

TOWN OF WESTFIELD
Maureen Lawshe, Town Clerk
Custodian of Records
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REQUEST FOR GOVERNMENT RECORDS
(N.J.S.A. 47:1A – 1, et seq.)
GOVERNMENT RECORDS REQUEST RESPONSE

TO: Anonymous
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DATE: August 28, 2023

We write to respond to your OPRA/Common Law requested dated August 21, 2023, for which we obtained an extension until August 30, 2023 to respond. Your request seeks the following:

Records requested:

1. Current status of Officer Ayad Taha, whether active, suspended, paid suspension, etc.
2. Current internal affairs investigation and current charges or pending charges against Officer Ayad Taha

From January 1, 2022 - Present:

3. IA history of Officer Ayad Taha
4. Current salary of Officer Ayad Taha
5. Township minutes of personnel actions concerning Officer Ayad Taha

A final response to your request is as follows:

Request 1

Please be advised this portion of your request seeks information or asks questions and does not identify specific government records sought. A proper request under OPRA must identify with reasonable clarity those documents that are desired. However, Officer Ayad Taha is currently an active employee of the Westfield Police Department.

Request 2

To the extent your request seeks “current internal affairs investigation and current charges or pending charges against Officer Ayad Taha”, any responsive records are exempt from disclosure as confidential internal affairs, ongoing investigation, personnel, and/or disciplinary records. See N.J.S.A. 47:1A-1 and N.J.S.A. 47:1A-9 (recognizing an exemption from disclosure under OPRA based on exemptions contained in other authorities); N.J.S.A. 40A:14-181 (requiring law enforcement agencies to adopt and implement guidelines consistent with the New Jersey Attorney General’s guidelines on Internal Affairs Policy and Procedures); New Jersey Attorney General’s Internal Affairs Policy & Procedures (mandating confidentiality of Internal Affairs records and enumerates limited circumstances for disclosure); N.J.S.A.

47:1A-3 (exempting records relating to ongoing investigations); Rivera v. Union Cnty. Prosecutor's Off., 250 N.J. 124, 136, 270 A.3d 362, 369 (2022) (explicitly limiting its holding to allow for the release of internal affairs reports under the common law as opposed to internal affairs files or other internal affairs materials); N.J.S.A. 47:1A-10 (enumerating the limited personnel information that may be disclosed under OPRA); Executive Order No. 21 (same); Libertarians for Transparent Gov't v. Cumberland Cnty., 250 N.J. 46, 269 A.3d 427 (2022) (recognizing that “[m]ost personnel records are confidential under OPRA.”); see also McGee v. Twp. of E. Amwell, 416 N.J. Super. 602, 615, 7 A.3d 785, 793 (App. Div. 2010) (recognizing the confidentiality of personnel records under the common law); N. Jersey Media Grp., Inc. v. State, Office of Governor, 2013 WL 1809887, at *6 (App. Div. May 1, 2013) (same); Paff v. Borough of Chatham, 2011 WL 5105477, at *4 (App. Div. Oct. 28, 2011) (recognizing that “New Jersey has a long-standing policy preventing access to [disciplinary] personnel actions under the common law”); Paff v. Egg Harbor Tp., 2013 WL 7877520, at *11 (Law Div. June 25, 2013) (same).

Request 3

This portion of your request is unclear because it fails to specify any identifiable government records that you are seeking, as is required for a request to be valid under OPRA. As such, your request is denied as drafted.

Request 4

ADP Employee Salary information (1 page) is being provided to you in its entirety and is responsive to your request.

Request 5

Please be advised the Town of Westfield has no records responsive to your request for “Township minutes of personnel actions concerning Officer Ayah Taha”.



Date: August 28, 2023

Maureen Lawshe, RMC
Town Clerk