

Borough of Manaque

PASSAIC COUNTY, NEW JERSEY



MUNICIPAL OFFICE
579 RINGWOOD AVENUE
WANAQUE, NEW JERSEY 07465

Office of:
KATHERINE J. FALONE, RMC, CMC
Municipal Clerk

Phone: (973) 839-3000
Ext. 7111
Fax: (973) 839-4959

June 15, 2020

Taeho Kim

Re: OPRA Request

Dear Taeho:

With regard to your request enclosed please find a copy of the request and the response to the request.

If you have any questions please do not hesitate to contact me.

Sincerely,


Katherine J. Falone, RMC, CMC
Municipal Clerk

Enclosures

Kathy Falone

From: Taeho Kim <opra+request-12948-b0c17f6f@requests.opramachine.com>
Sent: Wednesday, May 27, 2020 10:47 PM
To: Kathy Falone
Subject: OPRA request - OPRA - police officer-involved lawsuits 2012-2019

Dear Wanaque Borough,

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:

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.

Yours faithfully,

UC Research

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-12948-b0c17f6f@requests.opramachine.com

Is falone@wanaqueborough.com the wrong address for OPRA requests to Wanaque Borough? If so, please contact us using this form:
https://opramachine.com/change_request/new?body=wanaque_borough

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:
<https://opramachine.com/help/officers>

View this OPRA request & responses online:
https://opramachine.com/request/opra_police_officer_involved_law_546

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

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To Taeho Kim:

This office is in receipt of the OPRA Request you submitted dated May 27, 2020 (the 5/27/20 Request"). In the 5/27/2020 Request, you have asked the Borough of Wanaque (the "Borough") to produce:

"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."

The Borough is unable at the present time to provide documents in response to the 5/27/2020 Request for the following reasons:

- 1.) **With regard to request #1, the Borough does not maintain the list of lawsuits and cases sought in the 5/27/2020 Request and same cannot be created through the simple modification of existing records. Since request #2 is based upon the response to Request #1, no such records are available.**
- 2.) **The 5/27/2020 Request is a broad general request for information.** As set forth in *Bent v. Twp. of Stafford Police Dept.*, 381 N.J. Super. 30, 33 (App. Div. 2005), the Court held that the requestor's general request for information did not constitute a request for Government Records and was therefore invalid. Also, in *New Jersey Builders Association v. New Jersey Council on Affordable Housing*, 390 N.J. Super. 166 (App. Div. 2006), the Court determined that OPRA does not authorize requestors to make blanket requests for agency records. OPRA requires a party requesting access to a public record to specifically describe the document sought.

Based upon the foregoing, the Borough has no documents responsive to your request.

Sincerely,

Katherine J. Falone, RMC, CMC
Municipal Clerk