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May 7, 2026

Via Email: opra+request-89692-68895c9a@requests.opramachine.com
Amy Kim

Re: Request for Public Records of April 13, 2026

Dear Ms. Kim:

This is in response to your request for public records request dated 04-13-26, and in which you requested the following:

- CAD, Incident Detail, and Investigative reports for all incidents coded: eluding, motor vehicle pursuit, attempt to stop, fail to stop, and resisting by flight from 09/01/2025 to 04/13/2026.

The Bergen County Prosecutor's Office objects to this request as submitted because the request is overbroad and invalid. OPRA does not authorize a party to make a blanket request for "CAD, Incident Detail, and Investigative reports " for all "incidents coded: eluding, motor vehicle pursuit, attempt to stop, fail to stop, and resisting by flight" limited only by time frame. *Bent v. Township of Stafford Police Dept.*, Custodian of Records, 381 N.J. Super. 30, 37, 39 (App. Div. 2005). The requestor's obligation is to specifically describe the document sought; the request may not be a broad, generic description of documents because the custodian is not required to speculate about what the requestor seeks, nor survey agency employees regarding the request. *Bart v. Passaic Cnty. Pub. Hous. Agency*, 406 N.J. Super. 445, 451-52 (App. Div. 2009)."

Further, the request as submitted fails to name specifically identifiable government records, parties, departments, captions, dockets, or victims and requires research beyond the scope of a custodian's duties pursuant to *MAG Entertainment, LLC v. Division of Alcoholic Beverage Control*, 375 N. J. Super. 534, 546 (App. Div. 2005), *Bent v. Stafford Police*



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Department, 381 N.J. Super. 30, 37 (App. Div. 2005), *New Jersey Builders Association v. New Jersey Council on Affordable Housing*, 390 N. J. Super. 166, 180 (App. Div. 2007), and *Schuler v. Borough of Bloomsbury*, GRC Complaint No. 2007-151 (February 2009). See also *Toscano v. NJ Department of Labor, Division of Vocational Rehabilitation Services*, GRC Complaint No. 2010-293 (March 2012), *Elcavage v. West Milford Township (Passaic)*, GRC Complaint No. 2009-08 (April 2010), and *Wolosky v. Township of Randolph (Morris)*, GRC Complaint No. 2010-244 (February 2012).” Stated differently, the Custodian of Records is not supposed to perform research to determine which documents exist, but rather to make available to a requestor specific records(s) that have been identified by the requestor. Here this Agency does not code records as you have defined necessitating research of nearly every file to determine applicability.

It is also not clear if you have submitted your request to a wrong agency. The Bergen County Prosecutor's Office does not generally perform patrol functions implicating motor vehicle infractions like municipal police departments and does not generate or create CAD reports. It is not clear if you seek records related to pursuits initiated by this Agency. We do not have the ability to search for a non-initiated pursuit by municipal departments without engaging in impermissible research.

Furthermore, this office does not keep a central registry of the information you requested. Case records are stored in individual case files. As your request stands now, it requires research or the creation of a non-existent record to identify potential case files rather than seeking readily identifiable records. *MAG Entertainment, LLC v. Division of Alcoholic Beverage Control*, 375 N.J. Super. 534 (App. Div. 2005). I should note that your request, as now written, would also necessitate a special service fee to be imposed if you maintain the request be processed as is and should we were to agree to do so given its sheer breath and lack of specificity. Preliminarily, your request would necessitate the manual review of nearly every criminal case for the requested period.

In *Carter v. New Jersey Dep't of Community Affairs*, 2019 WL 6713293 (N.J. App. Div. Dec. 10, 2019), an OPRA request was submitted for “complete copies of any and all ‘Notice of Docketing’ records” issued by the Appellate Division, resulting from an appeal pursuant to *N.J.S.A.* 40A:9-22.9 of any final agency decision of the Local Finance Board, for a five year period between 2011 and 2016. The agency explained that neither it nor its databases organized or listed matters based on the description the requestor had provided, and the requestor had provided no case names, party names, or docket numbers. Consequently, the custodian would need to manually identify cases, locate records in storage, and manually review each potentially applicable case file for responsive records. The agency denied the request on the ground that fulfilling the request would require the custodian to exercise judgment and conduct research. *Id.* at *1.

