App. Div. 2005); *Bent v. Twp. of Stafford Police Dep't.*, 381 N.J. Super. 30 (App. Div. 2005). Custodians are not required to conduct research or create new records in response to an OPRA request. *Simmons v. Mercado*, 247 N.J. 24 (2021); *MAG Entertainment, LLC v. Division of Alcoholic Beverage Control*, 375 N.J. Super. 534, 546 (App. Div. 2005); *Librizzi v. Township of Verona Police Department*, GRC Complaint No. 2009-213 (August 2010). To the extent you are requesting specific government records, please clarify your request by identifying the specific records requested and the relevant time period.

Criminal Investigatory Record(s). The requested record(s), if any, to the extent they pertain to a criminal investigation, are not required by law to be made, maintained or kept on file, and are therefore exempt from disclosure pursuant to the criminal investigatory records exception of OPRA. N.J.S.A. 47:1A-1.1; *Paff v. Ocean County Prosecutor's Office*, 235 N.J. 1 (2018); *North Jersey Media Group, Inc. v. Township of Lyndhurst*, 229 N.J. 541 (2017); *Schulz v. N.J. State Police*, Complaint No. 2014-390 (GRC 2015).

N.J.S.A. 47:1A-2.2 - Anonymous Requests. Notwithstanding the provisions of OPRA or any other law to the contrary, a custodian shall not comply with an anonymous request for a government record which is protected under the provisions of this section.

Response to OPRA Request - Items 5-7

A search of our available records has identified no records made or maintained by the Township responsive to your request. Citizen complaints are made and maintained by the Mantua Joint Municipal Court. The Township of Mantua is not the records custodian for the Mantua Joint Municipal Court. Because New Jersey Courts are not subject to OPRA, requests for court records should be directed to:

Mantua Joint Municipal Court
397 Main Street
Mantua, NJ 08051
Phone: (856) 468-3078
Fax: (856) 468-3823

Alternatively, court records may be requested online as follows:

<https://www.njcourts.gov/courts/superior/copies-court-records>

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by Mantua Township to deny access. 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 P.O. 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 GRC 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,

A handwritten signature in cursive script, appearing to read "Pam LeVine".

Pam LeVine, Deputy Municipal Clerk
For Jennica Bileci, Official Records Custodian