



**OFFICE OF THE COUNTY PROSECUTOR
COUNTY OF MONMOUTH**

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June 28, 2019

Monmouth County CARE
opra+request-4412-3d2b418d@requests.opramachine.com

Re: OPRA request dated June 12, 2019

Dear Monmouth County CARE,

This office received your records request dated June 12, 2019 via e-mail on June 13, 2019 and it was received by the records custodian on the same date. On June 24, 2019, I informed you I needed an extension to June 28, 2019 to do research regarding release of the e-mails, as well as to review and redact them.

You requested the following:

E-mails referring to John Brogan and/ or lifeline recovery support services.

We are looking for email from January 1, 2019 to present.

The same request was made in March. Enclosed are e-mails responsive to your request between March and June 21, 2019; plus the e-mails provided in response to the March request. Not included are e-mails that pertain to specific defendants and their application to the program, their eligibility or ineligibility, their addiction, or their treatment plan. See Michael Janowski v. New Jersey Department of Corrections, GRC Complaint No. 2012-240 (June 2013) (The Custodian properly concluded that the Complainant's records request related to "medical, psychiatric or psychological history, diagnosis, treatment or evaluation," and thus were exempt from production pursuant to OPRA. N.J.S.A. 47:1A-9(a) and N.J.A.C. 10A:22-2.3(a)(4)); Executive Order #47 (Gov. Christie 2010); Henry Little v. New Jersey Department of Corrections, GRC Complaint No. 2012-70 (April 2012)). See also, Leslie Posnock v. Monmouth County Sheriff's Office, GRC Complaint No. 2006-44 (citing Executive Order 26, paragraph 4(b)1, which "provides that information which discloses the medical, psychiatric, or psychological history, diagnosis, treatment, or evaluation of an individual is not subject to public access.").

Also not included are e-mails that are exempt due to them being advisory, consultative, and deliberative. N.J.S.A. 47:1A-1.1; Education Law Center v. N.J. Dept. of Ed. 198 N.J. 274 (2009); In re the Liquidation of Integrity Ins. Co., 165 N.J. 75, 84-85 (2000); Tractenberg v. Twp. Of West Orange, 416 N.J. Super. 354 (2010); Gannett New Jersey Partners, LP v. County

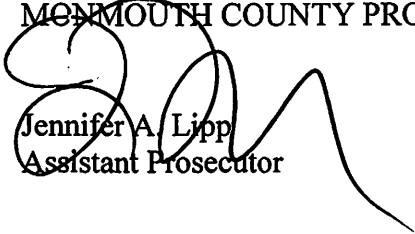
Of Middlesex, 379 N.J. Super. 205 (App. Div. 2005). These are e-mails which include and contain opinions, recommendations, and/or advice pertaining to the diversionary program, which are exempt from production as advisory, consultative or deliberative material. N.J.S.A. 47:1A-1.1; see In re Readoption with Amendments of Death Penalty Regulations N.J.A.C. 10A:23, by the N.J. Dep't of Corr., 367 N.J. Super. 61, 73-74 (App.Div.), certif. denied, 182 N.J. 149, 862 A.2d 57 (2004).

In the event of a clarification or appeal, this office reserves the right to raise any other ground for denial not raised in this response. The failure of this office to assert an exception or privilege at this time does not act as a waiver of any grounds for denial.

Very truly yours,

CHRISTOPHER J. GRAMICCIONI
MONMOUTH COUNTY PROSECUTOR

By:


Jennifer A. Lipp
Assistant Prosecutor

Enclosures