

OFFICE OF THE SHERIFF

MICHAEL G. MASTRONARDY
SHERIFF

BRIAN J. KLIMAKOWSKI
UNDERSHERIFF

NILS R. BERGQUIST, JR.
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120 HOOPER AVENUE • P.O. BOX 2191 • TOMS RIVER, N. J. • 08754-2191

November 30, 2022

Fratlaw

Good day,

The Ocean County Sheriff's Office received your Open Public Records Act (OPRA) request on or about November 28, 2022. The official Records Custodian, Lt. Adrian Bullock, received your OPRA request on November 29, 2022.

The following records were requested:

Since the implementation A.G. Platkin's Memorandum on the use of Marijuana off duty by Police Officers issued in April of 2022, please provide the following documentation from April 2022 to the present.

1. Any new policies, guidance, memorandums, documents, signage, directives, orders, emails, or any command issued by any individual within the Sheriff's Office or its governing body the County Commissioners to the Ocean County Police Academy regarding Marijuana testing for Academy Recruits.
2. Any record, number, or statistic of Recruits disqualified from the Ocean County Police Academy for Marijuana use within the above-listed timeframe.
3. Any records that show the Ocean County Police Academy still tests or does no longer test for Marijuana in Police applicants.

The following is a line by line response to your requested items.

A. Requested records

I. Any new policies, guidance, memorandums, documents, signage, directives, orders, emails, or any command issued by any individual within the Sheriff's Office or its governing body the County Commissioners to the Ocean County Police Academy regarding Marijuana testing for Academy Recruits.

This request seeks information or asks questions and does not identify specific government records. As such, your request is an invalid OPRA request and is **denied**. The New Jersey Superior Court has held "[w]hile OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, **it is not intended as a research tool litigants may use to force government officials to identify and siphon useful information. Rather, OPRA simply operates to make identifiable government records 'readily**



SPECIAL ASSISTANCE/ACCOMMODATIONS available, please call (732) 349-2010 (V/TTD).

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accessible for inspection, copying, or examination. N.J.S.A. 47:1A-1. (Emphasis added.) MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J.Super. 534, 546 (App. Div. 2005). The Court added that “[u]nder OPRA, **agencies are required to disclose only ‘identifiable’ government records** not otherwise exempt ... In short, OPRA does not countenance open-ended searches of an agency’s files.” (Emphasis added.) Id. at 549.

In Bent v. Stafford Police Department, 381 N.J. Super. 30, 37 (App. Div. 2005), the Superior Court held a requestor must specifically describe the document sought because OPRA operates to make identifiable government records “accessible.” “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.” supra.

Moreover, in Bart v. Passaic County Public Housing Agency, 406 N.J. Super. 445 (App. Div. 2009) the Appellate Division stated:

“The Act [OPRA] does not, however, require custodians of government records to undertake research for a requestor. The requestor must identify the records sought with specificity. The request may not be a broad, generic description of documents that requires the custodian to search the agency’s files and “analyze, compile and collate” the requested information.” (citing MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J.Super. 534 (App. Div. 2005) and Bent v. Stafford Police Department, 381 N.J.Super. 30 (App. Div. 2005)).

II. Any record, number, or statistic of Recruits disqualified from the Ocean County Police Academy for Marijuana use within the above-listed timeframe. **Record does not exist.** In the spirit of good faith, there have been no disqualifications of recruits for marijuana in the above –listed time frame

III. Any records that show the Ocean County Police Academy still tests or does no longer test for Marijuana in Police applicants.

This request seeks information or asks questions and does not identify specific government records. As such, your request is an invalid OPRA request and is **denied**. The New Jersey Superior Court has held “[w]hile OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, **it is not intended as a research tool litigants may use to force government officials to identify and siphon useful information. Rather, OPRA simply operates to make identifiable government records ‘readily accessible for inspection, copying, or examination.’** N.J.S.A. 47:1A-1. (Emphasis added.) MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J.Super. 534, 546 (App. Div. 2005). The Court added that “[u]nder OPRA, **agencies are required to disclose only ‘identifiable’ government records** not otherwise exempt ... In short, OPRA does not countenance open-ended searches of an agency’s files.” (Emphasis added.) Id. at 549.



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This response is being communicated with you via e-mail as per your request. Future requests should be very precise and narrow in scope in which exact document is being requested.

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 Ocean County Sheriff'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,

Lieutenant Adrian Bullock
Ocean County Sheriff's Office
Abullock@co.ocean.nj.us
(732)506-5393



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