

Johanna Casey

From: Rob Diveny <opra+request-50723-70d7648e@requests.opramachine.com>
Sent: Tuesday, August 29, 2023 11:57 AM
To: Johanna Casey
Subject: OPRA request - Police / EMS reports

Dear Margate City,

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.

Records requested:

Any and all Police / EMS reports/CAD entries/BWC/emails/ notes/photographs from early morning hours of Sat Aug 26, 2023 involving an incident at Maynard's Cafe. A female patron was removed from the property by EMS and transported to Shore Memorial Hospital for alcohol possible poisoning. Please do not include any HIPPA related information regarding the victim / patient.

Yours faithfully,

Rob Diveny



Please deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-50723-70d7648e@requests.opramachine.com

Is casey_johanna@margate-nj.com the wrong address for OPRA requests to Margate City? If so, please contact us using this form:

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2fchange_request%2fnew%3fbody%3dmargate_city&c=E,1,WSdSpgcLDnZiQ5kTvlkfBNNCvPwWA7yWgM05IU3nogFjqTqROgU9LOrdEjBUWz_NvljCMVB4pAw5MwkmthVaYYVwpnA6xpPvI9zDrk4-7-xuwhiOD7GQn2eA,,&typo=1

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2fhelp%2fofficers&c=E,1,SuSzkzWDZu4RRwU6J2cTKvuzg33a7mpx0xBOij0edvYK8tL-U-itycneL2HsRtUyymSQQotrSBXM3qKm0TL99lpul7NSck9krW2WR34vLpEj-7_7m8Lt94_CVF4m&typo=1

View this OPRA request & responses online:

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2frequest%2fpolice_ems_reports&c=E,1,ftV8ck1AY5hj9qCAGoUKUg1SbXc2L2teEXDc6T3QNy77E5ZYy9889pH4N3lCkfzqDtN4Z4Zu_6ddTH4Dt1i4NbdTW81oCIXX_i60a9fw7dCrft5evTG9Q,,&typo=1

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

MARGATE CITY PD

Incident Report Form

23-12069
8/26/2023
AMBULANCE

Primary Officer: NICOLAS HANKINSON - 299

☐ Juvenile Involved	☐ Investigation	☐ Video Available	☐ Gang Related	☐ Paperless
☐ Domestic Related	☐ Suspects	☐ Bias Crime	☐ Accident	☐ Administrative
☐ Alcohol Involved	☐ Arrests Made	☐ Drugs Involved	☐ Ready for DA / Prosecutor	☐ Alarm Activated

Log Number 23-12069	Incident Number	File Number	Case Number	UCR
Incident Type 027 AMBULANCE	Dispatcher 2560	Source	District	Status NEW

Incident Date / Times

Incident Occurred At or Between

Date Received 8/26/2023	Day Rec'd Saturday	Rcvd 0251	Disp 0253	Arrv 0256	Clrd 0327	Earliest Date and Time	Latest Date and Time
-----------------------------------	------------------------------	---------------------	---------------------	---------------------	---------------------	------------------------	----------------------

Disposition	Cleared by Exception	☐ Suspended			
UCR Clearance	UCR Occur Date	UCR Clear Date	UCR Count	UCR Human Traffic Code	UCR HT Count 0

Location 9306 AMHERST AVE MARGATE NJ 08402	☐ Intersection	
Municipality:	Cross Street	
Business Name MAYNARD'S CAFE	GPS Loc X 0	GPS Loc Y 0
Premise Code	Arson Value	
Gang	Weather	

Modus Operandi Coding	Victim:
Entry:	Property:
Exit:	Area:
Method:	Time of Day:

WEAPON USED:

Caller / Complainant Type
Normal ☒ **Anonymous** ☐ **Hangup** ☐ **Refused** ☐

INVOLVED BUSINESSES / ORGANIZATIONS

Business / Organization Name MAYNARD'S CAFE			Business Address 9306 AMHERST AVE MARGATE, NJ 08402	
Phone 1 609-822-8423	Phone 2	Phone 3		
Involvement Comments				

RESPONDING / INVOLVED UNITS, OFFICERS, TIMES

Division T4	Supervisor / ID FANE, JESSICA NICOLE	279
Agency Numbers PD PD-23-10647	Units & Times 24	DISP 02:53:18 ARRV 02:56:01 CLRD 03:03:28

23-12069 8/26/2023 ☒ APPROVED BY: **FANE, JESSICA NICOLE** PAGE 1
IRF 1.6 APPROVED ON: 8/26/2023 Print Date/Time 8/29/2023 2:34:48 PM

