



GLASSBORO POLICE DEPARTMENT

1 South Main Street
Glassboro NJ 08028
Phone #856-881-1501
Fax #856-881-6872

May 15, 2024

*Via email only (fratlawzopra@gmail.com)
(opra+request-60734-73f6b290@requests.opramachine.com)*

FratLawzOPRA

Re: Open Public Records Act/Common Law Records Request

Dear FratLawzOPRA:

The Borough of Glassboro Police Records Custodian received your request for records pursuant to the Open Public Records Act (OPRA) and the New Jersey common law right of access via email on May 6, 2024. Accordingly, the initial seven (7) business day deadline to respond to your request under OPRA is May 15, 2024. This response is being provided on the seventh business day after receipt of your request.

Please note that this request was not previously received through the OPRAMachine website.

Your records request was as follows:

Records requested:

- * Copy of summons/complaint, including details of the complaint, for case S 2024 160 in Glassboro Municipal Court.
- * Body camera footage (if applicable) – specifically from the time of officer arrival to the arrest (if possible without incurring a special service fee). If a special service fee is required to process any part of footage, please proceed with the whole timeframe.
- * Incident report for police case number 24-013241.
- * Officer narrative (any produced government record related to this incident authored by any officers, regardless of format, but not to include NJCDR1 reports as requested earlier).
- * Detailed CAD logs for police case number 24-013241.

Case Details:

- * Police Case Number: 24-013241
- * Docket Number: S 2024 160
- * Date: April 14, 2024
- * Time: 01:31 AM

Additionally if there are any additional NJCDR1s in relation to this police case number please provide such.

A search of our available records has identified the following as responsive to your request:

04/14/24	Call Details Report 24-013241
04/20/24	Incident Report 24-013241 (incident date: 04/14/24)
04/14/24	Supp. Report 24-013241 (incident date: 04/14/24)
04/22/24	Supp. Report 24-013241 (incident date: 04/14/24)
04/14/24	Complaint-Summons 0806-S-2024-000160
04/14/24	Complaint-Summons 0806-S-2024-000171
04/14/24	Complaint-Summons 0806-S-2024-000172
04/14/24	Axon_Body_3_Video_2024-04-14_0132_X60A3057E
04/14/24	Axon_Body_3_Video_2024-04-14_0132_X60A3810D
04/14/24	Axon_Body_3_Video_2024-04-14_0132_X60A3866E
04/14/24	Axon_Body_3_Video_2024-04-14_0134_X60A3013F
04/14/24	Axon_Body_3_Video_2024-04-14_0134_X60A3962E
04/14/24	Axon_Fleet_3_Front_Camera_Video_2024-04-14_0132
04/14/24	Axon_Fleet_3_Front_Camera_Video_2024-04-14_0132-2
04/14/24	Axon_Fleet_3_Interior_Camera_Video_2024-04-14_0132
04/14/24	Axon_Fleet_3_Interior_Camera_Video_2024-04-14_0132-2

Response to Common Law Request

After consultation with the Borough records attorney, to the extent records are not being provided in response to your OPRA request, your common law request is denied for the following reason(s):

No common law interest. The common law right to access public records depends on three requirements: (1) the records must be common law public documents; (2) the person seeking access must establish an interest in the subject matter of the material; and (3) the citizen's right to access must be balanced against the State's interest in preventing disclosure. *Richard Rivera v. Union County Prosecutor's Office*, 250 N.J. 124, 143-44 (2022); *South Jersey Publishing Co. v. New Jersey Expressway Auth.*, 124 N.J. 478, 487 (1991); *Loigman v. Kimmelman*, 102 N.J. 98 (1986); *Nero v. Hyland*, 76 N.J. 213, 222 (1978). Your common law request is denied due to your failure to identify your interest in the requested records.

Response to OPRA Request

Copies of the identified Call Details Report and Complaint-Summonses are enclosed. Please note that, after consultation with the Borough records attorney, these records have been redacted as follows:

Privacy/Personal Information. Part(s) of the identified record(s) containing information and/or images for which identified persons have a reasonable expectation of privacy have been redacted. N.J.S.A. 47:1A-1; Executive Order No. 21 (McGreevey 2002); *Paff v. Ocean County Prosecutor's Office*, 235 N.J. 1 (2018); *Brennan v. Bergen County Prosecutor's Office*, 233 N.J. 330 (2018); *In the Matter of the New Jersey State Fireman's Association*, 230 N.J. 258 (2017); *Burnett v. County of Bergen*, 198 N.J. 408 (2009); *Fuster v. Township of Chatham*, __ N.J. Super. __, 2023 WL 8915865 Docket No. A-1673-22 (App. Div. December 27, 2023); *Rise Against Hate v. Cherry Hill Township*, slip op., Docket Nos. A-3421-20, A-1440-21, A-1517-21 (App. Div. March 29, 2023);

North Jersey Media Group, Inc. v. Bergen County Prosecutor's Office, 447 N.J. Super. 182 (App. Div. 2016); *North Jersey Media Group, Inc. v. Township of Nutley*, slip op., Docket No. A-3483-14T3 (App. Div. September 30, 2016); *Nelson v. N.J. Department of Law & Public Safety*, No. 2013-124 (GRC 2014); *Merino v. Borough of Ho-Ho-Kus*, No. 2003-110 (GRC 2004).

