

THE TOWNSHIP OF EWING
Municipal Complex
2 Jake Garzio Drive
Ewing, NJ 08628



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Admin. Fax: (609) 538-0729
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July 24, 2024

VIA EMAIL

Joey Grieves (opra+request-63672-4abc84f4@requests.opramachine.com)

Re: Open Public Records Act Request

Dear Mr. Grieves:

Ewing Township ("Ewing") is in receipt of your Open Public Records Act ("OPRA") request which was received by the Township on July 15, 2024. As such, the seven (7) business-day deadline to respond to your request was July 24, 2024. Your OPRA request sought access to the following:

I would like a copy of the points system or stats system that Captain Boller utilized when he assigned individual officers their patrol vehicles. I would also like the information for this points system that details what earns a point.

After careful review, Ewing objects to your OPRA request as vague and overbroad, and as impermissibly requiring research and analysis on the part of the records custodian.

Controlling case law has repeatedly construed OPRA as limited to requests for reasonably identifiable government records. *Paff v. Galloway Twp.*, 229 N.J. 340, 355 (2017). As a result, "[a] records request must be well defined so that the custodian knows precisely what records are sought." *Id.* "[T]o prompt disclosure under OPRA, requests for information must be properly circumscribed." *Simmons v. Mercado*, 247 N.J. 24, 38 (2021) (citing *Paff*, 229 N.J. at 355). Requests that would "require the records custodian to undertake a subjective analysis to understand the nature of the request" are impermissible. *Id.* at 43 (quoting *Paff*, 229 N.J. at 355).

Similarly, the records custodian is under no obligation to create new records. *Sussex Commons Associates, LLC v. Rutgers*, 210 N.J. 531, 544 (2012). "OPRA permits requests for documents already created or on file with a public entity." *Owoh o/b/o African Am. Data & Research Inst. v. Maple Shade Police Dep't (Burlington)*, A-3643-21, 2024 WL 1151710, at *4 (N.J. Super. Ct. App. Div. Mar. 18, 2024). "[I]t does not require a public agency to create documents not already in existence [at the time of a request]." *Id.*

Finally, a valid OPRA request requires "a search, not research." *Burnett v. Cnty. of Gloucester*, 415 N.J. Super. 506, 516 (App. Div. 2010). "OPRA does not countenance open-ended searches of an agency's files," and "it is not intended as a research tool . . . [used] to force government officials to identify and siphon useful information." *MAG Entm't, LLC v. Div. of Alcoholic Beverage Control*, 375

N.J. Super. 534, 546-49 (App. Div. 2005)). “Wholesale requests for general information to be analyzed, collated and compiled by the responding government entity” are outside the scope of OPRA. *Id.* at 49; *see also Conley v. New Jersey Dep’t of Corr.*, 452 N.J. Super. 605, 612 (App. Div. 2018) (Records custodians “are not obligated to conduct research in response to a requestor’s vague or poorly described request.”).

Here, your OPRA request is vague and overbroad, as it fails to seek a particular record which can be readily and reasonably identified. Instead, your OPRA request seeks answers to questions in the form of general information, and thus, would impermissibly require research and analysis on the part of the records custodian. Specifically, the records custodian would need to undertake a subjective analysis to understand the nature of your request and identify records falling within the scope of your request. Moreover, your request fails to pinpoint a specific date or range of dates for the requested records. As a result, the records custodian would need to conduct an unbounded, record-by-record search of Ewing’s voluminous files to locate potentially responsive records.

For these reasons, your OPRA request is denied. Should you wish to resubmit your OPRA request, we ask that you please clarify your request by clearly and reasonably describing the specific documents being requested with sufficient identifying information.

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 Ewing Township 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 email at grc@dca.state.nj.us, or at their website 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.

If you should have any questions or need additional assistance, please do not hesitate to contact this office at (609) 538-7609.

Sincerely,



Kim J. Macellaro, CMC
Ewing Municipal Clerk

Rec'd
7/24/24

Police
7/15/24

OPRA request - Officer stats / points system used to assign patrol vehicles

Joey Grieves <opra+request-63672-4abc84f4@requests.opramachine.com>

Sat 7/13/2024 2:28 PM

To: Kim Macellaro <kmacellaro@ewingnj.org>

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Dear Ewing 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:

I would like a copy of the points system or stats system that Captain Boller utilized when he assigned individual officers their patrol vehicles. I would also like the information for this points system that details what earns a point.

Yours faithfully,

Carl



Please deliver records electronically via email to the below UNIQUE address for all replies to this request: opra+request-63672-4abc84f4@requests.opramachine.com

Is kmacellaro@ewingnj.org the wrong address for OPRA requests to Ewing Township? If so, please contact us using this form:

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View this OPRA request & responses online: