



MORRIS COUNTY PROSECUTOR'S OFFICE

Administration & Records Bldg.

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Robert J. Carroll

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ProsecutorOPRA@co.morris.nj.us

Robert M. McNally

Chief of Detectives

April 15, 2026

VIA Email:

Charlie Kratovil

opra+request-89237-036bfe03@requests.opramachine.com

RE: MCPO OPRA Request Number 26-0075

Dear Mr. Kratovil:

The Morris County Prosecutor's Office received your Open Public Records Act (OPRA) and the common law right of access request dated April 3, 2026, on April 6, 2026, and it was received by the records custodian on the same date. As such, the seven (7) business day deadline to respond to your request is April 15, 2026. You requested the following:

- 1) Copies of all complaints/summonses, DWI paperwork, arrest reports, and any other reports made on the arrest of Somerset County Prosecutor's Office Chief of Detectives Francisco "Frank" Roman Jr.
- 2) Copies of all recordings of the aforementioned arrest including bodyworn camera recordings, MVR recordings, police radio transmissions, and any 911 call recordings that may exist.

The following records are being provided and are responsive to your request:

1. 9-1-1 (1 mp3).
2. NJTR-1 (5 pages).

Note: *Personal identifying information redacted pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 47:1A-5(a). Information related to individuals' reasonable expectation of privacy redacted pursuant to Burnett v. Cty. of Bergen, 198 N.J. 408, 423 (2009); see N.J.S.A 47:1A-1.*

Regarding your request for “complaints” and “arrest reports,” we are unable to locate any records responsive to your request. With respect to “summonses” the Morris County Prosecutor’s Office is not in possession of the summonses referenced on the supplied NJTR-1. Please contact the Somerville Police Department’s Records Custodian for copies of those specific records.

With regards to your request for Body Worn Camera (BWC) recordings, since the creation of OPRA, BWC recordings in the possession of “a law enforcement agency, which pertain to any criminal investigation,” have been exempt from public inspection. N.J.S.A. 47:1A-1.1 (BWC recordings had not been “required by law to be made, maintained or kept on file,” so they were precluded from public access.) The enactment of the Body Worn Camera Law (BWCL) removed BWC recordings from OPRA’s criminal investigatory records exemption, therein, setting forth a new statutory structure defining what footage is open to access and to whom access should be granted. N.J.S.A. 40A:14-118.5.

While BWC footage is no longer exempt from access under OPRA as a criminal investigatory record, the Legislature maintained the restriction of public access to BWC footage that is maintained in a criminal investigatory file. Under the BWCL, BWC recordings having evidentiary or exculpatory value must be retained for a minimum of three years. N.J.S.A. 40A:14-118.5j(2)(a) and (c). Further, BWC recordings which are “subject to a minimum three-year retention period solely and exclusively pursuant to subparagraph (a), (b), (c), or (d) of paragraph (2) of subsection j” are “*exempt from public inspection.*” N.J.S.A. 40A:14-118.5(l)(3) (emphasis added). See also Borough of Spotswood, et al. v. Middlesex County Prosecutor’s Office, A-3457-23, 2026 WL 616427, at *15 (N.J. Super. Ct. App. Div. Mar. 5, 2026).

The Morris County Prosecutor’s Office is an agency that prosecutes criminal matters primarily in the New Jersey Superior Court and maintains evidence obtained from various municipalities as a part of a prosecutorial file. Any BWC recordings received, or made by our office, would be maintained as evidence related to a criminal prosecution. Because the recordings would have evidentiary value, they would be subject to the three-year retention required under N.J.S.A. 40A:14-118.5j(2)(a) and (c). Since the recordings would be under the minimum three-year retention period the requested BWC recordings are exempt from disclosure. N.J.S.A. 40A:14-118.5(l).

Additionally, the New Jersey Supreme Court has concluded that early disclosure of records containing details of an incident “will often be “inimical to the public interest,”” and thus, would be an impediment to the state’s constitutional obligation to investigate and prosecute responsible parties for their alleged criminal conduct. N.J.S.A. 47:1A-3. N. Jersey Media Grp., Inc. v. Twp. of Lyndhurst, 229 N.J. 541, 574 (2017) (citing N.J.S.A. 47:1A-3). The Government Records Council issued a decision agreeing that “BWC recordings are exempt from disclosure [when] they pertain to an ongoing investigation ... and that disclosure of such records would be inimical to the public interest because such disclosure would pose a significant risk of witness taint and potentially inhibit the public interest in a thorough and reliable investigation.” N.J.S.A. 47:1A-3(a).” Scott Madlinger v Barnegat Township, GRC Complaint No. 2022-678 (May 20, 2025).

