



350 Hudson Ave, Twp. of Washington, NJ 07676-4799, Tel: 201-664-44256 Fax 201-664-8281
Office of the Township Clerk, Susan Witkowski



October 15, 2024/OR-559

Sent electronically :

mountaindeew lightning opra+request-67629-f790dd9d@requests.opramachine.com

Mountaindeew lightning,

The Township of Washington received your Open Public Records Act (OPRA) request on October 7, 2024. The official Records Custodian, Susan Witkowski received your OPRA request on October 7, 2024. As such, the seven (7) business day deadline to respond to your request is October 16, 2024. This response to your request is being provided to you on the 6th business day after the custodian's receipt of said request.

The table below identifies the records that being denied in whole or in part as well as the legal basis for each denial, as is required by N.J.S.A. 47:1A-6.

List of all records responsive to OPRA request (include the number of pages for each record).	List of all records provided, <u>with redactions</u> , or denied in their tirety.	If records are disclosed with redactions, give a general nature description of the redactions.	If records were denied in their entirety, give a general nature description of the record.	List the legal explanation and statutory citation for the denial of access to records in <u>their entirety</u> or <u>with redactions</u> .
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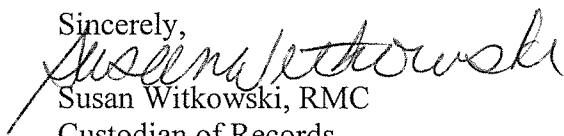
N/A	I would like to receive any accident reports, incident reports, aided reports, operations reports, internal affairs records, vehicle reports, investigation reports, citations, summonses issued, charge sheets, disposition of charges, court records, legal actions, lawsuits filed, settlement agreements, judgements, CAD / dispatcher / police journal entry records, ambulance reports, patient care reports, fire department response reports, sobriety test results, total station diagrams, accident reconstruction diagrams and reports, 911 tapes, any dispatch calls, images, recordings, video recordings, surveillance video, dashboard camera video, body worn camera video of the crash itself or the driver or any other persons being interviewed by the police, and email or other written communications.	N/A	Denied because request is overbroad and fails to request specific identifiable government records. The custodian would have to conduct research and analysis to determine if any of the voluminous records requested involved various emergency vehicles for over a 10 year period of time. There is no obligation to conduct research and create a record in response to an OPRA request. The scope of request needs to be narrowed. See <u>N.J.S.A. 47:1A-5(g)</u> which provides that "A custodian shall not be required to complete a request ... if the custodian determines that the request would require research and the collection of information from the contents of government records and the creation of new government records setting forth that research and information"; (See also <u>MAG Entm't, LLC v. Division of Alcohol Beverage Control</u> , 375 N.J. Super. 534 (App. Div. 2005)(Under OPRA, agencies are required to disclose only identifiable government records not otherwise exempt. It does not allow open-ended searches of an agency's files.)	<u>N.J.S.A. 47:1A-5(g)</u>
N/A	relating to any accident or incident involving a police vehicle, fire vehicle, ambulance, paramedic vehicles, supervisor vehicle, emergency response vehicles, first	N/A	Denied pursuant to <u>N.J.S.A. 47:1A-5(f)</u> which states, "If the letter or email from a requestor includes substantially more information than required on the adopted form and requires more	<u>N.J.S.A. 47:1A-5(f)</u>

	responder, police officer, EMT, paramedic, firefighter, code enforcement officer, law enforcement officer, REGARDLESS OF PAY OR VOLUNTEER STATUS OR IF THE CRASH WAS WHILE RESPONDING TO EMERGENCY, NOT DURING AN EMERGENCY RESPONSE, "ON DUTY", OR "OFF DUTY", or wherein the box stating "Resp to Emergency" or "Responding to Emergency" is checked off on an accident or crash investigation report, and for the original situation or emergency that resulted in the dispatching of the resources and personnell in the first place that are in your possession from January 1, 2012 until the December 31, 2023.		than reasonable effort to clarify the information, the custodian may deny the request." The adopted form for an OPRA request requires a "brief description of the government record sought". Here, the request for records is not brief but rather so voluminous that it needs to be clarified and narrowed in order to respond.	
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* A list of OPRA's exemptions is attached to this response letter.

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 Township of Washington to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,



Susan Witkowski, RMC

Custodian of Records

Township of Washington

switkowski@twpofwashington.us

201-664-4425

OR-559.

