



Borough of Stanhope

77 Main Street

Stanhope, NJ 07874

Tel: 973-347-0159

Fax: 973-347-6058

June 8, 2020

Taeho Kim

Via email only: opra+request-12925-f9439d7e@requests.opramachine.com

Re: May 27, 2020 OPRA request from Taeho Kim

Mr. Kim:

I received the above-referenced request (the "Request") under the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et seq. ("OPRA") and the common-law right of access on May 27, 2020. In the Request, you seek:

1. A list of all lawsuits and cases in which any officer of the police department was involved between 2012 and 2019. For each lawsuit/case, please provide the date (month and year) of the alleged incident at issue, whether the alleged incident was excessive force, settlement amount (if any), and final compensation amount ruled (if any).
2. Please provide copies of the complaint in any lawsuits and cases described in above.

An OPRA request must identify the documents sought with specificity and particularity. Burke v. Brandes, 429 N.J. Super. 169, 175 (App. Div. 2012). A general request for documents is invalid under OPRA if such documents are not "reasonably described with such identifying information" sufficient to identify specific government records. See id. at 176-77. Moreover, "OPRA does not require record custodians to conduct research among its records for a requestor and correlate data from various government records in the custodian's possession." MAG Entertainment, LLC v. Div. of ABC, 375 N.J. Super. 534, 546-47 (App. Div. 2005).

OPRA is not a research tool, and it cannot be used "to force government officials to identify and siphon useful information." See id. at 546. Rather, OPRA simply operates "to make identifiable government records "readily accessible for inspection, copying, or examination." Ibid. (citing N.J.S.A. 47:1A-1). Furthermore, OPRA does not "authorize a party to make a blanket request for every document a public agency has on file." Bent v. Twp. of Stafford Police Dep't, Custodian of Records, 381 N.J. Super. 30, 37 (App. Div. 2005).

Here, you have failed to identify specific records in Paragraph 1 of the Request, and you have asked me to create records, which is improper under OPRA. See, e.g., N.J.S.A. 47:1A-1.1; Burke, supra, at 176. However, I have attempted to locate records that contain the information you seek, which are submitted herewith and redacted to remove social security numbers, driver's license numbers and dates of birth pursuant to N.J.S.A. 47:1A-1.1 and N.J.S.A. 47:1A-1. Further,

all existing responsive Complaints and other pleadings responsive to the Request are submitted herewith in response to Paragraph 2 of the Request.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellen Horak". The signature is written in a cursive, flowing style.

Ellen Horak, RMC
Municipal Clerk