



State of New Jersey

DEPARTMENT OF CORRECTIONS

WHITTLESEY ROAD

PO Box 863

TRENTON NJ 08625-0863

MIKIE SHERRILL

Governor

DR. DALE G. CALDWELL

Lt. Governor

VICTORIA L. KUHN, ESQ.

Acting Commissioner

February 6, 2026

Sent via E-mail to:

opra+reuest-86732-e92dc95e@requests.opramachine.com

Alexis Robie

No Physical Address Provided

Re: OPRA Request - Tracking # 24185

Dear Ms. Robie:

The Department of Corrections has received your Government Records Request. Your request has been assigned Request ID No. 24185 for tracking purposes. You submitted a request for the following:

"This is a request for government records for a former now deceased inmate named Richard Fran Biegenwald

1. Copies of any psychological and/or psychiatric evaluation reports of Richard Fran Biegenwald created by NJDOC staff or contractors during 1973 and 1974, including but not limited to:
 - the psychiatrist report dated October 1973 referenced by a NJDOC spokesperson, and
 - the report dated November 1974 referenced by the same source.
2. Any additional psychological interview notes, testing results, assessment write-ups, classification mental-health summaries, risk/needs assessments, or "clinical summaries" created in 1973-1974 that relate to parole consideration, custody classification, etc
3. Any information, notes, documents, recordings, and transcripts related to Biegenwald's parole hearings in 1970, 1971, 1972, 1973 and 1974."

In response to your request, please be advised that the New Jersey Department of Corrections approved Record Retention Schedule for inmate records is 10 years after service of sentence is complete. Therefore, these records are no longer on file and have been destroyed.

In addition, regarding items #1 & #2, if any psychological / psychiatric records were available, they would be exempt from disclosure under OPRA in their entirety pursuant to NJAC: 10A:22-2.3(a)(4) any information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation. Also, the New Jersey State Parole Board is *in* but not *of* the NJDOC; therefore, the Board's files are not the records of this Department. All records or information would have to be requested directly from the NJSPB.

Accordingly, your request cannot be fulfilled and is denied.

Alexis Robie
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You have a right to challenge the decision by the Department of Corrections. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint in writing with the Government Records Council (GRC). 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 government.records@dca.nj.gov, or at their web site at www.nj.gov/grc. The Council can also answer other questions about the law.

Sincerely,



John Falvey
NJDOC Records Custodian

c.: OPRA Records File

Denial of Access Appeal Info

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

To file a complaint with the Government Records Council:

Contact the GRC by phone at: 1-866-850-0511, by e-mail at government.records@dca.nj.gov, or review the GRC web site at www.nj.gov/grc for information and to register your complaint.

The GRC staff may be able to help resolve the problem over the phone. If not, you can receive a complaint form through the mail or from the web site.

When you file the written complaint, the GRC will offer you and the public agency non-adversarial, impartial mediation.

If mediation is not agreed to or fails, the GRC will investigate the complaint.

The investigation may result in findings or a formal decision by the GRC, which may include a hearing by the Council.

In some cases, the Council can award attorney's fees or fine a records custodian for failing to provide records.

Details of this process are available from the GRC.

There is no fee to file a complaint with the GRC.

To file a complaint in Superior Court:

A requester 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 \$200 filing fee, and you must serve the lawsuit papers on the appropriate public officials.

The court will schedule a hearing and resolve the dispute.

If you disagree with the court's decision, you may appeal the decision to the Appellate Division of Superior Court.

If you are successful, you may be entitled to reasonable attorney fees.

You may wish to consult with an attorney to learn about initiating and pursuing a summary lawsuit in the Superior Court.

<http://www.nj.gov/grc/register/appeal/>