-----Original Message-----

From: mountain dew lightning <opra+request-67629-f790dd9d@requests.opramachine.com>

Sent: Friday, October 4, 2024 9:33 AM

To: Town Clerk <townclerk@twpofwashington.us>

Subject: OPRA request - Ev crashes

RECEIVED

OCT 7 2024

TOWNSHIP CLERK

Caution: External E-mail

Dear Washington Township (Bergen),

Please accept this electronic request for public records made under OPRA and the common law right of access. I am not required to fill out an official form or use a particular software platform to submit my request per NJSA 47:1A-6(f), which states that an email from a requestor including all of the information required on the adopted form shall suffice in place of a completed form as a valid government record request.

I HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

I WILL NOT use the requested government records for a commercial purpose.

I AM NOT seeking records in connection with a legal proceeding.

Records requested:

I would like to receive any accident reports, incident reports, aided reports, operations reports, internal affairs records, vehicle reports, investigation reports, citations, summonses issued, charge sheets, disposition of charges, court records, legal actions, lawsuits filed, settlement agreements, judgements, CAD / dispatcher / police journal entry records, ambulance reports, patient care reports, fire department response reports, sobriety test results, total station diagrams, accident reconstruction diagrams and reports, 911 tapes, any dispatch calls, images, recordings, video recordings, surveillance video, dashboard camera video, body worn camera video of the crash itself or the driver or any other persons being interviewed by the police, and email or other written communications

relating to any accident or incident involving a police vehicle, fire vehicle, ambulance, paramedic vehicles, supervisor vehicle, emergency response vehicles, first responder, police officer, EMT, paramedic, firefighter, code enforcement officer, law enforcement officer, REGARDLESS OF PAY OR VOLUNTEER STATUS OR IF THE CRASH WAS WHILE RESPONDING TO EMERGENCY, NOT DURING AN EMERGENCY RESPONSE, "ON DUTY", OR "OFF DUTY", or wherein the box stating

"Resp to Emergency" or "Responding to Emergency" is checked off on an accident or crash investigation report, and for the original situation or emergency that resulted in the dispatching of the resources and personell in the first place that are in your possession

from January 1, 2012 until the December 31, 2023.

My preferred delivery method for response(s) to this request is by E-mail as attachments. Please confirm you have received this request. If you are not the custodian of records, please forward my request to that person and provide their email address to me for future reference.

Yours faithfully,

mountaindew lightning

Please deliver records electronically via email to the below UNIQUE address for all replies to this request:

opra+request-67629-f790dd9d@requests.opramachine.com

Is townclerk@twpofwashington.us the wrong address for OPRA requests to Washington Township (Bergen)? If so, please contact us using this form:

https://urldefense.proofpoint.com/v2/url?u=https-3A_opramachine.com_change-5Frequest_new-3Fbody-3Dwashington-5Ftownship-5Fbergen&d=DwlFaQ&c=euGZstcaTDIlvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=xe6LILGY4fBqf2qF2SfWyQPyzkOmFj7ck01xsbil5ts&m=TAGAcvgujo-uuDK91JLVVPilkFiQv0uk_mfi1fHdNZc12E28-SAOt5BGDDNJPI8L&s=EQrWZFX7-NpDVOGqwVlfhBVNwAFXbsK7YAKuM0Lmbil&e=

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

https://urldefense.proofpoint.com/v2/url?u=https-3A_opramachine.com_help_officers&d=DwlFaQ&c=euGZstcaTDIlvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=xe6LILGY4fBqf2qF2SfWyQPyzkOmFj7ck01xsbil5ts&m=TAGAcvgujo-uuDK91JLVVPilkFiQv0uk_mfi1fHdNZc12E28-SAOt5BGDDNJPI8L&s=eqn7m-keUF77Cz3oDfq-JF8bv0yyGqKumqJP sSHsMkl&e=

View this OPRA request & responses online:

https://urldefense.proofpoint.com/v2/url?u=https-3A_opramachine.com_request_ev-5Fcrashes-5F7&d=DwlFaQ&c=euGZstcaTDIlvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=xe6LILGY4fBqf2qF2SfWyQPyzkOmFj7ck01xsbil5ts&m=TAGAcvgujo-uuDK91JLVVPilkFiQv0uk_mfi1fHdNZc12E28-SAOt5BGDDNJPI8L&s=vUPT_t2rpmoTxbZJ-

[U3Ib0UGfoqwRdTXxBWYHUTLPLw&e=](#)

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

"OPRAmachine's mission is to give people easy and affordable access to New Jersey public records.

For more information, contact us at: (732) 707-1628 or PO Box 3180, New Brunswick, NJ 08903."