



October 25, 2023

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OPRA Machine (*via email only*)

Re: Open Public Records Act

Dear OPRA Machine:

The Borough of Gibbsboro Records Custodian received your request for records pursuant to the Open Public Records Act (OPRA) on October 24, 2023. Accordingly, the initial seven (7) business day deadline to respond to your request under OPRA is November 2, 2023. This response is being provided on the first day after your request.

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) criminal complaint W 2016 2 for Simple Assault 2C:12-1a dated 01/09/2016 for John P. Acampora DOB 08/12/1984 (aka John P. Berenato)
- 2) any investigation for John P. Acampora DOB 08/12/1984 (aka John P. Berenato)

A search of our available records shows that the following records respond to your request:

1. Arrest Report, Case Number 2016-00138
2. Investigation Report, Case Number 2016-00138
3. Complaint-Warrant, Complain Number 0413 W 2016 000002

The Arrest Report and Complaint-Warrant are being provided under OPRA with redactions for the following reason:

Privacy/Personal Information. Portions of the identified record(s) containing personal information for which identified individuals have a reasonable expectation of privacy have been redacted. N.J.S.A. 47:1A-1; Executive Order No. 21 (McGreevey 2002); *Paff v. Ocean County Prosecutor's Office*, 235 N.J. 1 (2018); *Brennan v. Bergen County Prosecutor's Office*, 233 N.J. 330 (2018); *In the Matter of the New Jersey State Fireman's Association*, 230 N.J. 258 (2017); *Burnett v. County of Bergen*, 198 N.J. 408 (2009); *North Jersey Media Group v. Township of Nutley*, slip op., Docket No. A-3483-14T3 (App. Div. September 30, 2016); *Nelson v. N.J. Department of Law & Public Safety*, No. 2013-124 (GRC 2014); *Merino v. Borough of Ho-Ho-Kus*, No. 2003-110 (GRC 2004).

Additional redactions have been made to the Complaint-Warrant, and your request for the Investigation Report is denied under OPRA for the following reason:

Domestic Violence Records. The identified record(s) or portions thereof are not subject to disclosure under either OPRA or New Jersey common law due to the nature of the incident(s). N.J.S.A. 2C:25-33 (Uniform record of applications for relief; information included; confidentiality) provides:

All records maintained pursuant to this act shall be confidential and shall not be made available to any individual or institution except as otherwise provided by law.

Moreover, N.J.S.A. 2C:25-34 (Domestic violence restraining orders; central registry) provides in relevant part:

All records made pursuant to this section shall be kept confidential and shall be released only to

* * *

c. A court, upon its finding that access to such records may be necessary for determination of an issue before the court;

* * * *

Your request has also been considered under the common law right of access. 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).

You have failed to establish a proper interest in the requested records. Your common law request is therefore denied.

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 Borough of Gibbsboro 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,

Amy C. Troxel, RMC
Borough Clerk
Borough of Gibbsboro