Access to the remaining requested records is denied, as they are considered criminal investigatory records. Such records are exempt from disclosure under OPRA pursuant to N.J.S.A. 47:1A-1.1 to

-13, and Janeczko v. Department of Law and Public Safety, Division of Criminal Justice, GRC Complaint Numbers 2002-79 and 2002-80 (affirmed on appeal May 2004). Criminal investigatory records are defined as records that are held by a law enforcement agency, which pertain to any criminal investigation and of which are not required by law to be made, maintained or kept on file. Ibid. A criminal investigatory record remains exempt from disclosure even after the criminal investigation has been closed. West Solloway v. Bergen County Prosecutor's Office Custodian of Records, GRC Complaint No. 2011-39; Woojin Hwang v. Bergen County Prosecutor's Office Custodian of Records, GRC Complaint No. 2011-348; Janeczko v. New Jersey Department of Law and Public Safety, Division of Criminal Justice, Custodian of Record, GRC Complaint Nos. 2002-79 and 2002-80; Andrew Johnson/Press of Atlantic City v. New Jersey Division of State Police, Custodian of Record, GRC Complaint No. 2004-46. Cf. R. 1:38-3(f)(3) as to investigative police reports under the control of a court, unless they have been admitted into evidence.

Moreover, the New Jersey Supreme Court and the New Jersey Government Records Council have both held that records which are not "required by law to be made, maintained or kept on file," are exempt from disclosure under OPRA when they pertain to any criminal investigation or related civil enforcement proceeding. See N. Jersey Media Grp., Inc. v. Twp. of Lyndhurst, 229 N.J. 541, 556 (2017) (citing N.J.S.A. 47:1A-1.1); see also, Kovacs v. Irvington Police Department, GRC Complaint No. 2014-196 (January 2015) (holding and observing that the Government Records Council "has long held that police incident reports" are exempt from disclosure under OPRA as "criminal investigatory records" when they pertain to any criminal investigation or related civil enforcement proceeding, citing Nance v. Scotch Plains Police Dep't, GRC Complaint No. 2003-125 (January 2005); Rivera v. Passaic Cnty. Sheriff's Office, GRC Complaint No. 2010-152 (May 2011); and Connelly v. Twp. of Montville, GRC Complaint No. 2013-59 (September 2013)); Rivera v. Town of West New York, GRC Complaint No. 2010-208 (February 2013), citing Bart v. City of Passaic, GRC Complaint No. 2007-162 (April 2008); and Executive Order No. 26 (Gov. McGreevy 2002); Hockensmith v. Atlantic Cnty. Prosecutor's Office, GRC Complaint No. 2014-288 (Mar. 2015) (observing that under OPRA "criminal investigatory records include records involving all manner of crimes, resolved or unresolved, and includes *information that is part and parcel of an investigation, confirmed and unconfirmed.*") (emphasis added and internal citations omitted).

With respect to your request for "DWI paperwork," in addition to being exempt from access as a criminal investigatory record, as such paperwork is not required by law to be made, maintained, or kept on file, it is also insufficiently specific and overbroad as OPRA requires requests for specific, identifiable records. Brent v. Stafford Police Department, 381 N.J. Super. 30 (App. Div. 2005); MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005). Compliance with this portion of your request would require research, analysis and judgment by the record custodian as to what record(s) would qualify as being responsive; the request for "DWI paperwork," is therefore invalid and denied. See MAG Entertainment, at 549-50.

You have also requested the records under the common law. Access under the common law requires that "the person seeking access must 'establish an interest in the subject matter of the material'." Mason v. City of Hoboken, 196 N.J. 51, 67 (2008) (quoting Keddie v. Rutgers, 148 N.J. 36, 50 (1997)). As your request fails to declare a particularized interest in the non-supplied

requested records, upon which a balancing of interests may be assessed, access to these records is also denied under common law. See O'Boyle v. Borough of Longport, 218 N.J. 168, 200 (2014).

Additionally, our agency's interest in preventing disclosure of the non-supplied requested records is closely linked to the public policy supporting the statutory exemptions in N.J.S.A. 47:1A-1.1 and -3 described above. It is clearly inherent that the Legislature placed the confidentiality of criminal investigatory records front and center in its general public policy findings and declarations regarding OPRA. See N.J.S.A. 47:1A-1. The Legislature provided not one but two separate exceptions to be used to prevent the disclosure of certain specific categories of records relating to ongoing investigations. See N.J.S.A. 47:1A-3. To ignore this mandate would reduce to mere surplusage the Legislature's deliberate, unique treatment of certain investigatory records throughout OPRA's statutory scheme. See DKM Residential Props v. Twp. of Montgomery, 182 N.J. 296, 307 (2005) ("When interpreting a statute or regulation, we endeavor to give meaning to all words and to avoid an interpretation that reduced specific language to mere surplusage."). For the foregoing reasons, a balancing of the relative interests of the parties would favor nondisclosure of your requested records. As such, access is also denied under common law.

