TOWNSHIP OF HAMILTON
POLICE DEPARTMENT

6101 THIRTEENTH STREET
SUITE 220
MAYS LANDING, NEW JERSEY 08330

POLICE: 609-625-2700
ADM / RECORDS: 609-625-2211
FAX: 609-625-5903
E-MAIL: stappeiner@townshipofhamilton.com

Stacy V. Tappeiner
CHIEF OF POLICE

James Armstrong
Opra+request-1846-58880d2b@requests.opramachine.com

Mr. Armstrong,

The Township of Hamilton received your Open Public Records Act (OPRA) request on June 15, 2018. Clarification on the time frame was requested for and received on June 18, 2018. Two seven day extensions for this request have made the deadline July 17, 2018. This response to your request is being provided on July 17, 2018.

REQUESTED:

1. A case number assigned to a report written by Detective Frank Schalek in reference to a female named Kellyn/Kelly Grau. The report and subsequent case number was written in November 2014 through February 2016.
2. Any and all e-mails between Detective Frank Schalek and Michael Allen which discuss Kellyn Grau and or Schaleks investigation of her November 2014 through February 2016.
3. Hamilton Township Phone records for Detective Schalek from November 2014 through February 2016.
4. Any and all reports and or memos written by Detective Frank Schalek to any and all supervisors whereas he discusses a "sting" operation concerning Kellyn Grau from November 2014 through February 2016
5. The disposition of the "sting" against Grau as discussed by Detective Schalek in his written police report from November 2014 through February 2016
6. Any supervisors approval reports which authorized Schalek to conduct a "sting" against Grau such as an "operations plan", etc. and the names and ranks of other officers or Detectives involved from November 2014 through February 2016.
7. Any and all e-mails between Schalek and or any supervisors in the Hamilton Township Police Department whereas Schalek may have discussed his relationship with Michael Allen prior to his investigation of Kellyn Grau from November 2014 through February 2016

RESPONSE:

Request #1: There are no records responsive to your request
Request #2: You have requested records related to someone who has neither been arrested nor charged with committing an offense. Hamilton Township will neither confirm nor deny whether an individual who has neither been charged nor arrested is, or has been, the subject of an investigation. Law enforcement agencies routinely receive allegations that are determined to be improvable, unfounded or untrue. Identifying the target of such allegations could unfairly subject that individual to irreparable harm and subject this office and its employees to civil liability. In accordance with N.J.S.A. 47:1A-1 and N.J.S.A. 47-1A-9(b), and for the above stated reasons, Hamilton Township will not confirm or deny whether the individual was the subject of an investigation.
Request #3: There are no records responsive to your request
Request #4: There are no records responsive to your request
Request #5: There are no records responsive to your request
Request #6: There are no records responsive to your request
Request #7: There are no records responsive to your request

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 Hamilton Police Department 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 Council 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,

Lieutenant Anthony Alcott
Support Division Commander
Township of Hamilton Police Department
Office: (609) 625-2700 ext 531
Fax: (609) 625-5903

1. All government records are subject to public access under the Open Public Records Act ("OPRA"), unless specifically exempt.
2. A request for access to a government record under OPRA must be in writing, hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian. N.J.S.A. 47:1A-5.g. The seven (7) business day response time does not commence until the records custodian receives the request form. If you submit the request form to any other officer or employee of the Township of Hamilton, that officer or employee must either forward the request to the appropriate custodian, or direct you to the appropriate custodian. N.J.S.A. 47:1A-5.h.
3. Requestors may submit requests anonymously. If you elect not to provide a name, address, or telephone number, or other means of contact, the custodian is not required to respond until you reappear before the custodian seeking a response to the original request.
4. The fees for duplication of a government record in printed form are listed on the front of this form. We will notify you of any special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by cash, check or money order payable to the Township of Hamilton.
5. ***You may be charged a 50% or other deposit when a request for copies exceeds $25.*** The Township of Hamilton custodian will contact you and advise you of any deposit requirements. You agree to pay the balance due upon delivery of the records. Anonymous requests in excess of $5.00 require a deposit of 100% of estimated fees.
6. Under OPRA, a custodian must deny access to a person who has been convicted of an indictable offense in New Jersey, any other state, or the United States, **and** who is seeking government records containing personal information pertaining to the person's victim or the victim's family. This includes anonymous requests for said information.
7. By law, the Township of Hamilton must notify you that it grants or denies a request for access to government records within seven (7) business days after the agency custodian of records receives the request. If the record requested is not currently available or is in storage, the custodian will advise you within seven (7) business days after receipt of the request when the record can be made available and the estimated cost for reproduction.
8. You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you.
9. If the Township of Hamilton is unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form or other written correspondence and send you a signed and dated copy.
10. Except as otherwise provided by law or by agreement with the requester, if the agency custodian of records fails to respond to you within seven (7) business days of receiving a request, the failure to respond is a deemed denial of your request.
11. 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 Hamilton 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 PO 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 Council 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.
12. Information provided on this form may be subject to disclosure under the Open Public Records Act.