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April 22, 2026

File No.: 30907-1

Man "Doe"

c/o opra+request-89837-a8dd71c4@requests.opramachine.com

Re: Ocean County – OPRA 042026-11

Dear Requestor:

This firm represents the County of Ocean as Assistant County Counsel. The County and this office are in receipt of your OPRA and common law right of access request submitted electronically on April 14, 2026, via OPRA@co.ocean.nj.us. The firm provides this response on behalf of the County and the Clerk of the Board/Records Custodian.

Your request seeks multiple categories of potentially responsive records. The County uses your numbering system for consistency in this response.

By way of initial objection, the County objects to any use of the phrase "including but not limited to" or similar phrases. OPRA does not "authorize a party to make a blanket request for every document" a public agency has on file. Gannett New Jersey Partners L.P. v. County of Middlesex, 379 N.J. Super. 205, 213 (App. Div. 2005). Rather, a party requesting access to a public record under OPRA must specifically describe the document sought. OPRA operates to make identifiable government records "readily accessible for inspection, copying, or examination." N.J.S.A. 47:1A-1. As such, a proper request under OPRA must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency's documents. OPRA does not authorize unbridled searches of an agency's property, therefore, the use of open-ended phrases such as "including, but not limited to" are beyond the OPRA's framework and cannot be considered a valid request.

Your request seeks records related to a potential Internal Affairs investigation(s). The New Jersey Supreme Court reviewed whether Internal Affairs documents are subject to release under the Open Public Records Act. Citing the New Jersey Attorney General's Internal Affairs Policies and Procedure manual and Attorney General Directive 2022-14, the Court in Rivera v. Union County determined that IA files are not subject to OPRA. Rivera v. Union County Prosecutor's Office, 250 N.J. 124. That said, the summary and conclusion report would be releasable if the allegation were sustained and it involved one of the major disciplinary offenses. As noted below, the requested Internal Affairs reports were unsustainable and no discipline was imposed.

COUNSEL WHEN IT MATTERS.SM

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Please note, all major discipline findings are to be posted on a law enforcement agency's website per Section 1 of the 2022-14 Directive. Again, that is not the case here.

Next, OPRA intended to make government records "readily accessible" to requestors with certain limited exceptions. N.J.S.A. 47:1A-1. OPRA places the burden upon the records custodian to identify a proper exemption before denying access completely or in part. Newark Morning Ledger Co. v. N.J. Sports & Exposition Auth., 423 N.J. Super. 140, 162 (App. Div. 2011) and N.J.S.A. 47:1A-6. The statute lists approximately two dozen exceptions. Included in those exceptions are grievances filed by an employee and personnel records.

OPRA, at N.J.S.A. 47:1A-10 further limits which portions of a personnel file may be released:

"... the personnel or pension records of any individual in the possession of a public agency, including but not limited to records relating to any grievance filed by or against an individual, shall not be considered a government record and shall not be made available for public access, except that:

an individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefor, and the amount and type of any pension received shall be a government record;

personnel or pension records of any individual shall be accessible when required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the United States, or when authorized by an individual in interest; and

data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information, shall be a government record."

Some of the below requests are exempt under N.J.S.A. 47:1A-1.1 as grievances and/or 47:1A-10 as personnel records. See also Executive Order No. 26 (McGreevey 2002).

Additionally, your request seeks communications but fails to follow the required OPRA format for communications. A valid request for communications must include the name of the sender or recipient, the date or date range and the subject of the communication.

Finally, your request identifies at least in one section that you seek not only final documents but draft records. Please note, draft records are not considered public records subject to disclosure. See Libertarians for Transparent Government v. The Government Records Council, 453 N.J. Super. 83 (App. Div. 2018).



1. Operations Reports and Use of Force Reports

All Operations Reports, Use of Force Reports, incident reports, memoranda, or similar written records relating to the alleged February 15, 2024 incident involving Patricia Baranyay and Nina Charlton-Hagen, including but not limited to reports authored by:

- Lt. Chantanette Ketelaar
- Any Center Control Officers assigned at the time of the incident
- Any supervisors or responding personnel
- Any members assigned to or working within Program Services

This request includes all versions, drafts, supplements, or subsequently generated reports relating to that incident.

Response: With the exception of staffing roster for the date and time in question, the remainder of this portion of the request is denied as documents created solely for an Internal Affairs investigation with an unsustained finding. Additionally, the matter began as a grievance involving two employees. Note, further, there are no Use of Force reports associated with this file. Based on the above objections, this portion of the request is denied.

2. Program Services Records and Communications

All records, reports, memoranda, notes, or communications created by, sent to, or received by Program Services personnel relating to the incident, including but not limited to:

- Internal Program Services reports or summaries
- Emails or written communications
- Notes, logs, or documentation maintained within Program Services
- Any communications between Program Services staff and custody staff, supervisors, or administration

Response: This portion of your request is denied because no responsive documents exist and because your request for communications is overbroad and does not follow the format required by statute and explained in the above general objections.

3. Internal Affairs Copies and Files

All copies of the above-referenced reports and Program Services records maintained by or transmitted to Internal Affairs, including but not limited to:

- Internal Affairs intake records
- Case files
- Investigative files
- Attachments or supporting documentation

This request includes any record reflecting receipt, review, or retention of such reports or communications by Internal Affairs.

Response: The County denies this portion of the request as IA files are not subject to release under OPRA as detailed in the above general objections.

4. Internal Affairs Identification

Records sufficient to identify any Internal Affairs matter associated with this incident, including:

- Any Internal Affairs case associated with this incident
- Case number
- Date opened
- Date closed
- Final disposition (e.g., unfounded, not sustained, exonerated, sustained)

Response: The County provides the attached portion of the IA record log. The file was opened on June 26, 2024 and the matter was concluded on September 23, 2024 with a not sustained finding.

5. Routing, Distribution, and Tracking Records

Any and all records reflecting the routing, distribution, receipt, logging, or tracking of Operations Reports, Use of Force Reports, or Program Services records relating to this incident, including but not limited to:

- Internal Affairs intake logs
- Supervisory review logs
- Shift commander review records
- Chief of Security review records
- Disciplinary tracking records
- Program Services internal tracking or routing records
- Any electronic or database entries reflecting submission or review

Response: No additional records exist beyond what is already provided in the above responses.

6. Communications Regarding Report Generation

All emails, memoranda, or other communications requesting, directing, or discussing the preparation of any reports or documentation related to this incident, including but not limited to:

- The August 8, 2024 email from Captain Matthew Pedone
- Any follow-up communications
- Any prior or subsequent communications requesting or referencing such reports or documentation
- Any communications involving Program Services personnel concerning the creation or submission of reports

Response: Despite a due diligence search, no additional records responsive to this portion of the request were located or are known to exist. This portion of the request is denied because the county does not keep or maintain potentially responsive documents if such documents ever existed.

The above response and attached records complete your request under the Open Public Records Act. Your request also seeks records under the common law right of access. In order to evaluate a balancing test between your right to access records versus the agency's interest in non-disclosure, your request must provide a reason for seeking records. Your request lacks this criteria making it impossible to weigh the request in your favor. The Rivera case provided further criteria to review when considering the release of Internal Affairs records under the common law. None of the factors supporting release exist in this situation. Therefore, your request is denied under the common law right of access.

Again, this communication and the limited attachments completes your OPRA and common law right of access request.

Very truly yours,


GEORGE M. MORRIS

Attachments

cc: Michelle Gunther, Clerk of the Board (via email)

Danielle Benvenuto, Deputy Clerk of the Board (via email)