



BOROUGH OF FAIR LAWN

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July 25, 2022

Via OPRA Machine E-mail

Opra+request-32369-10902c66@requests.opramachine.com

Re: OPRA Request

Dear Requestor:

The Borough of Fair Lawn (the "Borough") is in receipt of a request from you pursuant to the Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 to -13, dated June 2, 2022, received the same day, and requesting the following:

All police reports from 1/1/2021 to date for the following locations:

Edison School
Forrest Elementary
Lyncrest Elementary
Milnes Elementary
Radburn Elementary
Warren Point Elementary
Westmoreland Elementary
Memorial Middle School
Thomas Jefferson Middle School
Fair Lawn High School.

The Borough requested an extension to respond to the request. This letter is to acknowledge receipt of the request and, after consultation with counsel, the Borough responds as follows. Please be advised that a request pursuant to OPRA must identify the records sought with specificity. Bart v. Passaic County Pub. Hous. Agency, 406 N.J. Super. 445, 451 (App. Div. 2009). OPRA "is not intended as a research tool litigants may use to force government officials to identify and siphon useful information." MAG Entertainment, LLC v. Division of Alcohol Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005). A custodian may reject a request that is overly broad or vague so as to prevent identification of the records sought. New Jersey Builders Ass'n v. New Jersey

Council on Affordable Housing, 390 N.J. Super. 166, 172 (App. Div. 2007), cert. denied 190 N.J. 394 (2007). Moreover, the Appellate Division held in MAG Entertainment, LLC v. Division of ABC, 375 N.J. Super. at 549, that pursuant to OPRA:

Agencies are required to disclose only 'identifiable' government records not otherwise exempt. Wholesale requests for general information to be analyzed, collated and compiled by the responding government agency are not encompassed therein. In short, OPRA does not countenance open-ended searches of an agency's files.

Specifically, some of the records you seek are exempt from disclosure because the records are criminal investigatory records and the matter is subject to an ongoing investigation. See N.J.S.A. 47:1A-3.a. Moreover, some of the records you seek implicate the exemption for juvenile records, as well as the privacy interests protected and set forth in N.J.S.A. 47:1A-1, which provides that "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." Serrano v. South Brunswick Twp., 358 N.J. Super. 352, 368-69 (App. Div. 2003). Finally, some records fall within exemptions from disclosure for records related to domestic violence, related circumstances and the privacy interests associated therein. See N.J.S.A. 47:4-2 to -4; Brennan v. Bergen County Prosecutor's Office, 233 N.J. 330 (2018).

Without waiving any of the above-mentioned exceptions and/or reasons for non-disclosure of the information you seek in your request, and subject to those exceptions and/or reasons, the Borough provides the following response to your request:

- Enclosed herewith please find the requested police records. Please be advised that pursuant to OPRA, these documents have been redacted based on the above-cited authority to protect the disclosure of criminal investigatory records, personal identifying information, juvenile records, and information related to incidents involving domestic violence.

Please feel free to contact me if you have any questions or concerns.

Very truly yours,



Nicholas J. Magarelli, RMC
Municipal Clerk
Borough of Fair Lawn
8-01 Fair Lawn Avenue
Fair Lawn, NJ 07410