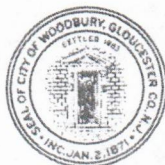


City of Woodbury Police Department



Thomas R. Ryan
Chief of Police

220 South Broad Street
Woodbury, New Jersey 08096
856-845-0065

Kelli A. Marro
Captain

Brian Boucher
Lieutenant

May 19, 2025

Via email only (opra+request-75959-ec0e30f3@requests.opramachine.com)
FratLawz

Re: Open Public Records Act/Common Law Records Request

Dear FratLawz:

The City of Woodbury Official Records Custodian received your request for records pursuant to the Open Public Records Act (OPRA) and the New Jersey common law right of access, dated May 10, 2025, on May 12, 2025, and has forwarded it to the Police Records Sub-Custodian for response. Accordingly, the initial seven (7) business day deadline to respond to your request under OPRA is May 21, 2025. This response is being provided on the fifth business day after receipt of your request.

Your records request was as follows:

Records requested:

A copy of the email dated May 24, 2022, sent by either Chief Thomas Ryan (tryan@woodburypd.com) or Lieutenant Brian Boucher (bboucher@woodburypd.com), who were serving as Officer in Charge of the Woodbury Heights Police Department at that time, to the Gloucester County Prosecutor's Office Internal Affairs Unit concerning allegations of misconduct by Chief Moline.

Please include all associated metadata, attachments, and any subsequent correspondence related to this communication.

Legal Justification:

This email constitutes a government record under OPRA and is subject to retention and disclosure. According to the New Jersey Department of the Treasury's Records Retention Schedules, such records must be retained for a minimum of seven years. Additionally, the New Jersey Supreme Court in *Rivera v. Union County Prosecutor's Office*, 250 N.J. 124 (2022), held that while internal affairs records are exempt under OPRA, they may be accessible under the common law right of access when the public interest in disclosure outweighs the need for confidentiality, as seen by the release of the relevant Internal Affairs documentation by the GCPO.

To the extent not specifically addressed below, your request is denied for the following reason(s):



4 NJSACOP Accredited and CALEA Recognized Law Enforcement Agency



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).

Response to OPRA Request

After consultation with the City Special Counsel, your OPRA request for the identified email is denied for the following reason(s):

Confidential Records. The requested records constitute confidential records not subject to disclosure under OPRA. *Rivera v. Union County Prosecutor's Office*, 250 N.J. 124 (2022); N.J.S.A. 47:1A-1; N.J.S.A. 47:1A-9; Attorney General Internal Affairs Policy & Procedures § 9.6 (Dec. 2019); Attorney General Law Enforcement Directive No. 2020-06; Attorney General Law Enforcement Directive No. 2020-06; Attorney General Law Enforcement Directive No. 2018-3.

Personnel Records. The requested records constitute personnel records, which are not considered government records under OPRA, with limited exceptions not applicable to your request. N.J.S.A. 47:1A-10; *Kovalcik v. Somerset Cty. Prosecutor's Office*, 206 N.J. 581, 588 (2011); *New Jersey Media Grp., Inc. v. Bergen Cty. Prosecutor's Office*, 405 N.J. Super. 386 (App. Div. 2009); see *North Jersey Media Group, Inc. v. State, Office of Governor*, 2013 WL 1809887 (App. Div. May 1, 2013); *Rawles v. Glassboro Police Department (Gloucester)*, GRC Complaint No. 2021-100 (February 2023).

Response to Common Law Request

After consultation with the City Special Counsel, your common law request for the identified email is denied for the following reason(s):

Insufficient Interest. The expressed generalized public interest in the requested records, if any, is outweighed by the State's and the identified person's interest in the confidentiality of the requested records. *Rivera v. Union County Prosecutor's Office*, 250 N.J. 124 (2022); *Loigman v. Kimmelman*, 102 N.J. 98 (1986).

Advisory/Consultative/Deliberative (ACD). The requested record(s) constitute(s) inter-agency or intra-agency advisory, consultative or deliberative materials, which are exempt from disclosure under both OPRA and the common law. N.J.S.A. 47:1A-1.1; *Education Law Center v. New Jersey Dept. of Educ.*, 198 N.J. 274 (2009); *Libertarians for Transparent Government v. Government Records Council*, 453 N.J. Super. 83 (App. Div.), certif. denied 233 N.J. 484 (2018); *Larkins v. Solter*, 450 N.J. Super. 519 (App. Div. 2017); *DeEugenio v. Borough of Glassboro*, GRC Complaint No. 2016-254 (June 2019).

Personnel Records. The requested records constitute personnel records, which are not considered government records under OPRA, with limited exceptions not applicable to your request. *Kovalcik v. Somerset Cty. Prosecutor's Office*, 206 N.J. 581, 588 (2011); *New Jersey Media Grp., Inc. v. Bergen Cty. Prosecutor's Office*, 405 N.J. Super. 386 (App. Div. 2009).

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 the City of Woodbury 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,

Linda Banks
Police Records Custodian

