



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

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First Assistant Prosecutor

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Telephone (856)453-0486
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June 11, 2024

Via email to: opra+request-61374-51xxxxxx@xxxxxxxxxx.xxramachine.com

Re: Records request

Dear Ms. Erin:

Please accept this letter in response to your records request which was first received by this Records Custodian on May 22, 2024. On May 31, 2024, a request for a reasonable seven business day extension on the time frame for responding to your request was made via email to your provided email address, due to this office's IT professional requiring additional time to procure the responsive results to your request. Your request is for the following records: (1) October 1, 2023 to May 1, 2024 Email log of Pearl Downing including the TIME, DATE, SUBJECT, TO and FROM showing only the emails that contain the keyword "JASON SAMARITANO" and/or "ERIN SAMARITANO"; (2) October 1, 2023 to May 1, 2024 Email log of Lourdes Clouser including the TIME, DATE, SUBJECT, TO and FROM showing only the emails that contain the keyword "JASON SAMARITANO" and/or "ERIN SAMARITANO"; (3) October 1, 2023 to May 1, 2024 Email log of Monica Martucci including the TIME, DATE, SUBJECT, TO and FROM showing only the emails that contain the keyword "JASON SAMARITANO" and/or "ERIN SAMARITANO"; (4) October 1, 2023 to May 1, 2024 Email log of Ronald Tobolski including the TIME, DATE, SUBJECT, TO and FROM showing only the emails that contain the keyword "JASON SAMARITANO" and/or "ERIN SAMARITANO"; (5) December 2, 2022 to May 1, 2023 Email log of David Weber including the TIME, DATE, SUBJECT, TO and FROM showing only the emails that contain the keyword "JASON SAMARITANO" and/or "ERIN SAMARITANO".

Please find all responsive records with regard to requests (1), (3), (4), and (5) attached to this email as Responsive Record A. With regard to request (2), this office has no responsive records. Please also note that redactions have been made pursuant to the exception to the Open Public Records Act for records constituting internal affairs records. OPRA's broad right to access is not absolute, but is instead limited by "established public-policy exceptions," stated in the statute, which declare "[a] government record shall not include... information which is deemed to be confidential." Gilleran v. Bloomfield, 227 N.J. 159, 170 (2016) (quoting N.J.S.A. 47:1A-1.1). Similarly in North Jersey Media Group v. Bergen County Prosecutor's Office, 447 N.J. Super. 182,

201-202 (App. Div. 2016) the Court recognized that the provisions of the Open Public Records Act specifically do not abrogate or erode existing exemptions to public access, including "regulation[s] promulgated under the authority of any statute or Executive Order of the Governor" or "any executive or legislative privilege or grant of confidentiality heretofore established or recognized by the Constitution of this State, statute, court rule or judicial case law". N.J.S.A. 47:1A-9. Redactions have been made on the basis of 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".

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