



OFFICE OF THE COUNTY PROSECUTOR
JENNIFER WEBB-MCRAE
CUMBERLAND COUNTY PROSECUTOR

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First Assistant Prosecutor

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October 27, 2023

Via email to: opra+request-53778-a4xxxxxx@xxxxxxxx.xxramachine.com

Re: Records request

Dear Ms. Erin:

Please accept this letter in response to your records request dated October 7, 2023 and submitted via email. On October 18, 2023, a request for a reasonable seven business day extension on the time frame for responding to your OPRA request was communicated to you via email. Your request is for the following records: “(1) Email log of AP Lesley Snock which shall include: To, From, Subject, Date, and Time. Beginning January 8th, 2023 through February 8th, 2023; (2) Phone log of AP Lesley Snock's cell phone number 856-392-3771 from January 8th, 2023 through February 8th, 2023 including the numbers she interacts with; (3) AP Snock's text messages TO and FROM cell phone number 856-392-3771 from January 8th, 2023 through February 8th, 2023 including the numbers she interacts with. (4) Phone log of AP Lesley Snock's extension 11101 connected to line 856-453-0486 from January 8th, 2023 through February 8th, 2023 including the numbers she interacts with.”

With regard to requests (1), (2) and (3), please find all responsive records attached as Responsive Records A and Responsive Records B.

Please note that redactions have been made in the form of two subject line entries in Responsive Record A pursuant to the exemption to the provisions of the Open Public Records Act for criminal investigatory records, which are exempt from release under the Open Public Records Act. Criminal investigatory records are exempt from OPRA. Furthermore, a criminal investigatory record remains exempt from disclosure even after the criminal investigation has been closed. Donna Janeczko v. New Jersey Department of Law and Public Safety, Division of Criminal Justice, Custodian of Record, GRC Complaint Nos. 2002-79 and 2002-80; Andrew Johnson/Press of Atlantic City v. New Jersey Division of State Police, Custodian of Record, GRC Complaint No. 2004-46. Once more, these two redactions have also been made pursuant to the exemption to OPRA regarding surveillance, security, tactical, investigative or operational techniques or measures or procedures which are improper for release under OPRA. In Rivera v. City of Plainfield Police Dep't, (Union) GRC Complaint No. 2009-317 (May 2011): The Council held that, "because [the requested records]... necessarily include details regarding surveillance techniques and staffing levels which, if disclosed, could pose a risk to the safety of police personnel as well as civilians employed... such records are exempt from the definition of a government record pursuant to N.J.S.A. 47:1A-1.1".

Finally, redactions have also been made in the form of a citizen's personal email address appearing in four instances of the "From" column of Responsive Record A pursuant to N.J.S.A. 47:1A-1 relating to citizen's reasonable privacy interests, wherein "a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy."

With regard to request (4), this office has no responsive records.

The Cumberland County Prosecutor's Office reserves the right to raise any other ground for denial not raised in this response. The failure of the Cumberland County Prosecutor's Office to assert an exception or privilege does not act as a waiver of any ground for denial. 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 Cumberland County Prosecutor's Office to deny access. At your option, you may institute a proceeding in the Superior Court of New Jersey. All questions regarding complaints filed in Superior Court should be directed to the Court.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen C. Sayer', with a stylized flourish at the end.

Stephen C. Sayer [114352015]

Assistant Prosecutor

Alternate Records Custodian