



City of Linden
UNION COUNTY, NEW JERSEY

OFFICE OF CITY CLERK
City Hall – 301 North Wood Avenue
(908) 474-8452
Fax: (908) 474-8451

Joseph C. Bodek, RMC, RPPO
City Clerk

Jennifer Honan
Deputy City Clerk

January 6, 2022

Daz

Opra+request-26989-158c7200@requests.opramachine.com

File Number: 2021- 904

Re: OPRA Request – Police Records

Dear DAZ:

The City of Linden received your Open Public Records Act (OPRA) request on November 18, 2021. The official Records Custodian, Joseph C. Bodek, received your OPRA request on November 18, 2021.

You requested the following: See Attached

The records are now being provided to you as per your request, with redactions. In accordance with N.J.S.A. N.J.S.A. 47:1A-1 (24) Privacy Interest and N.J.S.A. 47:1A-1.1(19) & (23) Personal Identifying Information "Phone Numbers and Driving License numbers" N.J.S.A. 47:1A-10, N.J.S.A. 47:1A-9(22) Health Information Privacy (HIPPA) Privacy Interest – "a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy." Please be advised that your response comes along with 1 CD with a fee of \$0.50. In order to receive the record, payment must be made by check or money order payable to the City of Linden. Once payment is received, the CD will be mailed to the address provided on the request form.

If you feel that your request for access to a government record has been improperly denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision of the City of Linden to deny access. I have attached information, from the Government Records Council regarding the process to file a complaint.

Sincerely,

Joseph C. Bodek
Custodian of Records
City of Linden

New Jersey Government Records Council ("GRC")



What to do if your request for a record has been denied

The New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) permits a person who believes that he or she has been unlawfully denied access to a public record either to file a complaint with the GRC or to file suit in Superior Court to challenge the decision and compel disclosure. This poster describes the procedures for taking such actions.

To file a complaint with the GRC:

- Visit the GRC's website at www.nj.gov/grc for information and to register your complaint. In the alternative, you may contact the GRC by telephone at 1-866-850-0511 or by e-mail at government.records@dca.nj.gov.
- When you file the written complaint, the GRC will offer both you and the public agency non-adversarial, impartial mediation. If mediation is not accepted or is not successful, the GRC will investigate the complaint.
- In some cases, the GRC can award attorney's fees to a complainant or impose a fine against a records custodian.
- There is no fee to file a complaint with the GRC.

To file a complaint in Superior Court:

- A requestor may start a summary (expedited) lawsuit in the Superior Court. A written complaint and order to show cause must be filed with the court.
- The court requires a filing fee, and you must serve the lawsuit papers on the appropriate parties.
- The court will schedule a hearing to resolve the dispute.
- If you disagree with the court's decision, you may appeal the decision to the Appellate Division of the Superior Court.
- If you are successful, you may be entitled to reasonable attorney's fees.
- You may wish to consult with an attorney to learn about initiating and pursuing a summary lawsuit in the Superior Court.
- Filing suit in Superior Court may result in a faster resolution, because the courts adjudicate cases every day, whereas the GRC only meets once a month.

Government Records Council, P.O. Box 819, Trenton, New Jersey 08625-0819



#2021-904

Talia Pena-Marín <tmarin@linden-nj.gov>

Fwd: OPRA request - Fleet camera videoand reports and inestiations for case number 20037533

1 message

Joe Bodek <jbodek@linden-nj.gov>
To: Talia Pena-Marín <tmarin@linden-nj.gov>
Cc: Jennifer Honan <jhonan@linden-nj.gov>

Mon, Nov 15, 2021 at 8:48 AM

----- Forwarded message -----

From: D AZ <opra+request-26989-158c7200@requests.opramachine.com>
Date: Fri, Nov 12, 2021 at 4:12 PM
Subject: OPRA request - Fleet camera videoand reports and inestiations for case number 20037533
To: OPRA requests at Linden City <jbodek@linden-nj.org>

Dear Linden City,

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:
fleet camera video for case number 20037533 also and body cam video and any reports on this case

Yours faithfully,

D AZ

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-26989-158c7200@requests.opramachine.com

Is jbodek@linden-nj.org the wrong address for OPRA requests to Linden City? If so, please contact us using this form:
https://opramachine.com/change_request/new?body=linden_city

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/fleet_camera_videoand_reports_an

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.

