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Via OPRA Machine opra+request-62161-146e3be7@requests.opramachine.com

Re: Open Public Records Act (OPRA) request – Email logs including specific names

Dear Erin:

This office is in receipt of your request made under the New Jersey Open Public Records Act (OPRA). Enclosed please find the requested email logs. Personal identifying information has been redacted pursuant to N.J.S.A. 47:1A-1.1, et seq. Redactions have been made of confidential information, information subject to the attorney-client privilege, and intra-agency or inter-agency advisory, consultative or deliberative material. Additional redactions have been made where the subject matter may reveal a current or prior investigation regarding events where no arrest has been made.

Our courts have previously held that a prosecutor's office is ethically bound to refuse to confirm or deny the existence of records that may reveal whether there is, or has been, an investigation surrounding events for which a person has not been subject to arrest:

In sum, before OPRA was enacted, judicial decisions recognized the need to maintain "a high degree of confidentiality" for records regarding a person who has not been arrested or charged. The confidentiality accorded such information promotes both the integrity and effectiveness of law enforcement efforts for the benefit of the public at large. In addition, the grant of confidentiality protects the privacy interest of the individual who, lacking an opportunity to challenge allegations in court, would face irremediable public condemnation. The need and scope of confidentiality recognized in our courts' decisions "may duly be claimed to restrict public access to a public record or government record." *N.J.S.A. 47:1A-9(b)*. We therefore hold that, pursuant to *N.J.S.A. 47:1A-9(b)*, an exemption exists for information received or maintained by law enforcement agencies regarding a person who has not been arrested or charged with an offense.

N. Jersey Media Grp. Inc. v. Bergen Cty. Prosecutor's Office, 447 N.J. Super. 182, 204 App. Div. 2016).

Should you disagree with our decision, please contact us in writing with your concerns so that we may consider them.

Yours very truly,

/s/Dina R. Khajezadeh

Dina R. Khajezadeh
Assistant Prosecutor

DRK/dk