

Scott Jett

From: Scott Jett <sjett@northwildwood.com>
Sent: Tuesday, August 29, 2017 9:17 AM
To: 'James.O'Donnell@nbcuni.com'
Subject: OPRA request
Attachments: O'donnell OPRA request.pdf

Mr. O'Donnell,

Pursuant to your OPRA Request dated the 9th inst., please find attached records that have just been provided to me by the North Wildwood Police Dept.

Please feel free to contact me if I can be of further assistance.

W. Scott Jett, RMC, CMR
City Clerk
City of North Wildwood, NJ
609-522-2030 ext. 1400

14 pages
emailed - N/C
WST

DEPOSITS

The custodian may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the documents requested will cost in excess of \$5 to reproduce.

Where a special service charge is warranted under OPRA, that amount will be communicated to you as required under the statute. You have the opportunity to review and object to the charge prior to it being incurred. If, however, you approve of the fact and amount of the special service charge, you may be required to pay a deposit or pay in full prior to reproduction of the documents.

YOUR REQUEST FOR RECORDS IS DENIED FOR THE FOLLOWING REASON(S):

(To be completed by the Custodian of Records – check the box of the numbered exemption(s) as they apply to the records requested. If multiple records are requested, be specific as to which exemption(s) apply to each record. **Response is due to requestor as soon as possible, but no later than seven business days.**)

N.J.S.A. 47:1A-1.1

- ☐ Inter-agency or intra-agency advisory, consultative or deliberative material
- ☐ Legislative records
- ☐ Law enforcement records:
 - ☐ Medical examiner photos
 - ☐ Criminal Investigatory records (however, N.J.S.A. 47:1A-3.b. lists specific criminal investigatory information which must be disclosed)
 - ☐ Victims' records
- ☐ Trade secrets and proprietary commercial or financial information
- ☐ Any record within the attorney-client privilege
- ☐ Administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security
- ☐ Emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein
- ☐ Security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data or software
- ☐ Information which, if disclosed, would give an advantage to competitors or bidders
- ☐ Information generated by or on behalf of public employers or public employees in connection with:
 - ☐ Any sexual harassment complaint filed with a public employer
 - ☐ Any grievance filed by or against an employee
 - ☐ Collective negotiations documents and statements of strategy or negotiating
- ☐ Information that is a communication between a public agency and its insurance carrier, administrative service organization or risk management office
- ☐ Information that is to be kept confidential pursuant to court order
- ☐ Certificate of honorable discharge issued by the United States government (Form DD-214) filed with a public agency
- ☐ Social security numbers
- ☐ Credit card numbers
- ☒ Unlisted telephone numbers
- ☐ Drivers' license numbers
- ☐ Certain records of higher education institutions:
 - ☐ Research records
 - ☐ Questions or scores for exam for employment or academics
 - ☐ Charitable contribution information
 - ☐ Rare book collections gifted for limited access
 - ☐ Admission applications
 - ☐ Student records, grievances or disciplinary proceedings revealing a students' identification
- ☐ Biotechnology trade secrets N.J.S.A. 47:1A-1.2
- ☐ Convicts requesting their victims' records N.J.S.A. 47:1A-2.2
- ☐ Ongoing investigations of non-law enforcement agencies (must prove disclosure is inimical to the public interest) N.J.S.A. 47:1A-3.a.
- ☐ Public defender records N.J.S.A. 47:1A-5.k.
- ☐ Upholds exemptions contained in other State or federal statutes and regulations, Executive Orders, Rules of Court, and privileges created by State Constitution, statute, court rule or judicial case law N.J.S.A. 47:1A-9
- ☐ Personnel and pension records (however, the following information must be disclosed:
 - An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason for such separation, and the amount and type of any pension received
 - When required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the US, or when authorized by an individual in interest
 - Data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information N.J.S.A. 47:1A-10

N.J.S.A. 47:1A-1

- ☐ "a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy."

Burnett v. County of Bergen, 198 N.J. 408 (2009). Without ambiguity, the court held that the privacy provision "is neither a preface nor a preamble." Rather, "the very language expressed in the privacy clause reveals its substantive nature; it does not offer reasons why OPRA was adopted, as preambles typically do; instead, it focuses on the law's implementation." "Specifically, it imposes an obligation on public agencies to protect against disclosure of personal information which would run contrary to reasonable privacy interests."

Executive Order No. 21 (McGreevey 2002)

- ☐ Records where inspection, examination or copying would substantially interfere with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or which, if disclosed, would materially increase the risk or consequences of potential acts of sabotage or terrorism.
- ☐ Records exempted from disclosure by State agencies' proposed rules.

Executive Order No. 26 (McGreevey 2002)

- ☐ Certain records maintained by the Office of the Governor
- ☐ Resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing
- ☐ Records of complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environments
- ☐ Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation
- ☐ Information in a personal income or other tax return
- ☐ Information describing a natural person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness, except as otherwise required by law to be disclosed
- ☐ Test questions, scoring keys and other examination data pertaining to the administration of an examination for public employment or licensing
- ☐ Records in the possession of another department (including NJ Office of Information Technology or State Archives) when those records are made confidential by regulation or EO 9.