--
Joseph C. Bodek
Municipal Clerk
Municipal Registrar, CMR
ABC Secretary
Office of the City Clerk



Derek Armstead
MAYOR

City of Linden

Union County, New Jersey
Department of Police
City Hall - 301 North Wood Avenue
Linden, New Jersey 07036
(908) 474-8500



Dave R. Hart
CHIEF OF POLICE

Joseph Bodek, City Clerk
City of Linden
301 N. Wood Avenue
Linden, NJ 07036

November 23, 2021

RE: OPRA Requestor: D AZ

OPRA #2021-904

Sir:

In response to the Open Public Records Act request filed by D AZ, I have attached a CD containing the requested footage relating to case number 20037533 (Medical Call). Please note, that there are no BWC's. Should you have any questions, please do not hesitate to contact me.

1. The CD contains: MVR

Respectfully,

Lt. Robert Sanchez
Support Services Division
(908) 474-8677
rsanchez@lpdnj.org

CC:
Chief David Hart
Captain Joseph Cacioppo



City of Linden

Union County, New Jersey
Department of Police
City Hall - 301 North Wood Avenue
Linden, New Jersey 07036
(908) 474-8500



Derek Armstead
MAYOR

Dave R. Hart
CHIEF OF POLICE

Joseph Bodek, City Clerk
City of Linden
301 N. Wood Avenue
Linden, NJ 07036

November 22, 2021

RE: OPRA Requestor: D AZ

OPRA #2021-904

Sir:

In response to the Open Public Records Act request filed by D AZ, a search was conducted for any reports pertaining to Case#: 20037533 ending with the following results. Should you have any questions, please do not hesitate to contact me.

1. CAD Report#: 20041168
2. Incident Report#: 20037533

Respectfully,

Sgt. Timothy Hubert
Support Services Division
(908) 474-8688
thubert@lpcdnj.org

CC:
Chief David Hart
Captain Joseph Cacioppo



LINDEN POLICE DEPARTMENT
LINDEN, NJ

CAD Incident Report #20041168

Incident Information			
Incident #		Incident Date	
20041168		07/27/2020 09:26:46	
Incident Type		Description	
600 MV ACC			
Ems Level		Alarm Level	
Modified By		Modified Date	
		07/27/2020 09:27:00	
Event Information			
Municipality		Business Name	
1 LINDEN		COLUMBIA SAVINGS BANK	
Fire Box		RA	
21		255	
Correct Location			
COLUMBIA SAVINGS BANK / 701 N WOOD AVE			
Street #	Street Name	Apartment #	Cross Street
701	N WOOD AVE		
Near	Landmarks	Additional	
W CURTIS ST	OPPOSITE SCHOOL # 1		
Reporting Person			
RP Name	RP Phone	How Received	
		RADIO	
RP Address	Closed By	Date Closed	
	v09berm	07/27/2020 09:59:45	

Incident Types

Dispatch Class	Incident Type
AMBULANCE	
FIRE/RESCUE	
POLICE	MV ACC

Note(s)

Note Type	Entered By	User ID
PAST INC	07/27/2020 09:27:14	auto
Narrative Description		
THERE ARE 20 PAST INCIDENTS AT 701 N WOOD AVE		
Note Type	Entered By	User ID
COURT DOC	07/27/2020 09:27:14	auto
Narrative Description		

Officers and Units

CAD Units			
Agency Name	Unit ID	Personnel Id	Officer Name
LIN-PD	731		DIAZ, MIKAEL
LIN-FD	L51		SURA DANIEL

Unit Statuses

CAD Units					
Unit ID	Status	Date/Time	Avail?	Location	Disp ID
731	RESP	09:27:00	N		v09berm
731	ONLOC	09:27:00	N		v09berm
731	CLEAR	09:51:02	Y		v09berm

Dispositions

Dispositions				
Type	Disposition	Incident Report?	Accident Report?	Due By
FIRE/RESCUE	(SER) SERVICED			BERLINSKI, MATTHEW
POLICE	(BPS) BUILDING SECURE	Y	N	DIAZ, MIKAEL