The Office of the Morris County Prosecutor reserves the right to raise any other grounds for denial not raised in this response. Failure of the Office of the Morris County Prosecutor to assert an exception or privilege does not act as a waiver of any grounds for denial. Furthermore, a reviewing Court or the Government Record's Council ("GRC") may deem a denial of access to be authorized on grounds other than those advanced by a custodian. Paff v. Twp. of Plainsboro, A-2122-05T2, 2007 WL 957289, at *2 (N.J. Super. Ct. App. Div. Apr. 2, 2007) affirming, Paff v. Township of Plainsboro, GRC Complaint No. 2005-29 (March 2006).

You have the right to challenge this decision by the Office of the Morris County Prosecutor 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 GRC by completing Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or on the GRC's website at www.state.nj.us/grc. The Council can also answer other questions about the law.

Note that any challenge to a denial of a request for records under the common law cannot be made to the GRC, as the GRC only has jurisdiction to adjudicate challenges to denials of OPRA requests. A challenge to the denial of access under the common law can be made by filing an action in Superior Court. All questions regarding complaints filed in Superior Court should be directed to the New Jersey Superior Court Clerk.

This OPRA request is now considered answered and closed.

Sincerely,



Thomas C. Schmid
Assistant Prosecutor || Custodian of Records

Knab, Meghan G.

From: Charlie Kratovil <opra+request-89237-036bfe03@requests.opramachine.com>
Sent: Friday, April 3, 2026 6:45 PM
To: Prosecutors OPRA Requests
Subject: OPRA request - Frank Roman DWI Arrest

[Some people who received this message don't often get email from opra+request-89237-036bfe03@requests.opramachine.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Morris County Prosecutor's Office,

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-5(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:

- 1) Copies of all complaints/summonses, DWI paperwork, arrest reports, and any other reports made on the arrest of Somerset County Prosecutor's Office Chief of Detectives Francisco "Frank" Roman Jr.
- 2) Copies of all recordings of the aforementioned arrest including bodyworn camera recordings, MVR recordings, police radio transmissions, and any 911 call recordings that may exist.

RECEIVED

By Meghan Knab at 9:31 am, Apr 06, 2026

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. Feel free to contact me at 732-993-9697 to make arrangements for providing the records.

Yours faithfully,

Charlie Kratovil

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

opra+request-89237-036bfe03@requests.opramachine.com

Is ProsecutorOPRA@co.morris.nj.us the wrong address for OPRA requests to Morris County Prosecutor's Office? If so, please contact us using this form:

https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fopramachine.com%2Fchange_request%2Fnew%3Fbody%3Dmcpo&data=05%7C02%7CMKnab%40co.morris.nj.us%7Cbe6aac8688ff4cf22dec08de91d2bc6e%7Cec2ce8c138394008b949e2b17cfa906d%7C0%7C0%7C639108531478654412%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIslIAiOiJXaW4zMilslkFOljoiTWFpbCIsIlldUljoyfQ%3D%3D%7C60000%7C%7C%7C&sdata=7FdTReeV7XuFKLs8GKWkeLy%2BQwvQbvkHA8oM1I7y%2Bc4%3D&reserved=0

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<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fopramachine.com%2Fhelp%2Fofficers&data=05%7C02%7CMKnab%40co.morris.nj.us%7Cbe6aac8688ff4cf22dec08de91d2bc6e%7Cec2ce8c138394008b949e2b17cfa906d%7C0%7C0%7C639108531478677994%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIslIAiOiJXaW4zMilslkFOljoiTWFpbCIsIlldUljoyfQ%3D%3D%7C60000%7C%7C%7C&sdata=R2VqHSFBQJ TZKMLfLDBbsxgemFFFP1fV%2B0exLkXeZCU%3D&reserved=0>

View this OPRA request & responses online:

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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."

