



Bound Brook Police Department

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Vito Bet
Chief of Police

Kevin Rivenbark
Captain

December 20, 2018

Time to Change – Jersey Style

VIA E-MAIL

Time to Change – Jersey Style,

On behalf of the Borough Bound Brook (the “Borough”), please accept this correspondence as a response in connection with your November 28, 2018 OPRA request. Upon receipt of your OPRA request, the Borough timely requested an extension to respond and produce responsive government records in accordance with New Jersey law. See N.J.S.A. 47:1A-5.

For ease of reference, your itemized requests are listed below. The Police Department’s response immediately follows each item.

1. I seek your police department’s Internal Affairs Annual Summary Reports for years 2011 to 2014.

RESPONSE: Enclosed please find all the readily identifiable responsive government records.

2. I seek a copy of the police department’s Public Synopsis of Disciplinary actions for years 2011 to 2014. This report is required pursuant to Requirement 10 of the Attorney General’s Internal Affairs Police.

RESPONSE: Enclosed please find all the readily identifiable responsive government records.

3. I seek a copy of the police department’s Vehicular Pursuit Summary Reports for years 2011 to 2014.

RESPONSE: Enclosed please find all the readily identifiable responsive government records.

4. I would like all your police department’s Use of Force Reports from January 1, 2011 to December 31, 2014.

RESPONSE: Enclosed please find all the readily identifiable responsive government records. Please be advised that these government records have been redacted in accordance with New Jersey law to shield the identify of juveniles, confidential identifiers related to a domestic violence incident, and information relating to a person’s medical, psychiatric, or psychological history, treatment, or evaluation. N.J.S.A. 47:1A-1 provides that “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.” N.J.S.A. 47:1A-9.b allows exemptions from disclosure any grant of confidentiality established or recognized by the Constitution of this State, statute, court rule or judicial case law, to apply to OPRA.

With respect to the identification of juvenile offenders, New Jersey courts have held that such information is confidential. See North Jersey Media Grp., Inc. v. Twp. of Teaneck, No. BER-L-6375-14, 2014 WL 663458 at *7-8 (Law Div. 2014). Additionally, Executive Order No. 26 (McGreevy 2002)

exempts from disclosure “information relating to medical, psychiatric or psychological history, diagnosis treatment or evaluation.” See also Rivera v. Town of West New York, GRC Complaint No. 2010-208 (Feb. 2013) (upholding exemption of medical information under Executive Order No. 26). The Government Records Council has also held that use of force must be provided in redacted form, except for the names of subjects not arrested. See Rivera v. City of Bayonne, GRC Complaint No. 2012-87 (Aug. 2012).

Lastly, the records of domestic violence victims may be exempt from disclosure under the confidentiality provisions of the Prevention of Domestic Violence Act of 1991. N.J.S.A. 2C:25-33. See also Butala v. Twp. of Aberdeen, GRC Complaint No. 2014-194 (Feb. 26, 2015) (citing N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-9(a); N.J.S.A. 2C:25-33); VanBree v. Bridgewater Twp. Police Dep’t (Somerset), GRC Complaint No. 2014-122 (October 2014).

5. I would like all your police department’s Police Use of Deadly Force Attorney General Deadly Notification Reports for years 2011 to 2014.

RESPONSE: Please be advised that no responsive government records exist.
Your OPRA request is now closed. Thank you for your professional courtesies.

Very truly yours,

Donna Marie Godleski, RMC
Municipal Clerk