LINDEN POLICE DEPARTMENT
LINDEN, NJ (908) 474-8500

INCIDENT # / REPORT #
 20037533 / 1

OFFICER
 DIAZ, MIKAEL [REDACTED]

RANK
 OFFICER

REVIEW STATUS
 APPROVED

INCIDENT #20037533 DATA

As Of 08/02/2020 08:35:21

BASIC INFORMATION

CASE TITLE
 MEDICAL CALL

LOCATION
 701 N WOOD AVE

APT/UNIT #

DATE/TIME REPORTED
 07/27/2020 09:26:46

DATE/TIME OCCURRED
 On or about 07/27/2020 09:26

INCIDENT TYPE(S)/OFFENSE(S)
 (37024)SICK CALL: MEDICAL EMERGENCY

PERSONS

<u>ROLE</u>	<u>NAME</u>	<u>SEX</u>	<u>RACE</u>	<u>AGE</u>	<u>DOB</u>	<u>PHONE</u>
WITNESS	DIOGO MARQUES, AZEVEDO			37	12/30/1982	(HOME) [REDACTED] (CELL) [REDACTED]
INVOLVED PARTY	CONEY, RAHCELL A	MALE	BLACK	44	01/27/1976	(HOME) [REDACTED] (CELL) [REDACTED]

[NO OFFENDERS]

[NO VEHICLES]

[NO PROPERTY]

OFFICER REPORT: 20037533 - 1 / DIAZ, MIKAEL [REDACTED]

DATE/TIME OF REPORT
 08/02/2020 08:35:14

TYPE OF REPORT
 INCIDENT

REVIEW STATUS
 APPROVED

NARRATIVE

Date: 07/26/2020 Time: 0926 hours

While on patrol in unmarked unit 731, I was traveling northbound on N. Wood Ave. when I observed a male lying on the sidewalk at N. Wood Ave. and W. Curtis St. I stopped and asked the male, Rahcell Coney if he was ok

when he stated, "the guy came out of nowhere". Rahcell was complaining of [REDACTED] and I requested LFD EMS respond. I observed a bicycle lying in the street and another male stopped outside his car. I spoke the other male, Azevedo Diogo who stated while he was traveling eastbound on W. Curtis St. the male was riding his bicycle northbound on N. Wood Ave. in the southbound lanes. Azevedo further stated it appeared Rahcell was startled that a car was coming and "dumped" his bicycle falling off of it. This story was consistent with what Rahcell initially told me.

I again spoke with Rahcell who stated Azevedo hit his right leg with his car. Upon examining the scene I did not observe any evidence that a collision between the vehicle and the bicycle had occurred. There was no damage to either the bicycle or Azevedo's vehicle. In addition, Rahcell was complaining [REDACTED] and stated the vehicle struck him on his right side while he was traveling northbound on N. Wood Ave., which would have exposed the left side of his body to Azevedo's vehicle. The bicycle was also several feet away from the vehicle and Rahcell was laying several feet south of the bicycle on the sidewalk. Based on my training and experience the evidence at the scene was inconsistent with a collision. Azevedo advised me Rahcell got up and was walking around after he fell off his bicycle and he remained on scene because he was worried Rahcell would claim he struck him with his vehicle.

On the above date I was able to review surveillance video from Linden School #1. The camera I observed faces westbound on E. Curtis St. The distance of the camera to the intersection is approximately 100 feet, limiting the view. I was able to observe traffic moving freely westbound to eastbound on E. Curtis St. for several minutes leading up to when I passed the location. Just prior to arriving on scene I observed what appeared to be a male in the street. I was unable to see if a vehicle was involved.

I then conducted a follow-up at 701 N. Wood Ave., Columbia Savings Bank. I spoke with a Debbie Skura who stated they video of the incident. I provided her with a consent to review form which was forwarded to their IT department. Columbia Savings Bank will be providing the footage at a later date, at which time, it will be reviewed and the report updated.

BWC was not utilized as my camera was dead. Dispatch was notified and CAD entry made. 731 fleet camera was operational.

REPORT OFFICERS

Reporting Officer:

DIAZ, MIKAEL [REDACTED]

Reviewing Officer:

Approving Officer:

CONK, SGT. IAN

