

MAYOR

James P. Mehaffey

TOWNSHIP COMMITTEE

Megan Kerr
Ashley Morrell
Adam Reid
Jim Robinson

**WEST DEPTFORD TOWNSHIP****Municipal Building**

400 Crown Point Road
West Deptford, New Jersey 08086
Phone (856) 845-4004

Township Administrator

Lee Ann DeHart

Chief Finance Officer

Michael Kwasizur

Registered Municipal Clerk

Lee Ann DeHart

December 13, 2023

Via email only (opra+request-55648-bd405732@requests.opramachine.com)

Marc Jellinek

Re: Open Public Records Act/Common Law Records Request

Dear Mr. Jellinek:

The West Deptford Township Records Custodian received your request for records pursuant to the Open Public Records Act (OPRA) and the New Jersey common law right of access, dated after-hours on November 29, 2023, on November 30, 2023. Accordingly, the initial seven (7) business day deadline to respond to your request under OPRA is December 13, 2023. This response is being provided on the seventh business day after receipt of your request.

Your records request was as follows:

From: Marc Jellinek <opra+request-55648-bd405732@requests.opramachine.com>**Sent:** Wednesday, November 29, 2023 11:12 PM**To:** Lee Ann DeHart <LDeHart@westdeptford.com>**Subject:** OPRA request - Interaction with Marc Jellinek at West Deptford Police Station between Nov 22 and Nov 28 2023

Dear West Deptford Township,

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:

Please provide all recordings of interactions with Marc Jellinek, including the dispatch call and body cam footage from Officer Carroll

Yours faithfully,

Marc Jellinek

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

11/25/23 CAD Activity Detail 23-029330

11/25/23 Axon_Body_3_Video_2023-11-25_0429_X60AD913M

Please be advised that West Deptford Township does not operate a 911 call center. Requests for records related to 911 calls may be directed to:

Gloucester County Emergency Response Center
1200 N. Delsea Drive
Clayton, NJ 08312
Phone: 856-307-7100
Fax: 856-307-6621
Email: GCEROPRA@co.gloucester.nj.us

A copy of the identified CAD Activity Detail Report is enclosed. Please note that, after consultation with the Township records attorney, parts of this record 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); *North Jersey Media Group 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).

To the extent your request is for Internal Affairs records, after consultation with the Township records attorney, your request is denied for the following reason(s):

Confidential Records. The requested records, if any, constitute confidential records not subject to disclosure under OPRA. *Rivera v. Union County Prosecutor's Office*, 250 N.J. 124 (2022); N.J.S.A. 47:1A-1; N.J.S.A. 47:1A-9; Attorney General Internal Affairs Policy & Procedures § 9.6 (Dec. 2019); Attorney General Law Enforcement Directive No. 2020-06; Attorney General Law Enforcement Directive No. 2020-06; Attorney General Law Enforcement Directive No. 2018-3.

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.

A separate email will be sent to you from Evidence.com providing a link to download the identified BWC video(s). Please notify us if you do not receive the download link within three (3) business days.

Please note that, after consultation with the Township records attorney, portions of the identified BWC video(s) have been redacted as follows:

Security Information. Portions of the identified record(s) have been redacted which may contain: (a) administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security; (b) emergency or security information or procedures for buildings or facilities which, if disclosed, would jeopardize security of the building or facility or persons

therein; and/or (c) security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software. N.J.S.A. 47:1A-1; *Gilleran v. Township of Bloomfield*, 227 N.J. 159 (2016); *Howard v. N.J. Transit*, GRC Complaint No. 2018-43 (November 2019).

11/25/23 Axon Body 3 Video 2023-11-25 0429 X60AD913M

00:00-00:08 video Security

04:05-04:11 video Security

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 Township of West Deptford Clerk's office 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.

Sincerely,



Jill S. Magill, RMC

Deputy Clerk

856-845-4004 ext. 174

**CAD Activity Detail Report**

Printed On: 11/30/23 09:35

West Deptford Township**23-029330 400 Crown Point RD,1;T****Speak To Officer (SPEA)**

Reported : 11/25/2023 04:28:18 **Prime Unit** : P4148
Priority : 3 **Call Taker** :
Stacked : 04:29:51 **Dispatcher** :
Dispatched : 04:29:59 **Case#** :
Arrived : 04:30:05 **Finished** : 04:35:39
Disposition : Clear No Report Required

Notes

Date	Unit	Notes	PF
11/25/2023 04:28:18		WALK IN-- REF TO OPRA REQUEST AND IA REPORTS	AE6054
11/25/2023 04:29:51		Names Added : Jellinak, Marc; Caller	AE6054
11/25/2023 04:29:59		Dispatched: P4148	AE6054

Names

Activity	Name	DOB	Address	Phone#
Caller	Jellinak, Marc		400 Crown Point RD,1 West Deptford ,NJ 08086	
Other	Jellinek, Marc D		37 Overhill Dr Parlin ,NJ 08859	

Units

Unit	Unit Time	Activity	Officer	Dispatcher	Disposition
P4148	11/25/23 04:29:59	DI	MC4148		
P4148	11/25/23 04:30:05	OS	MC4148		
P4148	11/25/23 04:35:39	FI	MC4148		Clear No Report Required

Summary

Sgt. M. Carroll #4148

I spoke to Marc Jellinek in the lobby about an on-going IA investigation. He advised that he has not heard anything back from Chief Chambers in reference to the IA and that it has surpassed the 45 day mark. He also stated that several OPRA requests have not yet been satisfied. I advised him that the matter would be documented and I forward the message up the chain of command.

Saturday, November 25, 2023**Carroll, Matthew J (MC4148)**

04:29:59	DI	P4148	Prime Unit
04:30:05	OS	P4148	
04:35:39	FI	P4148	