Incident Report Form

8/26/2023

AMBULANCE

COMMENTS / NARRATIVES

Title

Comments

Narrative Created By / Creation Date

08/26/2023

Narrative Updated By / Update On

08/26/2023

FANE, JESSICA NICOLE

Narrative Approved By / Approved Date

AMBULANCE - INTOXICATED FEMALE - PRIORITY RESPONSE
CAR 24 OFF HANKINSON RESPONDING

0252 DISPATCHED
0255 RESPONDING A20
0256 ARRIVING
0305 ENR SHORE
0311 ARRIVING SHORE
0327 CLEARING SHORE





MARGATE CITY FIRE DEPARTMENT

INCIDENT

Incident Number <u>230826-0255-MCFDNJ</u>	Incident Date <u>08/26/2023</u>	NFIRS Number <u>0001366</u>	Incident Type <u>(320) - Emergency medical service incident, other</u>	
FDID <u>01161</u>	Station <u>Margate Fire Department Station 1</u>	Shift <u>1st Platoon</u>	District <u>Margate City</u>	
Initial Dispatch Code <u></u>				
Alarms <u>1</u>	Working Fire? <u>No</u>	COVID-19 was a factor <u>No, COVID-19 was not a factor</u>	Critical Incident <u></u>	Critical Incident Team <u></u>
Temporary Resident Involvement <u></u>				
Hazardous Materials Released <u></u>				
Action Taken 1 <u>(30) - Emergency medical services, other</u>				
Action Taken 2 <u>(34) - Transport person</u>				

AID

Aid Given/Received
(N) - None

LOCATION

Location Type
(1) - Street address

Address
9306 Amherst Avenue, Margate City, New Jersey, 08402

Cross Street, USNG, or Directions <u></u>	Latitude <u></u>	Longitude <u></u>	Census Tract <u></u>
--	---------------------	----------------------	-------------------------

Detector Alerted Occupant

Property Use
(162) - Bar or nightclub

Mixed Use

TIMES

PSAP Received <u></u>	Dispatch Notified Time <u></u>	Alarm Time <u>02:56:00, 08/26/2023</u>
Arrival Time <u>02:58:00, 08/26/2023</u>	Water on Fire Time <u></u>	At Patient Time <u></u>

 TIMES

Loss Stop Time

Controlled Time

Last Unit Cleared Time

03:37:00, 08/26/2023

Total On Scene Time

Total Incident Time

0 hrs 39 mins 0 sec

 COUNTS

Counts Include Aid Received?

No

Suppression:**EMS:****Other:**

Apparatus

Personnel

Apparatus

Personnel

Apparatus

Personnel

0

0

2

4

0

0

 LOSS**Property:****Content:**

Estimated Property Losses

Estimated Content Losses

None

None

Estimated Property Value

Estimated Content Value

None

None

 AUTHORIZATION**Report Writer:**

Name

Employee Number

Assignment

Authorization Date

HERZOG, MICHAEL

01021

emt

08/26/2023

Officer in Charge:

Name

Employee Number

Assignment

Authorization Date

HORNIG, CHRIS

00022

08/26/2023

Quality Control:

Name

Authorization Date

HORNIG, CHRIS

08/26/2023

 INCIDENT NARRATIVE

For narrative, see EHR incident number 230826-0255-MCFDNJ

Created By:

 Unit Reports**A20**

Use

Responding From

Priority

(2) - EMS

Emergent

Response Delays

None/No Delay

Dispatch Time

Enroute Time

Arrival Time

02:56:00, 08/26/2023

02:56:00, 08/26/2023

02:58:00, 08/26/2023

A20

At Patient Time

Clear Time

In District Time

03:37:00, 08/26/2023

Actions Taken:

Transport person

Personnel

Rocco Tabasso, MICHAEL HERZOG

DEPOSITS

The custodian may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the documents requested will cost in excess of \$5 to reproduce.

Where a special service charge is warranted under OPRA, that amount will be communicated to you as required under the statute. You have the opportunity to review and object to the charge prior to it being incurred. If, however, you approve of the fact and amount of the special service charge, you may be required to pay a deposit or pay in full prior to reproduction of the documents.

YOUR REQUEST FOR RECORDS IS DENIED FOR THE FOLLOWING REASON(S):

(To be completed by the Custodian of Records – check the box of the numbered exemption(s) as they apply to the records requested. If multiple records are requested, be specific as to which exemption(s) apply to each record. **Response is due to requestor as soon as possible, but no later than seven business days.**)

