



Franklin Township Police Department



Public Safety Building • 495 Demott Lane • Somerset • New Jersey 08873
Telephone 732-873-5533

February 28, 2019

Patrick Duff
opra+request-4238-bf3e0036@requests.opramachine.com

Dear Patrick Duff:

The Franklin Township Police Department is in receipt of your request for records pursuant to the Open Public Records Act dated February 27, 2019. Your request was received by the Township's official Custodian of Records, Ann Marie McCarthy on February 27, 2019. As such, the seven (7) business day deadline to respond to your request is March 8th, 2019. This response to your request is being provided to you on the **First (1st)** business day after the custodian's receipt of said request.

The following specific records have been requested.

"Police Report, witness statements and body cam footage for incident that took place at Supermarket mentioned I this story linked below. The incident took place around 3:20 pm on Monday the 25th of February. "

Your requests are addressed individually below.

Police reports & witness statements – Records responsive to this portion of your request have been located. Attached herein is a copy of the CAD Incident Report for event #19010157. All other police reports for this event are criminal investigatory records and as such are not subject to release under OPRA. Criminal investigatory records are defined as, "records which are not required by law to be made, maintained or kept on file that are held by a law enforcement agency which pertain to any criminal investigation or related civil enforcement proceeding." For this reason, this portion of your request is **denied**.

Body worn Cam footage – The Franklin Township Police Department is in possession of no records responsive to this portion of your request. For this reason, this portion of your request is **denied**.

The Open Public Records Act permits a person who believes he or she has been improperly denied access to a government record to file a complaint with the Government Records Council or to file an action in Superior Court to challenge the decision and compel disclosure. See **N.J.S.A. 47:1A-6**. You will find attached to this letter the document that describes the procedures for taking these actions.

If you have any questions, please contact me via e-mail at Philip.rizzo@franklinnj.gov.

Sincerely,

Lt. Philip J. Rizzo

Lt. Philip J. Rizzo
Professional Services Division Commander

C: Ann Marie McCarthy, Twp. Clerk
Louis Rainone, ESQ, Township Attorney
File