

JOSEPH D. CORONATO
Ocean County Prosecutor



GLENN MILLER
Chief of Detectives

OFFICE OF THE PROSECUTOR

Courthouse Annex Building
119 Hooper Avenue
P.O. Box 2191
Toms River, New Jersey 08754-2191
(732) 929-2027 Fax (732) 240-3338

May 1, 2018

Ask NJ Media Co.

VIA: OPRA Machine

RE: Open Public Records Act (OPRA) Request
Public Photography/Videography

Dear Sir/Madam:

Enclosed please find the documents pursuant to your request made under the New Jersey Open Public Records Act (OPRA).

If I can be of further assistance, please do not hesitate to contact me directly at 732-929-2027, x3623.

Yours very truly,

Shiraz I. Deen
Assistant Prosecutor

SID/dp

Enclosures

Prestia , Donna

From: Deen, Shiraz
Sent: Monday, April 23, 2018 11:15 AM
To: Prestia , Donna
Subject: FW: Open Public Records Act request - First Amendment Protected Activites- Public Photography/Videography

New Request

Shiraz Deen
Ocean County Prosecutor's Office
Assistant Prosecutor - Appellate Division
Phone: 732-929-2027 Ext. 3623
Email: sdeen@co.ocean.nj.us

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

From: ASK NJ Media Co. [mailto:opra+request-1527-2453ede2@requests.opramachine.com]
Sent: Thursday, April 19, 2018 9:13 PM
To: Deen, Shiraz <SDeen@co.ocean.nj.us>
Subject: Open Public Records Act request - First Amendment Protected Activites- Public Photography/Videography

Dear Ocean County Prosecutor's Office,

This is a request for public records made under OPRA and the common law right of access.
Please acknowledge receipt of this message.
Records requested:

1. A copy of all of the SOPs/General Orders/Directives/Policies that are currently in place as of 1-1-2017 from the Ocean County Prosecutor's Office regarding public photography and/or video recording of government buildings and within publically accessible areas of Government Buildings.
2. A copy of all of the SOPs/General Orders/Directives/Policies that are currently in place as of 1-1-2017 from the Ocean County Prosecutor's Office regarding public photography and/or video recording of military facilities and critical infrastructures.

Yours faithfully,

ASK NJ Media Co.

Please use this email address for all replies to this request:
opra+request-1527-2453ede2@requests.opramachine.com

OCEAN COUNTY PROSECUTOR'S OFFICE

Law Enforcement Directive



SUBJECT: Public Video Recording of Government and Military Facilities	NUMBER: LED – 2017-025	EFFECTIVE DATE: June 19, 2017
ISSUED BY: Prosecutor Joseph D. Coronato	APPROVED BY: 	SUPERCEDES DIRECTIVE #:
DISTRIBUTION TO: All Ocean County Law Enforcement Personnel		

DETAILS:

Recently there have been several incidents of a group calling themselves "Police State NJ" video recording public and military facilities from a public location (roadside/sidewalk, etc). The group considers this video-taping a "first amendment audit" but if you look at any of the video, it is clearly designed to embarrass the police. As such, listed below is some legal guidance should this group decide to video tape your police facility or any other critical infrastructure in your jurisdiction.

The only relevant legal authority which permits law enforcement to arrest or detain civilians making recordings of military installations stems from 18 U.S.C. § 795 which states in relevant part:

a) Whenever, in the interests of national defense, the President defines certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installations or equipment without first obtaining permission of the commanding officer of the military or naval post, camp, or station, or naval vessels, military and naval aircraft, and any separate military or naval command concerned, or higher authority, and promptly submitting the product obtained to such commanding officer or higher authority for censorship or such other action as he may deem necessary.

(b) Whoever violates this section shall be fined under this title or imprisoned not more than one year, or both.

OCEAN COUNTY PROSECUTOR'S OFFICE				
Standard Operating Procedure				
VOLUME: 1	CHAPTER: 10	# OF PAGES: 4		
SUBJECT: CITIZEN RECORDING OF LAW ENFORCEMENT ACTIVITY				
EFFECTIVE DATE: 10/31/14		ACCREDITATION STANDARDS: N/A	REVISION DATE	PAGE #
BY THE ORDER OF: Prosecutor Joseph D. Cordato				
SUPERSEDES ORDER #: N/A				

PURPOSE The purpose of this standard operating procedure is reinforce the Constitutional rights of a member of the public to record law enforcement personnel performing their duties without interference. Detectives need to realize that any activity in which they are engaged will draw the public's interest. As such, they need to perform that activity to the highest standards of the law enforcement profession and presume that their activity is being recorded.

POLICY It is the policy of the Ocean County Prosecutor's Office to provide training that is consistent with First, Fourth and Fourteenth Amendment rights when individuals record detectives in the discharge of their duties. These rights, subject to narrowly defined restrictions, engender public confidence in the Ocean County Prosecutor's Office, promote public access to information necessary to hold governmental officials accountable, and ensure public and detective safety.