N.J.S.A. 47:1A-1.1

- ☐ Inter-agency or intra-agency advisory, consultative or deliberative material
- ☐ Legislative records
- ☐ Law enforcement records:
 - ☐ Medical examiner photos
 - ☐ Criminal investigatory records (however, N.J.S.A. 47:1A-3.b. lists specific criminal investigatory information which must be disclosed)
 - ☐ Victims' records
- ☐ Trade secrets and proprietary commercial or financial information
- ☐ Any record within the attorney-client privilege
- ☐ Administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security
- ☐ Emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein
- ☐ Security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data or software
- ☐ Information which, if disclosed, would give an advantage to competitors or bidders
- ☐ Information generated by or on behalf of public employers or public employees in connection with:
 - ☐ Any sexual harassment complaint filed with a public employer
 - ☐ Any grievance filed by or against an employee
 - ☐ Collective negotiations documents and statements of strategy or negotiating
- ☐ Information that is a communication between a public agency and its insurance carrier, administrative service organization or risk management office
- ☐ Information that is to be kept confidential pursuant to court order
- ☐ Certificate of honorable discharge issued by the United States government (Form DD-214) filed with a public agency
- ☐ Social security numbers
- ☐ Credit card numbers
- ☐ Unlisted telephone numbers
- ☐ Drivers' license numbers
- ☐ Certain records of higher education institutions:
 - ☐ Research records
 - ☐ Questions or scores for exam for employment or academics
 - ☐ Charitable contribution information
 - ☐ Rare book collections gifted for limited access
 - ☐ Admission applications
 - ☐ Student records, grievances or disciplinary proceedings revealing a students' identification
- ☐ Biotechnology trade secrets N.J.S.A. 47:1A-1.2
- ☐ Convicts requesting their victims' records N.J.S.A. 47:1A-2.2
- ☐ Ongoing investigations of non-law enforcement agencies (must prove disclosure is inimical to the public interest) N.J.S.A. 47:1A-3.a.
- ☐ Public defender records N.J.S.A. 47:1A-5.k.
- ☐ Upholds exemptions contained in other State or federal statutes and regulations, Executive Orders, Rules of Court, and privileges created by State Constitution, statute, court rule or judicial case law N.J.S.A. 47:1A-9
- ☐ Personnel and pension records (however, the following information must be disclosed:
 - An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason for such separation, and the amount and type of any pension received
 - When required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the US, or when authorized by an individual in interest
 - Data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information N.J.S.A. 47:1A-10

N.J.S.A. 47:1A-1

- ☒ "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."

Burnett v. County of Bergen, 198 N.J. 408 (2009). Without ambiguity, the court held that the privacy provision "is neither a preface nor a preamble." Rather, "the very language expressed in the privacy clause reveals its substantive nature; it does not offer reasons why OPRA was adopted, as preambles typically do; instead, it focuses on the law's implementation." "Specifically, it imposes an obligation on public agencies to protect against disclosure of personal information which would run contrary to reasonable privacy interests."

Executive Order No. 21 (McGreevey 2002)

- ☐ Records where inspection, examination or copying would substantially interfere with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or which, if disclosed, would materially increase the risk or consequences of potential acts of sabotage or terrorism.
- ☐ Records exempted from disclosure by State agencies' proposed rules.

Executive Order No. 26 (McGreevey 2002)

- ☐ Certain records maintained by the Office of the Governor
- ☐ Resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing
- ☐ Records of complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environments
- ☒ Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation
- ☐ Information in a personal income or other tax return
- ☐ Information describing a natural person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness, except as otherwise required by law to be disclosed
- ☐ Test questions, scoring keys and other examination data pertaining to the administration of an examination for public employment or licensing
- ☐ Records in the possession of another department (including NJ Office of Information Technology or State Archives) when those records are made confidential by regulation or EO 9.

Other Exemption(s) contained in a State statute, resolution of either or both House of the Legislature, regulation, Executive Order, Rules of Court, any federal law, federal regulation or federal order pursuant to N.J.S.A. 47:1A-9.a.

(Please provide detailed information regarding the exemption from disclosure for which you are relying to deny access to government records. If multiple records are requested, be specific as to which exemption(s) apply to each record.)

REQUEST FOR RECORDS UNDER THE COMMON LAW

If, in addition to requesting records under OPRA, you are also requesting the government records under the common law, please check the box below.

A public record under the common law is one required by law to be kept, or necessary to be kept in the discharge of a duty imposed by law, or directed by law to serve as a memorial and evidence of something written, said, or done, or a written memorial made by a public officer authorized to perform that function, or a writing filed in a public office. The elements essential to constitute a public record are that it be a written memorial, that it be made by a public officer, and that the officer be authorized by law to make it.

☐ Yes, I am also requesting the documents under common law.

If the information requested is a "public record" under common law and the requestor has a legally recognized interest in the subject matter contained in the material, then the material must be disclosed if the individual's right of access outweighs the State's interest in preventing disclosure.

Please set forth your interest in the subject matter contained in the requested material:

Note that any challenge to a denial of a request for records under the common law cannot be made to the Government Records Council, as the Government Records Council only has jurisdiction to adjudicate challenges to denials of OPRA requests. A challenge to the denial of access under the common law can be made by filing an action in Superior Court.