



GLASSBORO POLICE DEPARTMENT

1 South Main Street
Glassboro NJ 08028
Phone #856-881-1501
Fax #856-881-6872

January 23, 2023

Via email only (opra+request-39341-b4ae1179@requests.opramachine.com)
anoymousbobby

Re: Open Public Records Act/Common Law Records Request

Dear anoymousbobby:

The Borough of Glassboro Records Custodian received your request pursuant to the Open Public Records Act (OPRA) and the New Jersey common law right of access via email on January 20, 2023, and forwarded it to the Glassboro Police Department Records Sub-Custodian for response. Accordingly, the initial seven (7) business day deadline to respond to your request under OPRA is January 31, 2023. This response is being provided on the first business day after receipt of your request.

Your records request was as follows:

From: anoymousbobby <opra+request-39341-b4ae1179@requests.opramachine.com>
Sent: Friday, January 20, 2023 9:48 AM
To: Karen Cosgrove <KCosgrove@glassboro.org>
Subject: [EXTERNAL] OPRA request - Police Dept Request

Dear Glassboro Borough,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

On 1/20/23 at approximately 2:18am Rowan University DPS sent out a warning of shots fired at (or in the vicinity) of 204 Carpenter Street.

Please provide the following information for any incident on Carpenter Street and or Silver Avenue between the hours of 11pm on 1/19/23 to 9:45am on 1/20/23

incident report
law enforcement findings
probable cause statement
number of suspects arrested
booking details if suspect arrested
cad details
body cam
call recording of requesting police services relating to this incident number of officers
on scene suspect name complaint warrant summons mugshot of suspect

Yours faithfully,

bob

Response to Common Law Request

The common law right to access public records depends on three requirements: (1) the records must be common law public documents; (2) the person seeking access must establish an interest in the subject matter of the material; and (3) the citizen's right to access must be balanced against the State's interest in preventing disclosure. *Richard Rivera v. Union County Prosecutor's Office*, 250 N.J. 124, 143-44 (2022); *South Jersey Publishing Co. v. New Jersey Expressway Auth.*, 124 N.J. 478, 487 (1991); *Loigman v. Kimmelman*, 102 N.J. 98 (1986); *Nero v. Hyland*, 76 N.J. 213, 222 (1978).

After consultation with the Borough Solicitor, we have determined that you have failed to establish a proper interest in the requested record(s). Your common law request is therefore denied.

Response to OPRA Request

A search of our available records has identified the following as responsive to your request:

01/20/23	CAD Activity Detail 23-001905
01/20/23	Incident Report 23-001905 (incident date: 01/20/23)
01/20/23	Axon Body Worn Camera videos (6)

Please be advised that the Borough of Glassboro does not operate a 911 call center. Requests for records related to 911 calls may be directed to:

Jim DeMore, Deputy OEM Coordinator
Gloucester County Emergency Response Center
1200 N. Delsea Drive
Clayton, NJ 08312
Phone: 856-307-7100
Fax: 856-307-6621
Email: jdemore@co.gloucester.nj.us
<http://www.gloucestercountynj.gov/services/o/opra.asp>

A copy of the identified CAD Activity Detail report is enclosed. Please note that, after consultation with the Borough Solicitor, portions of this record have been redacted as follows:

Privacy/Personal Information. Part(s) of the identified record(s) containing information and/or images for which identified persons have a reasonable expectation of privacy have been redacted. N.J.S.A. 47:1A-1; Executive Order No. 21 (McGreevey 2002); *Paff v. Ocean County Prosecutor's Office*, 235 N.J. 1 (2018); *Brennan v. Bergen County Prosecutor's Office*, 233 N.J. 330 (2018); *In the Matter of the New Jersey State Fireman's Association*, 230 N.J. 258 (2017); *Burnett v. County of Bergen*, 198 N.J. 408 (2009); *North Jersey Media Group v. Township of Nutley*, slip op., Docket No. A-3483-14T3 (App. Div. September 30, 2016); *Nelson v. N.J. Department of Law & Public Safety*, No. 2013-124 (GRC 2014); *Merino v. Borough of Ho-Ho-Kus*, No. 2003-110 (GRC 2004).

Criminal Investigatory Record(s). The requested record(s) or parts thereof are not required by law to be made, maintained or kept on file and pertain to a criminal investigation and are therefore exempt from disclosure pursuant to the criminal investigatory records exception of OPRA. N.J.S.A. 47:1A-1.1; *Paff v. Ocean County Prosecutor's Office*, 235 N.J. 1 (2018); *North Jersey Media Group, Inc. v. Township of Lyndhurst*, 229 N.J. 541 (2017); *Schulz v. N.J. State Police*, Complaint No. 2014-390 (GRC 2015).

Advisory/Consultative/Deliberative. Parts of the identified record(s) which constitute inter-agency or intra-agency advisory, consultative or deliberative materials, which are exempt from disclosure under both OPRA and the common law, have been redacted. N.J.S.A. 47:1A-1.1; *Education Law Center v. New Jersey Dept. of Educ.*, 198 N.J. 274 (2009); *Libertarians for Transparent Government v. Government Records Council*, 453 N.J. Super. 83 (App. Div.), *certif. denied* 233 N.J. 484 (2018); *Larkins v. Solter*, 450 N.J. Super. 519 (App. Div. 2017); *DeEugenio v. Borough of Glassboro*, GRC Complaint No. 2016-254 (June 2019).

After consultation with the Borough Solicitor, your request for the identified Incident Report is denied for the following reason(s):

Criminal Investigatory Record(s). The requested record(s) or parts thereof are not required by law to be made, maintained or kept on file and pertain to a criminal investigation and are therefore exempt from disclosure pursuant to the criminal investigatory records exception of OPRA. N.J.S.A. 47:1A-1.1; *Paff v. Ocean County Prosecutor's Office*, 235 N.J. 1 (2018); *North Jersey Media Group, Inc. v. Township of Lyndhurst*, 229 N.J. 541 (2017); *Schulz v. N.J. State Police*, Complaint No. 2014-390 (GRC 2015).

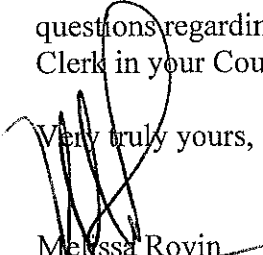
After consultation with the Borough Solicitor, your request for the identified Incident Report and Body Worn Camera videos is denied for the following reason(s):

Ongoing Investigation Exemption. The requested record(s) or parts thereof are exempt from disclosure at this time pursuant to the ongoing investigation exception of OPRA and the common law because: (1) the requested records "pertain to an investigation in progress by any public agency," (2) disclosure will "be inimical to the public interest," and (3) the records were not available to the public before the investigation began. N.J.S.A. 47:1A-3(a); *Paff v. Ocean County Prosecutor's Office*, 235 N.J. 1 (2018); *North Jersey Media Group, Inc. v. Township of Lyndhurst*, 229 N.J. 541 (2017); *Loigman v. Kimmelman*, 102 N.J. 98 (1986); *North Jersey Media Group v. Township of Nutley*, slip op., Docket No. A-3483-14T3 (App. Div. September 30, 2016).

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 Borough of Glassboro 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 P.O. 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 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,



Melissa Rovin
Senior Records Clerk
Glassboro Police Department
856-881-1501 ext 88150
mrovin@glassboropd.org