After consultation with the Borough records attorney, your request for the identified Incident and Supplemental Reports is denied for the following reason(s):

Criminal Investigatory Record(s). The requested record(s) or parts thereof are not required by law to be made, maintained or kept on file, pertain to a criminal investigation, and are therefore exempt from disclosure pursuant to the criminal investigatory records exception of OPRA. N.J.S.A. 47:1A-1.1; *Paff v. Ocean County Prosecutor's Office*, 235 N.J. 1 (2018); *North Jersey Media Group, Inc. v. Township of Lyndhurst*, 229 N.J. 541 (2017); *Schulz v. N.J. State Police*, Complaint No. 2014-390 (GRC 2015).

We can, however, provide you with the following additional information regarding this incident:

Arrested

Ozdemir, Aidan W/M-22 of 743 Passaic Ave, Clifton, NJ, 07012

DOB: [REDACTED]

HT: 602 WT: 161

Eyes: Brown

Phone 1: [REDACTED]

Booking#: 24-000330

Case#	Charge	Description	Ct
24-013241	2C:29-2a(1)(a)	RESISTING ARREST ELUDING OFFICER	1
24-013241	2C:33-2A(1)	IMPROPER BEHAVIOR	1

Arrested

Varga, Alexander W W/M-24 of 517 Sylvester Dr, Vineland, NJ, 08360

DOB: [REDACTED]

HT: 601 WT: 220

Eyes: Brown

Phone 1: [REDACTED]

Booking#: 24-000338

Case#	Charge	Description	Ct
24-013241	2C:33-2A(1)	IMPROPER BEHAVIOR	1

Arrested

Acosta, Elijah D W/M-23 of 1315 Amberg St, Union,NJ,07083
DOB: [REDACTED]
HT: 603 WT: 161
Eyes: Brown

Booking#: 24-000339

Case#	Charge	Description	Ct
24-013241	2C:33-2A(1)	IMPRCER BEHAVIOR	1

Further processing of your request for the identified BWC/Fleet video(s) will require an extraordinary expenditure of time and effort since it would involve compilation, review and redaction of privacy, security, medical and/or other material exempt from disclosure from the BWC/Fleet video(s).

The Open Public Records Act and New Jersey common law allow public agencies to impose special service charges whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or when fulfilling a request requires an extraordinary expenditure of time and effort. *See* N.J.S.A. 47:1A-5.c. Due to the nature of your request and the volume and type of records identified, it will be necessary to impose a special service charge to fulfill your request.

Special service charges must be based upon the actual direct cost of providing the copy or copies. OPRA mandates that the requestor shall have the opportunity to review and object to the charge prior to it being incurred. *See* N.J.S.A. 47:1A-5.c. As such, a detailed estimate is provided below:

lowest level person capable of fulfilling the request	D/Cpl. H. Mangione
direct hourly rate (minus fringe benefits)	\$62.07
number of hours anticipated to complete request	5.3
estimated review/redaction special service charge	\$328.97
lowest level person capable of fulfilling the request	S. Bellebuono
direct hourly rate (minus fringe benefits)	\$25.38
number of hours anticipated to complete request	1.0
<u>estimated special service charge</u>	<u>\$25.38</u>

Total BWC/Fleet Video Estimated Special Service Charge \$354.27

FOR FURTHER PROCESSING OF YOUR REQUEST, PLEASE SUBMIT A CHECK PAYABLE TO "GLASSBORO POLICE DEPARTMENT" IN THE TOTAL AMOUNT OF \$354.27, REPRESENTING THE BWC/FLEET VIDEO ESTIMATED SPECIAL SERVICE CHARGE.

IN ADDITION, WE REQUIRE A HIPAA RELEASE FOR ANY PERSON WHOSE PROTECTED HEALTH INFORMATION IS TO REMAIN UNREDACTED.

Kindly respond in writing or via email with your acceptance or rejection of this estimated charge. We will not begin to further process this request until we receive your written acceptance.

In addition, please note that we will consider this request closed unless the requested charges are received within thirty (30) days of the date hereof.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the Borough of Glassboro 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 Government Records Council (GRC) by completing the Denial of Access Complaint Form. You 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.

Very truly yours,



Samantha Bellebuono
Glassboro Police Department
Police Records Clerk #1938
(P) 856 881 1501 ext. 88131
(F) 856 881 4929