Other Exemption(s) contained in a State statute, resolution of either or both House of the Legislature, regulation, Executive Order, Rules of Court, any federal law, federal regulation or federal order pursuant to N.J.S.A. 47:1A-9.a.
(Please provide detailed information regarding the exemption from disclosure for which you are relying to deny access to government records. If multiple records are requested, be specific as to which exemption(s) apply to each record.)

Request #1: The City of North Wildwood PD has not taken any reports of stolen firearms during the defined period of time. KTT#231

Request #2: (13) firearms seized by the City of North Wildwood PD during the defined period of time.
*where applicable, phone numbers have been redacted. KTT#231

Request #3: The City of North Wildwood PD has nor makes data / records responsive to this request.
KTT#231

REQUEST FOR RECORDS UNDER THE COMMON LAW

If, in addition to requesting records under OPRA, you are also requesting the government records under the common law, please check the box below.

A public record under the common law is one required by law to be kept, or necessary to be kept in the discharge of a duty imposed by law, or directed by law to serve as a memorial and evidence of something written, said, or done, or a written memorial made by a public officer authorized to perform that function, or a writing filed in a public office. The elements essential to constitute a public record are that it be a written memorial, that it be made by a public officer, and that the officer be authorized by law to make it.

☐ Yes, I am also requesting the documents under common law.

If the information requested is a "public record" under common law and the requestor has a legally recognized interest in the subject matter contained in the material, then the material must be disclosed if the individual's right of access outweighs the State's interest in preventing disclosure.

Please set forth your interest in the subject matter contained in the requested material:

Note that any challenge to a denial of a request for records under the common law cannot be made to the Government Records Council, as the Government Records Council only has jurisdiction to adjudicate challenges to denials of OPRA requests. A challenge to the denial of access under the common law can be made by filing an action in Superior Court.

North Wildwood Police Department

Vehicle Report

Property Report

1 Complaint Number	12-11493	2 Mtn Code	0507
6 Owner's Name	John D Turzanski	3 Phone Number	(609) 522-2411
7 Owner's Address	(Number, Street, Municipality - State, Zip Code)	4 Prosecutor's Case Number	
9 Stolen Date	10 Place Stolen	5 Department Case Number	
12 Vehicle Year	13 Vehicle-Make	8 Phone Number	LINK
14 Body Type	15 Color	11 Municipality Code	
16 Registration - State	17 Serial Number - VIN		
18 Vehicle Locked	19 Keys in Vehicle		
20 Unidentified Owner - Captain			

Vehicle Information

21 Vehicle Value	
------------------	--

Property Information

22 Currency	23 Jewelry	24 Furs	25 Clothing	26 Misc	27 by Retained
28	29	30	31	32	33

Details of Recovery

35 Recovered Date	5-27-12	36 Place Recovered (Street, Municipality, State)	118 East 17th Ave North Wildwood NJ 08260
38 In Possession Of	Sean C Turzanski	39 Address (Street - Municipality - State)	107 East Woodlawn Ave Maple Shade NJ 08052
41 Stored Date	5-28-2012	42 Place Stored (Name and Address)	NWPD EVIDENCE LOCKER
44 Condition of Vehicle/Property at Recovery	45 Own	46 Other Amb	47 Other
48 TCR	49 Total Value Recovered	50 Total Value	51 Add Block (21-20)

50 Narrative (List and Describe Property)

JF1 - 5 hollow point bullets for a .38 Special - Recovery at NJ-D-2012-0010
 JF2 - black Smith & Wesson .38 Special, Serial # CNM0715 - Recovery at NJ-D-2012-0010

****EVIDENCE****

see attached copy
 as recovery report

52 Release Date	53 Place of Ownership	54 Signature of Officer Authorizing Release	55 Released to Owner - Agent (Official)	56 Address (Number - Street, Municipality, State - Zip)	57 Signature of Owner - Agent (Official)	59 Name	60 Badge #	61	62	63	64
						Off James Flynn	250				5-28-2012

North Wildwood Police Department

☒ Property Report

Vehicle Report ☐

1. Complaint Number 13-24523	2. Mun. Code 0507	3. Phone Number (609) 522-2411	4. Prosecutor's Case Number	5. Department Case Number
6. Owner's Name (First) Garvey		(Middle)	(Last) McNeill	
7. Owner's Address (Number - Street - Municipality - State - Zip Code) 118 6th Ave West Cape May, NJ 08204				8. Phone Number
10. Place Stolen (Street - Municipality - State)				11. Municipal Code

Vehicle Information

12. Vehicle-Year	13. Vehicle-Make	14. Body Type	15. Color	16. Registration - State	17. Serial Number/V.I.N.
18. Vehicle Locked	19. Keys in Vehicle	20. Unidentified Owner - Explain			21. Vehicle Value

