

Lisa Monbleau

From: Veronica Laureigh <laceyclerk@laceytownship.org>
Sent: Wednesday, October 16, 2019 11:23 AM
To: Lisa Monbleau
Subject: Fwd: OPRA request - Police report

LACEY TOWNSHIP
MUNICIPAL CLERKLog # 758
Date Due 10-23

----- Forwarded message -----

From: Gavin Rozzi <opra+request-7635-1e58452b@requests.opramachine.com>
Date: Wed, Oct 16, 2019, 11:09 AM
Subject: OPRA request - Police report
To: OPRA requests at Lacey Township <laceyclerk@laceytownship.org>

Dear Lacey Township,

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:

Field report and detail narrative for LTPD case number 18-004950

Yours faithfully,

Gavin Rozzi

Police

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-7635-1e58452b@requests.opramachine.com

Is laceyclerk@laceytownship.org the wrong address for OPRA requests to Lacey Township? If so, please contact us using this form:

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

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_report_7

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.



LACEY TOWNSHIP POLICE DEPARTMENT

Community Policing in Forked River, Lanoka Harbor, and Bamber Lake

Michael C. DiBella
Chief of Police

808 West Lacey Road, Forked River, New Jersey 08731
Telephone: 609.693.6636 Fax: 609.693.3894

TO: Veronica Laureigh
Township Clerk/Administrator
Custodian of Records

FROM: Lynn J. Talarico

DATE: October 23, 2019

SUBJECT: OPRA Request – Gavin Rozzi- Opramachine

On Wednesday, October 16, 2019, this agency received an email for an Open Public Records Act Request for the field report and detail narrative for LTPD case number 18-004950. The police record currently on file is considered a **"Criminal Investigatory Record"** therefore, your request is **"Denied"** under N.J.S.A. 47:1A-1.1 et seq.

See: OPRA defines a **criminal investigatory record** as "a record which is not required by law to be made, maintained, or kept on file that is held by a law enforcement agency which pertains to any criminal investigation or related civil enforcement proceeding." N.J.S.A. 47:1A-1.1. Therefore, for a record to be considered exempt from disclosure under OPRA as a criminal investigatory record pursuant to N.J.S.A. 47:1A-1.1, that record must meet both prongs of a twoprong test. See *O'Shea v. Twp. of West Milford*, 410 N.J. Super. 371 (App. Div. 2009).

See also: The New Jersey Supreme Court considered this two-prong test in *N. Jersey Media Grp., Inc., 229 N.J. 541 (2017)*, on appeal from *N. Jersey Media Grp., Inc. v. Twp. of Lyndhurst*, 441 N.J. Super. 70. In the appeal, the Court affirmed that OPRA's criminal investigatory records exemption applies to police records which originate from a criminal investigation. However, the court stated that "to qualify for the exception — and be exempt from disclosure — a record (1) must not be 'required by law to be made,' and (2) must 'pertain[] to a criminal investigation.'" N.J.S.A. 47:1A-1.1." *Id.* at 564.

See also: Further, the Council has long held that once a record is determined to be a criminal investigatory record, it is exempt from access. See *Janeczko*, GRC 2002-79, et seq., holding that "criminal investigatory records include records involving all manner of crimes, resolved or unresolved, and includes information that is part and parcel of an investigation, confirmed and unconfirmed." Moreover, with respect to concluded investigations, the Council pointed out in *Janeczko* that, "[the criminal investigatory records exemption] does not permit access to investigatory records once the investigation is complete.

Refer to Lacey Township Police Department Weekly Press Release for any specific arrest information related to this case allowed to be released.