

OFFICE OF THE SHERIFF

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April 1, 2024

Mr. Tyler M. Neher

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Good day,

The Ocean County Sheriff's Office received your Open Public Records Act (OPRA) request on or about March 31, 2024. The official Records Custodian, Lt. Adrian Bullock, received your OPRA request on April 1, 2024.

The following records were requested:

any and all reports or documents related to any Department activity at 138 Porter Ave in Seaside Heights, NJ on and after 07-January-2024 until and including 31-January-2024

The following is a line by line response to your requested items.

A. Requested records

I. any and all reports or documents related to any Department activity at 138 Porter Ave in Seaside Heights, NJ on and after 07-January-2024 until and including 31-January-2024

The request is denied.

This Request as written would require extensive research and analysis to be performed by administrative employees, which is beyond the scope of OPRA and would disrupt the operations of the Ocean County Sheriff's Department.

This request seeks information or asks questions and does not identify specific government records. As such, your request is an invalid OPRA request and is denied. When a request is "complex" because it fails to specifically identify the documents sought, then that request is not "encompassed" by OPRA. See New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J.Super. 166, 180 (App. Div. 2007). 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. See Bent v. Stafford Police Department, 381 N.J.Super. 30, 37 (App. Div. 2005). Custodians are not required to conduct research or create new records in response to an OPRA request.

The New Jersey Superior Court has held "[w]hile OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, **it is not intended as a research tool litigants may use to force government officials to identify and siphon useful information. Rather, OPRA simply operates to make identifiable government records 'readily accessible for inspection, copying, or examination.'**" N.J.S.A. 47:1A-1." (Emphasis added.) MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J.Super. 534, 546 (App. Div. 2005). The Court added that "[u]nder OPRA, **agencies**



SPECIAL ASSISTANCE/ACCOMMODATIONS available, please call (732) 349-2010 (V/TTD).

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are required to disclose only ‘identifiable’ government records not otherwise exempt ... In short, OPRA does not countenance open-ended searches of an agency’s files.” (Emphasis added.) *Id.* at 549.

In Bent v. Stafford Police Department, 381 N.J. Super. 30, 37 (App. Div. 2005), the Superior Court held a requestor must specifically describe the document sought because OPRA operates to make identifiable government records “accessible.” “As such, 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.” supra.

Please respond in writing and identify the specific government records sought or narrow the scope of the request so that we may process your request. Failure to provide written clarification of your request will result in the closure of this OPRA request.

This response is being communicated with you via e-mail as per your request.

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 Ocean County Sheriff’s Office 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.

Sincerely,

Lieutenant Adrian Bullock
Ocean County Sheriff’s Office
Abullock@co.ocean.nj.us
(732)506-5393



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