Property Information

22. Gains by Stolen	23. Currency	24. Jewelry	25. Clothing	26. Misc.	27. Rev. Retained
28.	29.	30.	31.	32.	33.
					34.

Details of Recovery

35. Recovered Date 07/29/2013	36. Place Recovered (Street - Municipality - State) 2400 Delaware Ave SuperFresh Parking Lot North Wildwood, NJ		37. Mun. Code 0507
38. In Possession Of Garvey McNeill	39. Address (Street - Municipality - State) 118 6th Ave West Cape May, NJ 08204		40. Phone Number
41. Stored Date 07/29/2013	42. Place Stored (Name and Address) NYPD 901 Atlantic Avenue North Wildwood, NJ 08260		43. Phone Number
44. Condition of Vehicle/Property at Recovery Good	45. Own Yes	46. Other Auth No	47. Other No
		48. UCR Mo Yr	49. Total Value Recovered (Add blocks 21-26)

51. Estimated Value

50. Narrative (List and Describe Property)
BS1 - Mav 380 Auto, semi-auto pistol, bearing serial number B TK1482, black in color

DO NOT RELEASE-RETAIN FOR EVIDENCE

Disposition of Vehicle/Property

52. Release Date	53. Proof of Ownership	54. Signature of Officer Authorizing Release *DO NOT RELEASE*	
55. Released to Owner - Agent - Official		56. Address (Number - Street - Municipality - State - Zip)	
57. Signature of Owner - Agent - Official		58. Signature of Officer Releasing Vehicle/Property	
59. Name Ofc. Bryan Skill	60. Badge 1406	61.	62.
		63. Date 07/29/2013	64. Reviewed [Signature]

North Wildwood Police Department

☒ Property Report

Vehicle Report ☐

1. Complaint Number 2013-29932	2. Mun. Code 0507	3. Phone Number (609) 522-2411	4. Prosecutor's Case Number	5. Department Case Number
6. Owner's Name (First) (Middle) (Last) Nelson G. Dorta-Martinez			8. Phone Number	
7. Owner's Address (Number - Street - Municipality - State - Zip Code) 1535 Passey Lane, Lancaster PA 17603				11. Municipal Code N/A
9. Stolen Date N/A	10. Place Stolen (Street - Municipality - State) N/A			

Vehicle Information

12. Vehicle Year	13. Vehicle Make	14. Body Type	15. Color	16. Registration State	17. Serial Number/V.I.N.
18. Vehicle Locked	19. Keys In Vehicle	20. Unidentified Owner - Explain			21. Vehicle Value

Property Information

Value of Property \$300.00	22. Currency	23. Jewelry	24. Pura	25. Clothing	26. Misc. \$300.00	27. Ev. Retained YES
28.	29.	30.	31.	32.	33.	34.

Details of Recovery

35. Recovered Date 09/01/2013	36. Place Recovered (Street - Municipality - State) 900 W. Spruce Av		37. Mun. Code 0507
38. In Possession Of Nelson G. Dorta-Martinez	39. Address (Street - Municipality - State) 1535 Passey Lane, Lancaster PA 17603		40. Phone Number
41. Stored Date 09/02/2013	42. Place Stored (Name and Address) Evidence Locker 11256		43. Phone Number
44. Condition of Vehicle/Property at Recovery Fair	45. Own YES	46. Other Auth YES	47. Other NO
		48. UCR Mo Yr	49. Total Value Recovered (Add blocks 21-26)

51. Estimated Value

50. Narrative (List and Describe Property)
One (1) 9mm Taurus PT111 Pro handgun bearing serial #: TAR 97744 with an estimated value of \$300.00.

RETAIN AS EVIDENCE.

Disposition of Vehicle/Property

52. Release Date	53. Proof of Ownership	54. Signature of Officer Authorizing Release	
55. Released to Owner - Agent - Official	56. Address (Number - Street - Municipality - State - Zip)		
57. Signature of Owner - Agent - Official		58. Signature of Officer Releasing Vehicle/Property	
59. Name Ofc. M. Elliott	60. Badge # 256	61.	62.
		63. Date 09/02/2013	64. Reviewed

North Wildwood Police Department

☒ Property Report

Vehicle Report ☐

1 Complaint Number 13-38591	2 Mun. Code 0507	3 Phone Number (609) 522-2411	4 Prosecutor's Case Number	5 Department Case Number
6 Owner's Name (First) Mike	(Middle) A	(Last) Hewitt		
7 Owner's Address (Number - Street Municipality - State - Zip Code) 111 E 19th Ave 2nd Floor North Wildwood, NJ 08260			8 Phone Number	
9 Stolen Date	10 Place Stolen (Street - Municipality - State)			11 Municipal Code

Vehicle Information

12 Vehicle-Year	13 Vehicle-Make	14 Body Type	15 Color	16 Registration - State	17 Serial Number/VIN
18 Vehicle Locked	19 Keys in Vehicle	20 Unidentified Owner - Explain			21 Vehicle Value