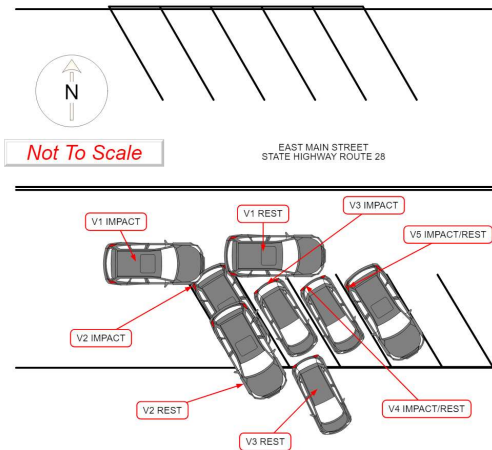
NJTR-1 (Rev. 01/22)

96	☐ Fatal New Jersey Police Crash Investigation Report ☒ Reportable ☐ Non-Reportable ☐ Change Report															118a
05																25
97	1. Case Number 26004955															118b
01	2. Police Dept. of Somerville Police Department Code 01															119a
06	3. Station/Precinct															25
99	10. Crash Occurred On: NJ 28 (Main Street) Dir E															119b
02	11. Speed Limit 25 12. Route No. 28 13. Milepost 3.36															120a
100a	14. 36.00 15. 14 16. 15															120b
01	17. Cross Road Name/Route No. of: South Bridge Street															121a
100b	18. Speed Limit 25 19. To: 20. Route Name/Route No. 40.568144 -74.611621															121b
04	21. Latitude 22. Longitude															122
101	23. Veh. # 03 24. Policy No. F289930-0 25. NJ Ins. Code 426															10
02	26. Driver's First Name Initial Last Name 29. Sex															123
02	27. Number & Street															124
103	28. City State Zip															11
104	30. Eyes DL Class Restrictions Endorsements 31. State															125
5	32. Driver's License Number 33. DOB 34. Expires															126a
105	35. Owner's First Name Initial Last Name															26
06	36. Number & Street															126b
-	37. City State Zip Neshanic NJ 08853															05
107	38. Make 39. Model 40. Color 41. Year 42. Plate No. 43. State															126c
01	44. VIN 45. Expires 05/01/2026															126d
01	46. Vehicle Removed to: DAVES TOWING															126e
112	47. Authority 48. Alcohol Drug Test Given: 49. Hazardous Material															28
113	50. Carrier No. 51. GVWR/GCWR (trucks & buses only)															127a
114	52. Motor Carrier or Government Entity															127b
-	53. Level of Autonomy 150 - AVAILABLE 151 - ENGAGED															127c
115	54. Level of Autonomy 152 - AVAILABLE 153 - ENGAGED															127d
116	55. Damage to Other Property															127e
03	56. Operator 136. Charge 137. Summons No.															128
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03	309. Operator 642. Charge 643. Summons No.															
03	310. Operator 644. Charge 645. Summons No.															
03	311. Operator 646. Charge 647. Summons No.															
03	312. Operator 648. Charge 649. Summons															

NJTR-1 (Rev. 01/22)

M	83	84	85	86	87	88	89	90	91	92	93	94	95	Names & Addresses of Occupants If Deceased, Date & Time of Death	

144. Crash Diagram



145. Crash Description/Narrative

V1 WAS DRIVING EAST ON EAST MAIN STREET, ALSO KNOWN AS STATE HIGHWAY ROUTE 28. V2, V3, V4, AND V5 WERE ALL PARKED IN ORDER FROM LEFT TO RIGHT, ON THE SOUTHERN CURBLINE, FACING SOUTH.

D1 STATED V2 BACKED INTO HIM CAUSING THE ACCIDENT.

PASSENGERS OF V3 AND V5 ONLY KNEW THEY WERE STRUCK, THEY DID NOT SEE THE IMPACT. ALL WERE IN PARKED VEHICLES.

BASED ON EVIDENCE ON SCENE, V1 STRUCK THE REAR OF V2, V3, AND V4. THE IMPACT CAUSED V2 AND V3 TO JUMP THE CURB ONTO THE SIDEWALK. ONCE V4 WAS STRUCK, IT PUSHED IT INTO V5, CAUSING MINOR DAMAGE.

D1 WAS TESTED ROADSIDE FOR DRIVING UNDER THE INFLUENCE AND ARRESTED. SEE INVESTIGATION REPORT 26004955 FOR FURTHER DETAILS.

Other Descriptions

- 01 - STRUCK PARKED VEHICLE - Field 118a
- 01 - COUNTY OF SOMERSET 750 E MAIN STREET, BRIDGEWATER NJ 08807 - Field 25

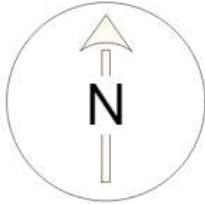
146. Officer's Signature	147. Badge #	148. Reviewer	Badge #	149. Case Status
Chudy, David	1137	Chudy, David	1137	☐ Pending ☒ Complete

New Jersey Police Crash Investigation Report
Motor Vehicle Crash Diagram

Police Dept: Somerville Police Department Code: 01

Station: _____ Case No: 26004955

144. Crash Diagram (NOT TO SCALE)



Not To Scale

EAST MAIN STREET
STATE HIGHWAY ROUTE 28

