

Melissa D. Strickland

From: Melissa D. Strickland
Sent: Monday, February 3, 2020 9:53 AM
To: trknology@yahoo.com
Subject: OPRA Request regarding Vaughn Collaborative
Attachments: PO and Check info.pdf; Resolution 2015-92.pdf; Jail Study Invoices.pdf

Good morning, Officer Bermudez,

I am in receipt of your OPRA request, attached, for documents related to feasibility studies, reports and invoices. I will respond to each numerical item you placed in your request below:

1. First, please be advised that the County objects to the form of your request, as it is overbroad. It uses the phraseology "any facility" without, besides mention of the jail, specifying which other facility you are inquiring about. In the case of *MAG Entertainment v. Division of Alcohol and Beverage Control* (372 N.J.Super. 534), the Court stated that "[u]nder OPRA, agencies are required to disclose only 'identifiable' government records not otherwise exempt...In short, OPRA does not countenance open-ended searches of an agency's files." It is contrary to the purpose of OPRA and would result in an open ended search of the County's records. **Kindly clarify your request to include which facility you are referencing so that we can properly review and respond to your request.** Additionally, although Cumberland County initially participated in the Vaughn Collaborative study involving our Department of Corrections, Cumberland County later decided to build its own jail. Nevertheless, Cumberland County's participation in the study was a collaborative effort with other Counties. As such, the County does not individually own rights to any reports or documents generated from the study. In fact, Burlington County is the entity which contracted directly with the authors of the study. Cumberland County merely reimbursed Burlington for its *pro rata* share of the cost of the study. When Cumberland County withdrew from the study, it no longer had access to any further reports or documents provided to the participating entities. Accordingly, we are not aware of nor do we possess any reports beyond what existed at the time of Cumberland's withdrawal. To be clear, Cumberland County only possesses a draft that existed in 2016. We do not possess anything further. Therefore, because of the deliberative nature of the report as to that County it is exempt from disclosure under N.J.S.A. 47:1A-1.1 as advisory, consultative or deliberative and we are constrained from releasing the version that we possess publicly. Still, you are free to submit your OPRA request to any of the other participating counties or agencies which possess the report as well. Because of Cumberland's withdrawal from the study, I would encourage you to submit your request to the other participating entities.

2. As stated in number 1 above, please be advised that the County objects to the form of your request, as it is overbroad. It uses the phraseology "any...report or study" without, providing any specificity as to which report or what kind of report you are seeking. In the case of *MAG Entertainment v. Division of Alcohol and Beverage Control* (372 N.J.Super. 534), the Court stated that "[u]nder OPRA, agencies are required to disclose only 'identifiable' government records not otherwise exempt...In short, OPRA does not countenance open-ended searches of an agency's files." It is contrary to the purpose of OPRA and would result in an open ended search of the County's records. **Kindly clarify your request to include which report(s) you are referencing so that we can properly review and respond to your request** If you are referring to the Feasibility Study, as discussed above, kindly refer to the answer to #1.

3. Attached, please find the Resolution, Purchase Order, Invoices and Check information related to the Feasibility Study started by the Vaughn Collaborative.
4. Please see response to number 3, above. The Finance Department does not have copies of the actual checks, but they were able to provide copies of the check register which gives the check numbers, dates they were drawn and dates they were deposited.
5. Please be advised that the County objects to the form of your request, as it is overbroad. It uses the phraseology "any" and "all" without providing a specific date or date range or identifying names of individuals. In the case of *MAG Entertainment v. Division of Alcohol and Beverage Control* (372 N.J. Super. 534), the Court stated that "[u]nder OPRA, agencies are required to disclose only 'identifiable' government records not otherwise exempt...In short, OPRA does not countenance open-ended searches of an agency's files." It is contrary to the purpose of OPRA and would result in an open ended search of the County's records. **Kindly clarify your request to include specific vendors, or specific repair work and, if possible, more specific dates so that we can properly review and respond to your request.** I also consulted with the Finance Department and the staff there confirmed that their database does not permit them to quickly perform the kind of open-ended search that you are requesting. At least two staff members confirmed that it would take several weeks of full time labor to review their systems and locate responsive documents. Again, this kind of research runs counter to the County's obligations under OPRA.

Please be advised that if you feel that this response has not been appropriate, you have the right to pursue a claim within 45 days with the Government Records Council or by filing suit in the Superior Court. If you have questions regarding this response, please feel free to contact me and it will be my pleasure to assist.

Kind regards,
Melissa

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