Property Information

Value of Property \$605	22 Currency	23 Jewelry	24 Furs	25 Clothing	26 Misc.	27 Ev. Retained Yes
28	29	30	31	32	33	34

Details of Recovery

35 Recovered Date 11/23/13	36 Place Recovered (Street - Municipality - State) 111 E 19th Ave North Wildwood, NJ 08260			37 Mun. Code 0507
38 In Possession Of NWPD	39 Address (Street - Municipality - State) 901 Atlantic Ave North Wildwood, NJ 08260			40 Phone Number 609-522-2411
41 Stored Date 11/23/13	42 Place Stored (Name and Address) North Wildwood Police Department 901 Atlantic Ave North Wildwood, NJ 08260			43 Phone Number 609-522-2411
44 Condition of Vehicle/Property at Recovery Fair	45 Own	46 Other Auth	47 Other	48 ICR Mo. Yr.

51 Estimated Value

50 Narrative (List and Describe Property)
 1 - Silver Smith & Wesson .38 Speical (Air Weight) revolver with brown handle "CL 1"
 1 - Black B.B. Gun "CL 2" NO SERIAL #

See # - J971780

See Investigation Report.

Disposition of Vehicle/Property

52 Release Date	53 Proof of Ownership	54 Signature of Officer Authorizing Release <i>[Signature]</i> #1336
55 Released to Owner Agent - Official	56 Address (Number - Street - Municipality - State - Zip)	
57 Signature of Owner - Agent - Official	58 Signature of Officer Releasing Vehicle/Property	
59 Name <i>[Signature]</i> #1336	60 Badge # 1336	61 62 63 Date 11/23/13 64 Reviewed <i>[Signature]</i>

[illegible]

Value of Recovered Property	Currency	Jewelry	Furs	Clothing	Auto	Misc	Total
						\$2,200.00	\$2,200.00
Release Date	Proof of Ownership	Signature of Officer Authorizing Release				Signature of Officer Releasing Property	
Released to Owner - Agent - Official		Address				Signature of Owner - Agent - Official	
Report Date 02/09/16	Officer PO Eric Nevil 253			Reviewed By 241		Signature of Officer Releasing Report	



Details	Description	Chain of Custody
Case Number 16-04433	Item # Description	Contact
	1 (1) Remington Game Master Model 760 12 Ga. Serial Number 7224532	Sealed By PO Eric Nevil 253
◀ ◁ ▷ ▶	2 (1) Smith & Wesson Model 3000 12 Ga. Pump Action Serial Number FB76960	PO Eric Nevil 253
	3 (1) Remington 870 12Ga. Pump Action Shotgun Serial Number D9142537A	PO Eric Nevil 253
	4 (1) Escort Magnum 12 Gauge Semi Automatic Shotgun Serial Number 038343	PO Eric Nevil 253
	5 (1) Bear Compound Bow w/ 4 arrows & case	PO Eric Nevil 253
	6 (2) Spear Guns Brown and Black in Color	PO Eric Nevil 253

