

Lorraine Baker

From: Nicholas Magner <opra+request-20750-71a60770@requests.opramachine.com>
Sent: Monday, March 1, 2021 9:59 PM
To: GT Clerk
Subject: OPRA request - Firearms Application Information

Dear Gloucester Township,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

1. Count of all current and in-progress applications in process with Gloucester Township Police Department (GTPD), for Firearms Purchaser Identification Card and/or Handgun Purchase Permit.
2. Count of all applications not yet approved that have been in process at GTPD longer than 30 days.
3. Count of all applications denied by GTPD from 2/1/20-2/228/2021.
4. List the reason(s) why the applications in Item 3 above were denied (leave out any personal information).

Please provide in pdf or other digital format.

Yours faithfully,

Nicholas Magner

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-20750-71a60770@requests.opramachine.com

Is GTclerk@glotwp.com the wrong address for OPRA requests to Gloucester Township? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=gloucester_township

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

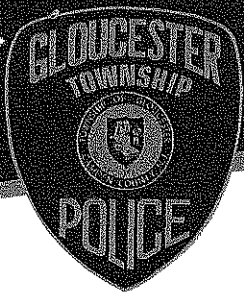
<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opramachine.com/request/firearms_application_information_4

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.



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David J. Harkins
CHIEF OF POLICE
FBI NA #247

To: Township Clerk N. Power
From: Capt. Brian McKendry
Date: March 30, 2021
Re: OPRA Request-Nicholas Manger

Mrs. Power,

On March 3, 2021, I received a request made by Nicholas Manger under the Open Public Records Act ("OPRA") for certain information and records pertaining to application for Firearms Purchaser Identification Cards or Handgun Purchaser Permits.

1. *Count of all current and in-progress applications in process with Gloucester Township Police Department (GTPD), for Firearms Purchaser Identification Card and/or Handgun Purchase Permit.*
2. *Count of all applications not yet approved that have been in process at GTPD longer than 30 days.*
3. *Count of all applications denied by GTPD from 2/1/20-2/228/2021.*
4. *List the reason(s) why the applications in Item 3 above were denied (leave out any personal information).*

It should be noted that he did not request aggregate information regarding the total number of permits to purchase a handgun and firearms purchaser identification cards that have actually been issued by the Township's Chief of Police.

The information you have requested would necessarily have to be gleaned from "applications for Firearms Purchase Identification and/or Handgun Purchase Permits." In Galligan v. Township of West Deptford (Gloucester), GRC Complaint No. 2013-163 (March 2013), the Government Records Council (GRC), quoting its decision in Squicciarini v. Berkeley Township Police Department (Ocean), GRC Complaint No. 2011-18 (March 2012), stated, "[i]t is further clear that not only is the letter at issue herein exempt from disclosure pursuant to N.J.A.C. 13:54-1.15, but the Custodian was under no obligation to provide *any records related to* the Complainant's gun permit application investigation file."

**DISPATCH: 856-228-4500 • WEB: www.gtpolice.com • EMAIL: police@gtpolice.com
1261 Chews Landing Road, Laurel Springs, New Jersey 08021**

According to Galligan, N.J.A.C. 13:54-1.15 is applicable as an exemption to the disclosure provisions of OPRA pursuant to N.J.S.A. 47:1A-9(a). N.J.A.C. 13:54-1.15 provides as follows:

Any background investigation conducted by the chief of police, the Superintendent or the county prosecutor, of any applicant for a permit, firearms identification card license, or registration, in accordance with the requirements of this chapter, is not a public record and shall not be disclosed to any person not authorized by law or this chapter to have access to such investigation, including the applicant. **Any application for a permit, firearms identification card, or license, and any document reflecting the issuance or denial of such permit, firearms identification card, or license, and any permit, firearms identification card, license, certification, certificate, form of register, or registration statement, maintained by any State or municipal governmental agency, is not a public record** and shall not be disclosed to any person not authorized by law or this chapter to have access to such documentation, including the applicant, except on the request of persons acting in their governmental capacities for purposes of the administration of justice.

The GRC in Galligan stated that this regulation

makes it clear that not only firearms applications, but also the broader category of personal firearms records, are not public records. By extension, this would include information gleaned from those records. Indeed, shortly after the Complainant submitted his request which formed the basis of this complaint, the Legislature amended OPRA to provide that, "[a] government record shall not include...personal firearms records, except for use by any person authorized by law to have access to these records or for use by any government agency, including any court or law enforcement agency, for purposes of the administration of justice." N.J.S.A. 47:1A-1.1. Galligan, 2013-163 (emphasis added).

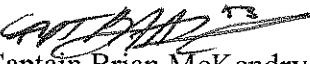
Accordingly, because the items he requested are either part of, or related to, applications for Firearms Purchase Identification and/or Handgun Purchase Permits, they are exempt from disclosure pursuant to N.J.A.C. 13:54-1.15 and N.J.S.A. 47:1A-9(a). Further, as set forth above, he has not requested any information to which the limited exception set forth in N.J.S.A. 47:1A-1.3 would apply. Accordingly, his request is denied.

Please note that if a request for access to a government record has been denied or unfilled within the seven (7) business days required by law, he has a right to challenge the decision by the College to deny access. At his option, he 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. He 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 GRC 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.

Please feel free to contact me directly if you have any questions.

Professionally,


Captain Brian McKendry

Administrative Services Division