



GluckWalrath LLP
4 Paragon Way
Suite 400
Freehold, New Jersey 07728
(732) 530-8822 (Phone)
(732) 530-6770 (Facsimile)

Reply to:

Christian F. Corro

Direct Dial: 609-278-3928

Ccorro@glucklaw.com

glucklaw.com

Via Email Only

opra+request-20757-92f44035@requests.opramachine.com

March 11, 2021

Re: Colts Neck OPRA Response

Dear Requestor,

I am writing on behalf of my client, the Colts Neck Township Police Department (the "CNTPD"), with regard to your March 2, 2021 Open Public Records Act ("OPRA") request which was received by the CNTPD on said date. This response is provided by the requirements under OPRA.

For ease of reference, I have copied your OPRA request into this letter, and the Township's response is provided below:

1. Police CAD reports from 12/1/2020-1/31/2021;

Response: Please see attached documents responsive to your request for computer-aided dispatch ("CAD") logs. There are redactions on the enclosed CAD reports pertaining to confidential personal identifying information not available for release under OPRA. This redacted information includes but is not limited to social security numbers, driver's license numbers, vehicle identification numbers, vehicle registration numbers, and unlisted telephone numbers. "[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." See Burnett v. Cnty. of Bergen, 198 N.J. 408 (2009).

Further, please note these documents have been redacted to exclude narrative reports which are considered criminal investigatory records and are therefore exempt under OPRA. For example, in North Jersey Media Grp., Inc. v. Twp. of Lyndhurst, 229 N.J. 541, 569 (2017), the Supreme Court held that detailed investigative reports and witness statements gathered in the context of a criminal investigation are exempt from disclosure under OPRA as a criminal investigatory record, and also noted that the deliberative nature of the criminal investigatory records would also be exempt from disclosure pursuant to N.J.S.A. 47:1A-1.1 (the term

“government record” shall not include inter-agency or intra-agency advisory, consultative, or deliberative material); see also Serrano v. South Brunswick Twp., 358 N.J. Super 352, 356-57, 360, 370 (App. Div. 2003) (affirming dismissal of portion of complaint regarding non-disclosure of police and EMT reports under OPRA, on the ground such documents were “criminal investigatory records”).” A record must meet the statutory two-prong test to be considered a “criminal investigatory record” exempt from disclosure under OPRA: that the record “‘not be required by law to be made,’ and the record must ‘pertain[] to any criminal investigation or related civil enforcement proceeding.’” O’Shea v. Twp. of West Milford, 410 N.J. Super. 371 (App. Div. 2009). Accordingly, the narrative reports pertaining to criminal investigations have been redacted. To the extent that any narrative report in the attached documents do not detail a criminal investigation, they have been produced in full.

Additionally, please note the documents have been redacted to exclude Emergency Medical Services (“EMS”) narrative reports which are exempt under OPRA pursuant to Executive Order No. 26 (McGreevey 2002). Executive Order No. 26 exempts an individual’s information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation. See also Bart v. City of Passaic, GRC Complaint No. 2007-162 (April 2008), holding that EMS Division Incident Reports are exempt from disclosure as a medical record pursuant to Executive Order No. 26.

Finally, these records have been redacted to exclude citizen and government building security measures and surveillance information pursuant to N.J.S.A. 47:1A-1.1. OPRA exempts security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data or software. Information relating to burglar alarm systems and surveillance measures were redacted in order to avoid compromising the effectiveness of the security systems in place.

Please be aware that if you believe that you have been improperly denied access to governmental records, you have a right to challenge these decisions. 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 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 of your County.

Very truly yours,
GluckWalrath LLP

By: /s/ Christian Corro
Christian F. Corro

CFC:pmf
Enclosures
cc.