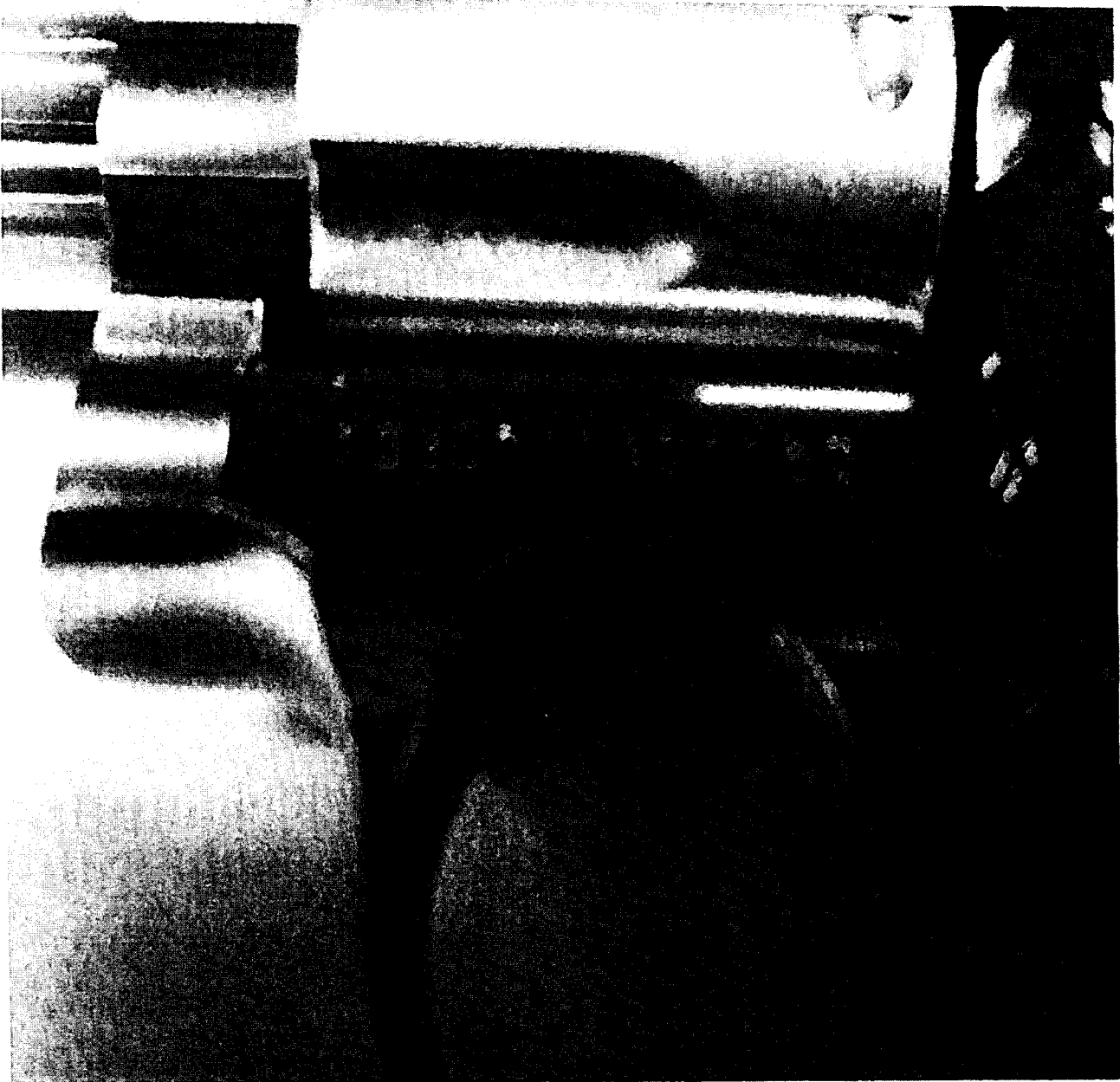
Search
 Show All



North Wildwood Police Department
901 Atlantic Avenue, North Wildwood, NJ 08260
Phone: 609-522-2411 Fax: 609-522-0412 Mun. Code: 0507
Photo Record



Case #	Date	Time	Incident Type
16-11601	4/16/2016	10:57	MV Stop



Officer	Subject / Description of Evidence
PO Justin Robinson 257	Ahmed, Mohamed

Value of Recovered Property	Currency	Jewelry	Fur	Clothing	Auto	Misc.	Total
Release Date	Proof of Ownership	Signature of Officer Authorizing Release			Signature of Officer Releasing Property		
Released to Owner - Agent - Official		Address			Signature of Owner - Agent - Official		
Report Date 01/29/17	Officer Det. Daniel Schules 249			Reviewed By	Signature of Officer Releasing Report		



North Wildwood Police Department
901 Atlantic Avenue, North Wildwood, NJ 08260
Phone: 609-522-2411 Fax: 609-522-0412 Mun. Code: 0507
Supplemental Investigation Report



Narrative Continued (Page 2)

Case Number

17-03059C

On Sunday, January 29, 2017 at 0421 hours I was contacted by Ofc. Griser, the shift supervisor for the working patrol squad. He gave me a brief overview of the circumstances surrounding this incident and requested I respond to the North Wildwood Police Headquarters to continue the investigation.

Upon my arrival I was advised that one subject, Albert Nieves was in custody and that two witness, Shanika Fitzpatrick and Harmony Terrell had come down to provide statements. Prior to beginning these statements Ofc. Griser directed me towards the book bag with which contained the recovered firearm. The firearm, a Ruger .44 Magnum Super Blackhawk single action revolver bearing serial #86-40731 was loaded with five (5) round nose .44 magnum rounds and one (1) hollow point .44 magnum round. Also contained within the bag were various personal items, a reload able debit card and a Metro PCS name tag with "Jay" written on it. These items were packaged and stored in evidence.

I first spoke with Shanika Fitzpatrick, the resident of 2406 Central Ave. At approximately 0509 hours I met Fitzpatrick who was waiting in the police lobby and escorted her to the DWI/Interview room. As soon as I entered the room and asked her how her night was going Fitzpatrick responded with an overview about how she had her friends over. I stopped her to first get some identifying information and to explain the process for taking the statement. Fitzpatrick confirmed that she was the sole tenant of 2406 Central and she was present during the incident along with an additional 9 friends and family members.

I next asked Fitzpatrick to provide me with an overview of her evening and the events that transpired. Fitzpatrick initially stated that she had the weekend off from work so she decided to have some friends and family over to her apartment (2406 Central Ave) which she had lived at for approximately one month. Earlier on Saturday she dropped her son off at her dad's house. Fitzpatrick stated that later in the evening she had her friends and family come over. They were drinking and then decided to go to Good Night Irenes Bar in Wildwood. After a short amount of time there, an altercation between a member of Fitzpatrick's group and another person occurred. As a result, bouncers intervened and Fitzpatrick and her friends returned to her residence where they continued to drink. Following this, Fitzpatrick said that Nieves claimed someone stole \$800.00 from his jacket which was on Fitzpatrick's bed. She described Nieves as becoming "disrespectful" and said that he was saying, as she described, "I'm gunna fuck this one up, fuck that one up." He then began to order everyone in the residence to "empty their fucking pockets."

