

TOWN OF WESTFIELD
Maureen Lawshe, Town Clerk
Custodian of Records
MUNICIPAL BUILDING
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REQUEST FOR GOVERNMENT RECORDS
(N.J.S.A. 47:1A – 1, et seq.)
GOVERNMENT RECORDS REQUEST RESPONSE

TO: Anonymous88
opra+request-50705-560403af@requests.opramachine.com

DATE: September 26, 2023

The Town of Westfield received your Open Public Records (OPRA)/Common Law request on August 29, 2022, for which you sought access to the following:

- I am requesting any and all e-mail communication discussing/naming officer Ayad Taha and regarding his conduct on August 6th, 2023 from August 5th, 2023 to August 29, 2023. I am requesting only those e-mails sent/received by 1) officer Ayad Taha, 2) captain Jason Carter, or 3) chief of police Christopher Battiloro.
- the content and/or subject of the e-mail = any and all e-mail communication regarding officer Ayad Taha and his conduct on August 6th, 2023.
- the specific date or range of dates during which the e-mail was transmitted or the emails were transmitted = August 5, 2023 to August 29, 2023.
- a valid e-mail request must identify the sender and/or the recipient thereof). = those e-mails sent/received by 1) officer Ayad Taha, 2) captain Jason Carter, or 3) chief of police Christopher Battiloro.

Our office received clarification of the request on August 29, 2023 stating, " The title of the request states August 1, 2023 to August 29, 2023, but the body of the request states August 5, 2023-August 29, 2023. I am just providing some clarity, the dates requested are August 5th, 2023-August 29th, 2023."

As you are aware, the Town of Westfield responded to your request via email on September 7, 2023, and September 18, 2023, advising you that additional time until September 26, 2023, was needed to fulfill your request because adequate time was needed to undergo a legal review of records responsive to your request.

A final response is as follows:

The following records are being provided to you in their entirety and are responsive to your request:

1. Email Correspondence between Chief Battiloro, Town Administrator, Assistant Town Administrator, Town Clerk, Deputy Town Clerk, Legal Counsel dated August 23, 2023 (3 pages)
2. Email Correspondence between Chief Battiloro and Captain Carter dated August 29, 2023 (3 pages)

3. Email Correspondence between Chief Battiloro, Town Clerk, Town Administrator, Assistant Town Administrator and Public Information Officer dated August 28, 2023 (1 page)
4. Email Correspondence between Chief Battiloro and Alexis Tarrazi dated August 22, 2023 (1 page)
5. Online Form Submittal: Submit a Crime Tip dated August 17, 2023 (2 pages)
6. Email Correspondence between Chief Battiloro , Captain Carter and Brett Shaver dated August 24, 2023 (1 page)
7. Email Correspondence between Chief Battiloro and Paul dated August 16, 2023 (1 page)
8. Email Correspondence between Chief Battiloro and Chris Craven dated August 16, 2023 (1 page)
9. Email Correspondence between Chief Battiloro and John Williams dated August 16, 2023 (3 pages)
10. Email Correspondence between Chief Battiloro and Fred Rideout dated August 16, 2023 (1 page)
11. Email Correspondence between Chief Battiloro, Captain Carter, and Brett Shaver dated August 16, 2023 (1 page)
12. Email Correspondence between Chief Battiloro, Captain Carter, and Brett Shaver dated August 24, 2023 (2 pages)
13. Email Correspondence between Chief Battiloro, Captain Carter, and Brett Shaver dated August 17, 2023 (1 page)
14. Online Form Submittal: Submit a Crime Tip dated August 17, 2023 (2 pages)
15. Online Form Submittal: Contact WPD dated August 23, 2023 (2 pages)

The following records are being provided to you with redactions and are responsive to your request:

1. Email Correspondence between Chief Battiloro, Town Clerk, Labor Counsel, Town Administrator dated August 24, 2023 (5 pages)
1. Online Form Submittal: Contact WPD dated August 17, 2023 (2 pages)
2. Online Form Submittal: Contact WPD dated August 16, 2023 (2 pages)
3. Email Correspondence between Chief Battiloro,, Captain Carter, Town Clerk, Labor Counsel, Town Administrator dated August 21, 2023 (4 pages)
4. Online Form Submittal: Contact WPD dated August 16, 2023 (2 pages)
5. Email Correspondence between Captain Carter to Chief Battiloro dated August 17, 2023 (3 pages)
6. Email Correspondence between Captain Carter and Union County Prosecutor's Office dated August 17, 2023 (2 pages)
7. Email Correspondence between Captain Carter and Nathan Marianovsky dated August 29, 2023 (2 pages)

Redactions were made to the documents listed above pursuant to the following authorities:

1. Pursuant to N.J.S.A. 47:1A-1.1 Exemption No. 2, Intra-agency advisory, consultative or deliberative material. These redactions are noted as "INTRA" (Intra-agency) within the documents.
2. Pursuant to N.J.S.A. 47:1A-1 Exemption No. 17, personal identifying information [is exempt from disclosure under OPRA]. Specifically, unlisted telephone numbers. These redactions are noted as "PII" (personal identifying information") within the documents.
3. Pursuant to N.J.S.A. 47:1A-1, Exemption No. 9 – Attorney Client Privilege. These redactions are noted as "ACP" within the documents.
4. Pursuant to N.J.S.A. 47:1A-1, Exemption No. 2 Advisory, consultative, or deliberative material. These redactions are noted as "ACD" within the documents.

5. Pursuant to N.J.S.A. 47:1A-1, Exemption No. 25, in order to safeguard reasonable expectations of privacy, home addresses have been redacted. These redactions are noted as “REP” (reasonable expectation of privacy) within the documents.
6. Pursuant to N.J.S.A. 47:1A-3(a), Exemption No. 24, ongoing investigations – any records pertaining to an investigation in progress. These redactions are noted as “OI” (ongoing investigation) within the documents.
7. Internal Affairs Information Pursuant to N.J.S.A. 40A:14-181 (requiring law enforcement agencies to adopt and implement guidelines consistent with the New Jersey Attorney General’s guidelines on Internal Affairs Policy and Procedures); New Jersey Attorney General’s Internal Affairs Policy & Procedures (mandating confidentiality of Internal Affairs records and enumerates limited circumstances for disclosure); N.J.S.A. 47:1A-3 (exempting records relating to ongoing investigations); Rivera v. Union Cnty. Prosecutor’s Off., 250 N.J. 124, 136, 270 A.3d 362, 369 (2022) (explicitly limiting its holding to allow for the release of internal affairs reports under the common law as opposed to internal affairs files or other internal affairs materials). These redactions are noted as “IA” (Internal Affairs) within the documents.

Please be advised there are no records responsive to your request for emails to/from Officer Taha within the given timeframe that are responsive to your request.

This response is being provided to you via email as per your request.

If your request for access to a government record has been denied or unfilled within seven (7) business days required by law, you have a right to challenge the decision by the Town of Westfield 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.

Dated: September 26, 2023



Maureen Lawshe, RMC
Town Clerk