



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

Harold B. Shapiro
First Assistant Prosecutor

Mach Jackson
Chief of Investigators

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March 8, 2024

Via email to: opra+request-58555-e85e4dce@requests.opramachine.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 February 19, 2024. Your request is for the following records: "(1) The policy implemented consistent with the aforementioned Attorney General Directive 2019-6 to ensure compliance with Brady and Giglio; (2) A list with all the NAMES, RANK, AGENCY EMPLOYED BY and DATE OF ALL LAW ENFORCEMENT OFFICERS ADDED to the Brady Giglio list by your County's Prosecutors Office since 1/1/2014."

With regard to request (1), please find all responsive records attached as Responsive Record A.

With regard to request (2), this request is denied in that it is a request for information and for the creation of a new record in the form of a list providing your requested information. To the extent that this is a request for information, or for a new document to be created in response to your request, this request is denied as an impermissible request for information and research and for the creation of a new record, where you have failed to request a specifically identifiable record that can be simply turned over in response to your request and have instead requested information in the form of a list providing the names, rank, agency employed by, and date of all law enforcement officers added to the Brady Giglio list by this office following the date of January 1, 2024.

If a request does not name specifically identifiable records or is overly broad, a custodian may deny access pursuant to the following court decisions: MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005), Bent v. Stafford Police Department, 381 N.J. Super. 30 (App. Div. 2005), New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166 (App. Div. 2007), and Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009). Records custodians are required to search their files for responsive records, but not to conduct any research on behalf

of the requestor. See Donato v. Tp of Union, GRC Complaint No. 2005-182, Analysis (February 28, 2007). Nor are custodians required to create new documents in response to requests.

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 extending from the end.

Stephen C. Sayer [114352015]
Assistant Prosecutor
Alternate Records Custodian