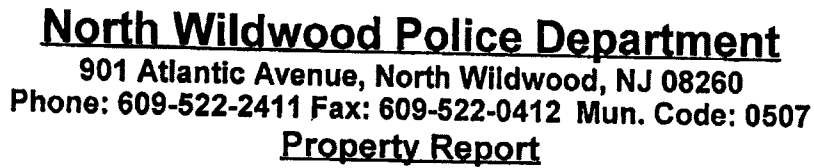
Fitzpatrick said that no one knew who took the money, she started crying and became upset. After which she threatened to call the police. Fitzpatrick said she then opened her front door and discovered officers were already present. Fitzpatrick then stated as soon as an officer made contact with her she was told they had received a report of a man with a gun.

Officer of Record:

Date:

Det. Daniel Schules 249

01/31/17

[illegible]



AGENCY NAME HERE
OPEN PUBLIC RECORDS ACT REQUEST FORM
Agency Address
Agency Telephone Number & Fax Number
Agency e-mail address
Name of Agency Custodian



Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information – Please Print

First Name	<u>Jim</u>	MI		Last Name	<u>O'Donnell</u>
E-mail Address	<u>James.O'Donnell@nbcuni.com</u>				
Mailing Address	<u>10 Monument Road</u>				
City	<u>Bala Cynwyd</u>	State	<u>PA</u>	Zip	<u>19004</u>
Telephone	<u>215-913-0273</u>	FAX	<u>610-668-5649</u>		
Preferred Delivery:	Pick Up ☐	US Mail ☐	On-Site ☐	Inspect ☐	Fax ☐
				E-mail ☒	
If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I <u>HAVE</u> / <u>HAVE NOT</u> been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.					
Signature	<u>James O'Donnell</u>			Date	<u>08/09/2017</u>

Payment Information

Maximum Authorization Cost	\$ <u>1</u>
Select Payment Method	
Cash ☐	<u>Check</u> Money Order
Fees:	Letter size pages - \$0.05 per page Legal size pages - \$0.07 per page Other materials (CD, DVD, etc) – actual cost of material
Delivery:	Delivery / postage fees additional depending upon delivery type.
Extras:	Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

Please see attached 3 pages

RECEIVED
AUG 10 2017
NORTH WILDWOOD POLICE DEPT

AGENCY USE ONLY

Est. Document Cost	_____
Est. Delivery Cost	_____
Est. Extras Cost	_____
Total Est. Cost	_____
Deposit Amount	_____
Estimated Balance	_____
Deposit Date	_____

AGENCY USE ONLY

Disposition Notes
Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

RECEIVED

AUG 10 2017

In Progress CITY CLERK
City of North Wildwood
Filled ☐ Closed ☐
Partial ☐ Closed ☐

AGENCY USE ONLY

Tracking Information		Final Cost	
Tracking #	<u>113.17</u>	Total	_____
Rec'd Date	_____	Deposit	_____
Ready Date	_____	Balance Due	_____
Total Pages	_____	Balance Paid	_____
Records Provided			
Custodian Signature		Date	

113.17

11

DEPOSITS

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N.J.S.A. 47:1A-1.1

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- ☐ Law enforcement records:
 - ☐ Medical examiner photos
 - ☐ Criminal investigatory records (however, N.J.S.A. 47:1A-3.b. lists specific criminal investigatory information which must be disclosed)
 - ☐ Victims' records
- ☐ Trade secrets and proprietary commercial or financial information
- ☐ Any record within the attorney-client privilege
- ☐ Administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security
- ☐ Emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein
- ☐ Security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data or software
- ☐ Information which, if disclosed, would give an advantage to competitors or bidders
- ☐ Information generated by or on behalf of public employers or public employees in connection with:
 - ☐ Any sexual harassment complaint filed with a public employer
 - ☐ Any grievance filed by or against an employee
 - ☐ Collective negotiations documents and statements of strategy or negotiating
- ☐ Information that is a communication between a public agency and its insurance carrier, administrative service organization or risk management office
- ☐ Information that is to be kept confidential pursuant to court order
- ☐ Certificate of honorable discharge issued by the United States government (Form DD-214) filed with a public agency
- ☐ Social security numbers
- ☐ Credit card numbers
- ☐ Unlisted telephone numbers
- ☐ Drivers' license numbers
- ☐ Certain records of higher education institutions:
 - ☐ Research records
 - ☐ Questions or scores for exam for employment or academics
 - ☐ Charitable contribution information
 - ☐ Rare book collections gifted for limited access
 - ☐ Admission applications
 - ☐ Student records, grievances or disciplinary proceedings revealing a students' identification
- ☐ Biotechnology trade secrets N.J.S.A. 47:1A-1.2
- ☐ Convicts requesting their victims' records N.J.S.A. 47:1A-2.2
- ☐ Ongoing investigations of non-law enforcement agencies (must prove disclosure is inimical to the public interest) N.J.S.A. 47:1A-3.a.
- ☐ Public defender records N.J.S.A. 47:1A-5.k.
- ☐ Upholds exemptions contained in other State or federal statutes and regulations, Executive Orders, Rules of Court, and privileges created by State Constitution, statute, court rule or judicial case law N.J.S.A. 47:1A-9
- ☐ Personnel and pension records (however, the following information must be disclosed:
 - An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason for such separation, and the amount and type of any pension received
 - When required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the US, or when authorized by an individual in interest
 - Data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information N.J.S.A. 47:1A-10

