



NEW BRUNSWICK POLICE DEPARTMENT

25 KIRKPATRICK STREET • POST OFFICE BOX 909

NEW BRUNSWICK, NEW JERSEY 08903

Communications 732.745.5200 / Facsimile 732.565.7544

www.cityofnewbrunswick.org

Captain Amish Shah

Public Information Officer

732.745.5259

October 14, 2024

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Email: opra+request-67638-3a1eba9f@requests.opramachine.com

Re: OPRA Request 24.10_844

Dear Requestor:

Please note that this is **NOT** a denial of your request, but an attempt to gain clarification of your request, which in its current format is vague, overly broad and lacks the specificity of a proper OPRA request. Specifically, the portion of your request received noted as ***“any accident reports, incident reports, aided reports, operations reports, internal affairs records, 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”*** is impermissibly vague. Please be advised a request for any and all records is overly broad, as it does not identify any specific records or documents in existence. There are various types of police reports that may be generated subsequent to an incident. Pursuant to OPRA guidelines, a proper OPRA request must identify with reasonable clarity the desired documents, and a party cannot satisfy this requirement by simply requesting all of an agency's documents. See *Bent v. Twp. Of Stafford Police Dep't, Custodian of Records*, 381 N.J. Super. 30 37 (App. Div. 2005). Based on the foregoing, a request must identify specific documents, or we will be unable to satisfy a request for records.

Secondly, your request noted as ***“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 personnel in the first place that are in your possession”*** also is vague overly broad and lacks the specificity of a proper

OPRA request. A request for records "relating to" is impermissibly vague and overly broad, as it does not identify any specific records or documents. There are various types of records that may be generated subsequent to motor vehicle accidents involving the listed vehicles or in relation there to. Our current records management system containing the NJTR-1 records does not allow a simple search for vehicles as described or "relating to" any of the possible vehicles. As such, your request may not be a broad, generic description of documents that requires the custodian to search the agency's files and 'analyze, compile, and collate the requested information. *Bart v. Passaic County Public Housing Agency*, 406 N.J. Super. 445, 451 (App. Div. 2009). If a request does not name specifically identifiable records or is overly broad, a custodian may deny access pursuant to the well-established case law. See *MAG Entertainment, LLC v. Division of Alcoholic Beverage Control*, 375 N.J. Super. 534 (App. Div. 2005); *Bent v. Twp. of Stafford Police Dept., Custodian of Records*, 381 N.J. Super. 30 (App. Div. 2005); *N.J. Builders Assn v. New Jersey Council on Affordable Housing*, 390 N.J. Super. 166 (App. Div. 2007); *Schuler v. Borough of Bloomsbury*, GRC Complaint No. 2007-151 (February 2009).

Accident reports are prepared to document any vehicle, including the vehicles you mention, when they are involved in motor vehicle accidents. However, your request for "or incident involving" needs clarification. Almost every emergency response incident "involves" a vehicle that is driven by a first responder to a scene. Please be advised that a custodian is obligated to search files to find the identifiable government records listed in the OPRA request. A custodian is not required to research files to figure out which records, if any, might be responsive to a broad and unclear OPRA request. See *Donato v. Township of Union*, GRC Complaint No. 2005-182 (February 2007).

Your request in its current format requires research into approximately 11 years' worth of emergency responses to motor vehicle accidents. The request in its current format would require a department's records custodian to individually search through a wide range of records and analyze which records are responsive to your request. This type of records research is not required, and the request is therefore overly broad (See *Burnett*, 415 N.J. Super. at 515-16).

We do have responsive records identified as: accident reports, incident reports, internal affairs records, investigation reports, citations, summonses issued, court records, sobriety test results, 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; however your request is too overly broad to properly assess and provide these records.

Kindly be advised, OPRA makes identifiable government records readily accessible for inspection, copying, or examination (*Bent v. Twp. of Stafford Police Dep't, Custodian of Records*, 381 N.J. Super. 30, 37 (App. Div. 2005). Therefore, an OPRA request "must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting **all** of an agency's documents" (*Bent v. Twp. of Stafford Police Dep't, Custodian of Records*, 381 N.J. Super. 30, 37 (App. Div. 2005). OPRA does not authorize unbridled searches of an agency's property and "is not intended as a research tool litigants may use to force government officials to identify and siphon useful information" (*Bent*, 381 N.J.

Super. at 37; MAG, 375 N.J. Super. at 543). Wholesale requests for general information to be analyzed, collated and compiled' by the agency are outside OPRA's scope." (MAG Ent., LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 549 (App. Div. 2005).

Therefore, the records and/or information you have requested in its current format is not required to be provided under the OPRA statute. To clarify you may significantly narrow your search range, both in time and the type of records sought. You also can provide more specifics on a particular incident(s) of which you are seeking records for (e.g. "a motor vehicle accident involving a fire truck responding to an emergency on or about 1/2/23"). Additionally, you may request only CAD reports, or accident reports and, and once they are reviewed, you may file additional OPRA requests for additional supporting documents for the particular accidents you are seeking records for. This would not involve research, but information may need to be redacted and based upon the volume in your request a special service charge may be applicable.

If you wish to request Computer Aided Dispatch (CAD) reports, please be advised that in December of 2018, The Rutgers University Police Department began dispatching emergency services for the City of New Brunswick. The maintenance of the Computer Aided Dispatch (CAD) system is included in those responsibilities. The Director of Public Safety Telecommunication for Rutgers University has informed this office, all CAD records requests must be submitted to the University directly. You can submit the OPRA request for the CAD report via this link: <https://uec.rutgers.edu/programs-2/opra/>.

Furthermore, kindly be advised the New Brunswick Police Department has no records responsive for following types of records as requested: aided reports, operations reports, charge sheets, disposition of charges legal actions, lawsuits filed, settlement agreements, judgements police journal entry records, ambulance reports, patient care reports, fire department response reports total station diagrams, accident reconstruction diagrams and reports

Thank you for your interest in this matter and if my office can be of any further assistance, please do not hesitate to contact us.

Sincerely,

Captain Amish Shah

cc. Leslie Zeledon, City Clerk
Joseph Catanese, Asst. City Attorney