

Office of the City Clerk



CITY HALL - 3RD FLOOR
155 MARKET STREET
PATERSON, NEW JERSEY 07505

OFFICE: (973) 321-1310
FAX: (973) 321-1311

March 17, 2023

opra+request-40408-55b2227e@requests.opramachine.com

Mr. John Paff

FILE NO: CA23:0383

Dear Mr. Paff:

Please see the attached communication from the Law Department in response to your request for information from the City of Paterson under the Open Public Records Act (OPRA).

The response is in full and final satisfaction of your OPRA request submitted to the City Clerk's Office.

If you have additional questions, please submit a new OPRA request.

Sincerely,

Jacqueline Murray

**JACQUELINE MURRAY
DEPUTY CITY CLERK**

/th

Encs.

CA23:0383
Due Date: 3/7/2023
Twydaisha Hilbert

From: John Paff <opra+request-40408-55b2227e@requests.opramachine.com>
Sent: Monday, February 27, 2023 2:23 PM
To: Opra Request
Subject: OPRA request - Police Internal Affairs Reports

RECEIVED
CITY OF PATERSON, NJ

2023 FEB 27 P 2: 24

SONIA L. GORDON
CITY CLERK

EXTERNAL EMAIL: Be cautious with links/attachments

Please accept this as my request for government records under both OPRA and the common law right of access. Thank you very much for your commitment to transparent government.

BACKGROUND:

At the outset, please be advised that this request is based on my belief that certain mandatory reports are missing from the Paterson Police Department's website at patersonpd.com/internal-affairs/annual-internal-affairs-summary.html. If the records that I claim to be missing are actually present on a different website or webpage (perhaps the police department recently changed its website or perhaps the reports are in a place that I didn't check), please inform me of the URL where the "missing" files reside and consider this OPRA request withdrawn.

I visited the above noted webpage today to read the Department's Internal Affairs reports required to be placed on the webpage by Internal Affairs Policies & Procedures (IAPP) Section 9.11.1 and 9.11.2. However, I found a 2020 and 2021 summary report where not all the columns are visible and just the first page of the 2022 summary report instead of the full eight-pages.

By way of background, IAPP Section 9.11.1 requires the Paterson Police Department to file with the Passaic County Prosecutor and to publish on its webpage annual "report[s] summarizing the types of complaints received and the dispositions of those complaints" which reports "should be statistical in nature." Even though the IAPP has been amended from time to time, the Department has been under a duty to publish these reports on its webpage since at least 2020. Notably, beginning in 2022, the summary reports are required to be in the form required by IAPP Appendix K. Prior to 2022, the use of Appendix K was optional.

Also, by way of background, IAPP Section 9.11.2 requires the Paterson Police Department, on or prior to January 31st, to file and publish on its website annual reports collecting instances of "major discipline" imposed during the previous year. Again, although the IAPP has gone through a few amendments, it has been a duty of the Paterson Police Department to publish those major discipline reports on-line, in one form or another, and to file them with the Passaic County Prosecutor since at least 2020. Notably, the reports, beginning with the 2022 report, "shall follow the format provided in Appendix L."

I believe that the Paterson Police Department is in violation of IAPP Section 9.11.1 for not having complete and readable versions of its 2020, 2021 and 2022 summary reports posted on-line. I further believe that the Paterson Police Department is in violation of IAPP Section 9.11.2 for not having its major discipline reports from 2022 posted on its website in Appendix L's format.

The object of this request is to learn if the missing reports exist and, if so to learn whether they were filed with the Passaic County Prosecutor as required by IAPP Section 9.11.1 and 2.

RECORDS REQUESTED:

1. The Paterson Police Department's Internal Affairs summary reports (i.e. those required to be filed by IAPP Section 9.11.1) covering 2020, 2021 and 2022. Please ensure that the 2022 report is in the form of an Appendix K.
2. The Paterson Police Department's Internal Affairs major discipline report for 2022 in the form of an Appendix L.

Please deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-40408-55b2227e@requests.opramachine.com

Is oprarequest@patersonnj.gov the wrong address for OPRA requests to Paterson City? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=paterson_city

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

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opramachine.com/request/police_internal_affairs_reports_16

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.

**CITY OF PATERSON
DEPARTMENT OF LAW
CITY HALL**

155 MARKET STREET
PATERSON, NJ 07505-1479
PHONE: (973) 321-1366
FACSIMILE: (973) 321-1367



André Sayegh
Mayor

AYMEN A. ABOUSHI
Corporation Counsel

DOMENICK STAMPONE
First Assistant Corp. Counsel
Chief Municipal Prosecutor

BEN-DAVID SELIGMAN
Second Assistant Corp. Counsel

March 16, 2023

Via Email Only: opra+request-40408-55b2227e@requests.opramachine.com

Re: OPRA Request No. CA23:0383 dated February 27, 2023

Dear Mr. Paff:

The Law Department is in receipt of your OPRA request dated, February 27, 2023. Please be advised, that your request was directed to the Paterson Police Department, Records Division, and the Paterson Police Department, Internal Affairs Division. At this time, there are no records to produce in response to your request.

Based on our records, the information provided herein will effectively close out OPRA Request No. CA23:0383.

Thank you.

Very truly yours,

Lisette Trujillo Khan, JD

LISSETTE TRUJILLO KHAN, JD
Legal Analyst

RECEIVED
CITY OF PATERSON, NJ
2023 MAR 17 A 8:56
SONIA L. GORDON
CITY CLERK