N.J.S.A. 47:1A-1

- ☐ "a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy."

Burnett v. County of Bergen, 198 N.J. 408 (2009). Without ambiguity, the court held that the privacy provision "is neither a preface nor a preamble." Rather, "the very language expressed in the privacy clause reveals its substantive nature; it does not offer reasons why OPRA was adopted, as preambles typically do; instead, it focuses on the law's implementation." "Specifically, it imposes an obligation on public agencies to protect against disclosure of personal information which would run contrary to reasonable privacy interests."

Executive Order No. 21 (McGreevey 2002)

- ☐ Records where inspection, examination or copying would substantially interfere with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or which, if disclosed, would materially increase the risk or consequences of potential acts of sabotage or terrorism.
- ☐ Records exempted from disclosure by State agencies' proposed rules.

Executive Order No. 26 (McGreevey 2002)

- ☐ Certain records maintained by the Office of the Governor
- ☐ Resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing
- ☐ Records of complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environments
- ☐ Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation
- ☐ Information in a personal income or other tax return
- ☐ Information describing a natural person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness, except as otherwise required by law to be disclosed
- ☐ Test questions, scoring keys and other examination data pertaining to the administration of an examination for public employment or licensing
- ☐ Records in the possession of another department (including NJ Office of Information Technology or State Archives) when those records are made confidential by regulation or EO 9.

Other Exemption(s) contained in a State statute, resolution of either or both House of the Legislature, regulation, Executive Order, Rules of Court, any federal law, federal regulation or federal order pursuant to N.J.S.A. 47:1A-9a.
(Please provide detailed information regarding the exemption from disclosure for which you are relying to deny access to government records. If multiple records are requested, be specific as to which exemption(s) apply to each record.)

REQUEST FOR RECORDS UNDER THE COMMON LAW

If, in addition to requesting records under OPRA, you are also requesting the government records under the common law, please check the box below.

A public record under the common law is one required by law to be kept, or necessary to be kept in the discharge of a duty imposed by law, or directed by law to serve as a memorial and evidence of something written, said, or done, or a written memorial made by a public officer authorized to perform that function, or a writing filed in a public office. The elements essential to constitute a public record are that it be a written memorial, that it be made by a public officer, and that the officer be authorized by law to make it.

☐ Yes, I am also requesting the documents under common law.

If the information requested is a "public record" under common law and the requestor has a legally recognized interest in the subject matter contained in the material, then the material must be disclosed if the individual's right of access outweighs the State's interest in preventing disclosure.

Please set forth your interest in the subject matter contained in the requested material:

Note that any challenge to a denial of a request for records under the common law cannot be made to the Government Records Council, as the Government Records Council only has jurisdiction to adjudicate challenges to denials of OPRA requests. A challenge to the denial of access under the common law can be made by filing an action in Superior Court.

1. All government records are subject to public access under the Open Public Records Act ("OPRA"), unless specifically exempt.
2. A request for access to a government record under OPRA must be in writing, hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian. N.J.S.A. 47:1A-5.g. The seven (7) business day response time does not commence until the records custodian receives the request form. If you submit the request form to any other officer or employee of the **Name of Agency**, that officer or employee must either forward the request to the appropriate custodian, or direct you to the appropriate custodian. N.J.S.A. 47:1A-5.h.
3. Requestors may submit requests anonymously. If you elect not to provide a name, address, or telephone number, or other means of contact, the custodian is not required to respond until you reappear before the custodian seeking a response to the original request.
4. The fees for duplication of a government record in printed form are listed on the front of this form. We will notify you of any special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by cash, check or money order payable to the **Name of Agency**.
5. **You may be charged a 50% or other deposit when a request for copies exceeds \$25.** The **Name of Agency** custodian will contact you and advise you of any deposit requirements. You agree to pay the balance due upon delivery of the records. Anonymous requests in excess of \$5.00 require a deposit of 100% of estimated fees.
6. Under OPRA, a custodian must deny access to a person who has been convicted of an indictable offense in New Jersey, any other state, or the United States, **and** who is seeking government records containing personal information pertaining to the person's victim or the victim's family. This includes anonymous requests for said information.
7. By law, the **Name of Agency** must notify you that it grants or denies a request for access to government records within seven (7) business days after the agency custodian of records receives the request. If the record requested is not currently available or is in storage, the custodian will advise you within seven (7) business days after receipt of the request when the record can be made available and the estimated cost for reproduction.
8. You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you.
9. If the **Name of Agency** is unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form or other written correspondence and send you a signed and dated copy.
10. Except as otherwise provided by law or by agreement with the requester, if the agency custodian of records fails to respond to you within seven (7) business days of receiving a request, the failure to respond is a deemed denial of your request.
11. 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 **Name of Agency** 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 PO 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 Council 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.
12. Information provided on this form may be subject to disclosure under the Open Public Records Act.



