

Morris County Sheriff's Office

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Mark S. Spitzer
Undersheriff

Richard A. Rose
Undersheriff

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Chief

Alan J. Robinson
Undersheriff

Christopher E. Klein
Warden

John A. Ambrose
Chief Warrant Officer

Via E-Mail opra+request-28451-405b676a@requests.opramachine.com

Ms. Kelly

Re: OPRA Request received December 30, 2021

Dear Ms. Kelly:

The Morris County Sheriff's Office ("Sheriff's Office") records custodian received your Open Public Records Act ("OPRA") request on December 30, 2021. The seven business day deadline to respond to your request is January 11, 2021. As such, the Sheriff's Office is timely responding to your OPRA request in accordance with New Jersey law.

Your OPRA request seeks the following:

Police dispatch data for the month of December 2021, including the reasons (shooting, disturbance, etc) and locations (address) to which officers were dispatched with any personal information such as names redacted/excluded as necessary.

Please note that OPRA operates to make identifiable government records "readily accessible for inspection, copying, or examination." N.J.S.A. 47:1A-1; MAG Entertainment, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005). MAG Entertainment, LLC held, "[w]hile OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, it is not intended as a research tool litigants may use to force government officials to identify and siphon useful information." Id. at 547. "Under OPRA, agencies are required to disclose only 'identifiable' government records not otherwise exempt. Wholesale requests for general information to be analyzed, collated and compiled by the responding government entity are not encompassed therein." Id. at 549; see also Bent v. Stafford Police Dep't, 381 N.J. Super. 30, 37 (App. Div. 2005) (holding that OPRA only allows requests for records as contrasted from information, and to qualify under OPRA a request must reasonably identify a record and not generally data, information or statistics.) The Appellate Division repeated these principles in holding:

[A]gencies are only obligated to disclose identifiable government records. The statute "only allows requests for records, not requests for information." A proper request "must identify with reasonable clarity those documents that are desired." "Wholesale requests

for general information to be analyzed, collated and compiled” by the agency are outside OPRA’s scope.

Burke v. Brandes, 429 N.J. Super. 169, 174 (App. Div. 2012) (citations omitted); see also Simmons v. Mercado, 464 N.J. Super. 77, 83 (App. Div. 2020) (holding that OPRA only allows requests for access to records – not requests for information).

In light of the above, your request for “police dispatch data” clearly constitutes a request for information that is outside the scope of OPRA.

Your OPRA request is now deemed answered and closed. Thank you for your attention to this matter.

Very truly yours,



Katherine Petraccoro
Confidential Assistant to the Undersheriffs