

Morris County Sheriff's Office

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Mark S. Spitzer
Undersheriff

Alan J. Robinson
Undersheriff

Richard A. Rose
Undersheriff



Christopher E. Klein
Warden

Kelley D. Zienowicz
Chief

John A. Ambrose
Chief Warrant Officer

April 13, 2023

Via E-Mail [opra+request-41433-5dd441dd@requests.opramachine.com]

Re: OPRA received April 3, 2023

Dear Sir or Madam:

The Morris County Sheriff's Office ("Sheriff's Office") records custodian received your Open Public Records Act ("OPRA") and common law request ("Request") on April 3, 2023. The seven business day deadline to respond to your Request is April 13, 2023. As such, the Sheriff's Office is timely responding to your Request in accordance with New Jersey law.

Your Request seeks the following records:

1. Number of Morris Township Police Department responses to the Morris County Correctional Facility between 1/1/2018 and 1/1/2023, specifically for any mutual aid/assistance, calls for service, law enforcement responses, and/or routine calls.
2. CAD reports/entries (lawful redactions are acceptable) for all Morris Township Police Department responses to the Morris County Correctional Facility between 1/1/2018 and 1/1/2023 specifically for any mutual aid/assistance, calls for service, law enforcement responses, and/or routine calls.
3. Any and all requests by local/municipal (non-county, state or federal level) law enforcement agencies to move an incarcerated person (inmate) to another facility without a court order or order from a judge.

With respect to items 1 and 2 of your Request, please note that the Sheriff's Office does not possess the requested records and suggests that you contact Morris Township for any further inquiries regarding same.

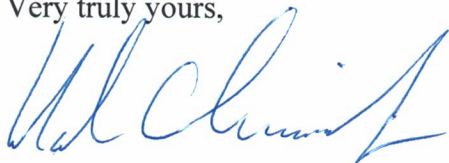
With respect to item 3 of your Request, please be advised that your request is overly broad, as it fails to identify with reasonable clarity any particular records sought. OPRA operates to make identifiable government records “readily accessible for inspection, copying, or examination.” N.J.S.A. 47:1A-1. New Jersey courts have consistently held that OPRA does not countenance open-ended searches of an agency’s files. MAG Entm’t, LLC v. Div. of ABC, 375 N.J. Super. 534, 549 (App. Div. 2005); New Jersey Builders Ass’n v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166 (App. Div.), cert. denied, 190 N.J. 394 (2007). Consequently, 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.” See e.g., Spectraserv, Inc. v. Middlesex Cty. Utilities Auth., 416 N.J. Super. 565, 576 (App. Div. 2010); Bent v. Twp. of Stafford Police Dep’t, 381 N.J. Super. 30, 37 (App. Div. 2005). OPRA requests may not be a broad generic description of documents that require the custodian to search the agency’s files and “analyze, compile, and collate” the requested information. Id.; see also Lagerkvist v. Office of Governor of State, 443 N.J. Super. 230, 237 (App. Div. 2015) (holding that OPRA does not convert a custodian into a researcher, which would have been the effect of the request). Here, your request is clearly deficient as it purportedly seeks “any and all requests” of law enforcement agencies to move incarcerated persons to other facilities without court orders, and purports to require the Sheriff’s Office’s records custodian to conduct research with respect to same. See Parreott v. Asbury Park School District, GRC Complaint Nos. 2016-20 & 2016-39 (Sept. 2017) (holding that the portion of the request seeking “all relevant documents” was invalid because it sought a class of various records and would have required the records custodian to conduct research in order to locate responsive records); see also Burke v. Ocean Cty., 2013 WL 6169154 (App. Div. 2013) (holding that an OPRA request is not the equivalent of law suit discovery). Accordingly, your Request is invalid as it does not comport with OPRA’s specificity requirements.

Lastly, to the extent that you are also requesting any records under the common law right of access, your Request is also denied. In O’Boyle v. Borough of Longport, 218 N.J. 168, 196 (2014), the Supreme Court of New Jersey held that the party requesting documents under the common law right of access must explain why he seeks access to the requested documents. Here, your Request lacks any explanation with respect to your purported interest in accessing the materials at issue. Accordingly, the Sheriff’s Office is also denying your Request under the common law right of access.

In sum, your Request is denied in its entirety.

Your Request is now deemed answered and closed. Thank you for your attention to this matter.

Very truly yours,



Mark Chiarolanza

Confidential Assistant – Public Information