TRACE MEDIA, INC.
P.O. Box 4184,
New York, NY 10163

info@thetrace.org
thetrace.org

August 7, 2017

Dear Records Officer,

This is a joint request from Trace Media Inc. and NBC10 to your Police Department for certain information pertaining to stolen and seized firearms, information that we understand to be public under public records laws.

We request the following:

Part 1) The below listed information for each firearm reported stolen to your agency from January 1, 2012, to August 1, 2017:

- Serial Number
- Year
- Date
- Incident No
- Report Type
- Property Type – Description
- Property Gun Description
- Property Description
- Property Model
- Property Gun Caliber
- Property Count
- Any other columns available

Part 2) The below listed information for each firearm seized by your agency from January 1, 2012, to August 1, 2017:

- Serial Number
- Occur From Date
- Property Description
- Property Brand
- Property Model
- Property Gun Description
- Property Gun Caliber
- Incode Description
- Incode
- Any other columns available
- Crime Category Code

Part 3) Any and all available data dictionaries and/or code sheets so that we can ascertain the meaning of column headings, codes, abbreviations, and other information contained in the CDW BI.



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As members of the news media, Trace Media and NBC10 will be making information obtained from this request available to the general public and are not requesting the records for commercial purposes.

The serial number is the most important piece of descriptive information for a firearm.

Serial numbers are assigned to specific firearms, not specific individuals, so any argument that releasing a serial number could identify, let alone endanger, a witness is without merit. Furthermore, because serial numbers serve as the identification markings for firearms, not people, any argument that gun owners have a right to privacy regarding the serial numbers of their weapons is equally flawed.

Firearm serial numbers by themselves cannot be used to identify an individual or a witness. The U.S. federal government does not have a comprehensive firearm registry, and in even in states where registries do exist, the information contained therein is not open to the general public. Moreover, while serial numbers are designed to aid in the identification of specific firearms, their distinctiveness is not absolute. Under federal regulations, serial numbers may be duplicated by different manufacturers. For example, if Manufacturer A produces a handgun with serial number 12345, Manufacturer B can also produce a handgun with serial number 12345 and still be in compliance with the law.

The release of serial numbers would also not hinder a law enforcement investigation. To argue such would be akin to saying that serial numbers somehow open a window into a police investigative file, which they do not. Besides, serial numbers often appear in publicly accessible court documents, albeit without the centralization key for newsgathering and analysis.

This request is part of a national project exploring the use of stolen guns in crime, an issue of paramount import to the citizens of your community and the brave police officers who protect and serve them.

So far, more than 200 public law enforcement agencies around the country have released serial number information to us in response to public records requests for this project.

We hope that your agency takes our arguments into consideration when reviewing our records request.

We ask that the requested records be provided in a .xlsx, .xls, .csv, .txt, or another spreadsheet-compatible format. We also ask that you email the records to Jim.ODonnell@NBCUNI.com



TRACE MEDIA, INC.
P.O. Box 4184,
New York, NY 10163

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When releasing the records, please be mindful that .xlsx and .xls file extensions may delete leading zeros from serial numbers – turning, for example, a serial number that is actually 012345 into 12345. This could skew our analysis. To ensure that this does not happen, please take care to download and import the serial number column in a “Text” number format.

If there are fees associated with this request, we would appreciate if you informed us of the estimated charges in advance.

If you have any questions or concerns, please do not hesitate to contact

Jim O'Donnell
Senior Investigative Producer
NBC10
215-913-0273

NWPD Records

From: Garris, Tom (NBCUniversal) <Tom.Garris@nbcuni.com>
Sent: Thursday, August 10, 2017 11:47 AM
To: records@nwpd.org
Cc: O'Donnell, Jim (NBCUniversal)
Subject: NBC10 OPRA Request - Guns
Attachments: NBC10 OPRA Request form.pdf; Trace NBC RECORDS Request.docx

Please find the attached OPRA request. If you have any questions, feel free to call me at 215-913-0273.



10 Montrose Road
Camden, PA 19004
Philadelphia, PA 19104
Call: 215-913-0273
Tom.Garris@nbcuni.com
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