The General Records Council denied the requestor's challenge to the denial and the Appellate Division affirmed. The Appellate Division distinguished between a search for records, which a custodian is required to do under OPRA, and research, which is beyond the ambit of OPRA. *Id.* at *3. Noting that the agency did not maintain a database or list of records responsive to the request for Notices of Docketing, the Appellate Division held that the custodian would have to “search through thousands of cases to identify documents relevant to the request”

– it would have to both “exercise discretion” and “undertake research.” Citing *MAG Entm’t, LLC v. Division of Alcoholic Beverage Control*, 375 N.J. Super. 534 (App. Div. 2005), the court held that “[r]equests for general information – like here – that must be ‘analyzed, collated and compiled’ by the agency are outside the scope of OPRA.” The court further indicated:

As [the requestor] emphasized during oral argument before us, he specified a subject and the relevant timeframe, but he did include a case name, party name, or docket number. The failure to include these identifiers would have forced the custodian to research and manually identify the documents. Like in *N.J. Builders [Ass’n. v. New Jersey Council on Affordable Housing]*, 390 N.J. Super. 166, 172 (App. Div. 2007),] this request for “any and all” information placed the burden on the custodian to locate germane documents, which is improper. *Id.* at *4.

Your request for an unknown number of records in unspecified cases limited only by references to codes not utilized by this Agency and without reference to statutory charges, parties, captions or victims is materially the same as *Carter*. Like the public agency in *Carter*, my Office does not organize, or list matters based on the descriptions you provided. As in *Carter*, your requests include a broad type of document but no case name, party name, docket number -- placing the burden on this Office to research countless files to determine whether the germane documents might be contained therein. Like in *Carter*, this Office has no obligation to exercise judgment in trying to circumscribe the universe of relevant files, locate them, and then manually review each potentially applicable case for responsive records. Your request is invalid and denied. I note that, while *Carter* is an unpublished case, it applied settled New Jersey law, as evidenced by its citations to *MAG*, *N.J. Builders*, *Bent v. Township of Stafford Police Dep’t*, 381 N.J. Super. 30 (App. Div. 2005), *Burke v. Brandes*, 429 N.J. Super. 169 (App. Div. 2012), and *Burnett v. County of Gloucester*, 415 N.J. Super. 506 (App. Div. 2010).

I must also note that your request is being denied on the separate and independent ground that the request would substantially disrupt BCPO’s operations. See *N.J.S.A.* 47:1A-5g.

Let me suggest that under these circumstances, it might be less burdensome for you and this Agency if you revise your request to identify specific incidents. If you were to request records related to specific incidents, I would be able to locate the existing records, if any, and either provide them or deny access based on a specific statutory exemption. To that end and as a courtesy to you, I direct your attention to the New Jersey State Police (NJSP) Uniform Crime Reports which can be found at <https://www.njsp.org/ucr/uniform-crime-reports.shtml>. The NJSP tracks certain felony information statewide by year which you may find useful. Additionally, the New Jersey Judiciary operates the Promis/Gavel Network (PG). PG is an automated criminal case tracking system that is controlled by the Administrative Office of the Courts (AOC). The public has access to it in every state courthouse. In Bergen County, the public access terminal is located in the County Justice Center, 10 Main Street, Hackensack. Whether you may also obtain the record you seek through the public access terminal or through the AOC is a separate question that is not before me. The PG network is described on the New Jersey Courts website, www.judiciary.state.nj.us. They also may be of help to you.

Again, if you were to identify particular matters, I would be able to review if we possess responsive records not otherwise statutory exempt from public disclosure. To save time, please

note narrative police reports, case summaries, and evidence are exempt from disclosure as a criminal investigatory record. See *N.J.S.A. 47:1A-1.1*; see also *Solloway v. Bergen County Prosecutor's Office*, GRC Complaint No. 2011-39 (January 2013). Same are defined, in pertinent part, as records which are "not required by law to be made, maintained or kept on file ... which pertains to any criminal investigation[.]" *N.J.S.A. 47:1A-1.1*. Criminal investigatory records remain protected even after an investigation is completed. See *Janeczko v. N.J. Dep't of Law and Pub. Safety, Div. of Criminal Justice*, GRC Complaint Nos. 2002-79 and 2002-80 (June 2004) (noting that the exemption includes "records involving all manner of crimes, resolved or unresolved, and include information that is part and parcel of an investigation, confirmed and unconfirmed.").

You also based your request on common law. That requires that your interest in obtaining the records be balanced against this office's interest in maintaining the confidentiality of the records. Since you have not identified your interest in obtaining the records, I cannot conduct that analysis. Your precise interest in obtaining the records is especially important given that the information contained in the records will likely be made public as the prosecution continues. The issue is not simply your interest in obtaining the records, but your interest in obtaining the records now. Since you have not provided that information, I cannot provide a proper analysis. Accordingly, to the extent that your request for the records is based on the common law, it is also denied.

In the event there is an appeal or review of this response, the Bergen County Prosecutor's Office also reserves the right to raise any other ground for denial not raised in this response. The failure of the Bergen County Prosecutor's Office to assert an exception or privilege does not act as a waiver of any ground for denial.

You have a right to appeal the decision that the document or documents are not public records or are otherwise exempt from disclosure. 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 PO Box 819, Trenton, NJ, 08625, by email at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The Council 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,

MARK MUSELLA
Bergen County Prosecutor

Maria Fagliarone/s/

Maria Fagliarone
Assistant Records Custodian