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John M. Glynn
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July 19, 2024

Via Email – opra+request-63616-78ec260a@requests.opramachine.com
Shawn O'Connell

Re: OPRA Request Dated July 12, 2024

Dear Mr. O'Connell:

I am writing on behalf of my client, the Borough of Little Silver ("Little Silver" or the "Borough"), in response to the records request that you submitted to the Borough under the Open Public Records Act (the "OPRA") and the common law right of access on July 12, 2024, and which was received by the Borough Police Department on the same day. Thereafter, the Borough forwarded the request to our office in our capacity as Borough attorney. This response is being made within the 7-business day period of time as required by law.

The request you made is provided below in its entirety. You sought the following:

I would like dash camera video from July 9, 2024 11:30am-12:30 pm for badge number 146 I think Joseph Calao.

I would also like all body cam footage from this time period. Specifically, if Detective 146 had a body cam which I think he did not. I believe the other officer initially called into the scene was sergeant Stephen Scherer who was on the scene of the traffic stop for maybe 20 minutes after the passenger was removed from my vehicle. I may be wrong with the names so any other officer that was on the scene of my traffic stop to make this simple you can just include all Police body cams from July 9 from 11:30 AM to 12:30 PM

Upon receiving your request, Little Silver reviewed records relating to the date and time you provided. The attached footage is being provided in response to your request. Please note that Little Silver is unable to produce some footage due to OPRA's privacy exemption. See N.J.S.A. 47:1A-1. OPRA safeguards personal information when a citizen has a reasonable expectation of privacy in such information. See N.J.S.A. 47:1A-1. A review of the footage shows portions trigger OPRA's privacy provision. Those portions triggering OPRA's privacy provision have not been produced.

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If you believe that your request for access to a government record has been improperly denied, you have a right to challenge the decision 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 a 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 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.

Very truly yours,

Dilworth Paxson LLP

By: /s/ John M. Glynn
John M. Glynn

cc: Kevin Burke, Administrator/Borough Clerk R.M.C., Borough of Little Silver (via e-mail only)
Paul Halpin, Chief of Police, Little Silver Police Department via e-mail only)
Katy Inacio, Records Clerk, Little Silver Police Department via e-mail only)