

Office of the Municipal Clerk
Clerk
City Hall Annex
181 East Commerce Street, Bridgeton, NJ 08302
P: 856.455.3230 Ext. 227

Nichole Almanza
Acting Municipal

March 16, 2021

John W. Milner
Via email opra+request-20860-cd8b57b8@requests.opramachine.com

Dear Mr. Milner:

My office received your OPRA and common law right of access request on March 5, 2021 for the following information:

"Please provide me with a list of the number of patrolmen on duty, in patrol cars, during a normal weekday, 10 hour shift. The document is called a "Patrol Shift Roster"

The request is being denied for the following reasons:

1. To the extent that your request did not specify an identifiable government record but instead sought information ("a list of the number of patrolmen on duty, in patrol cars, during a normal weekday, 10 hour shift"), your request is invalid.

Your OPRA request sought data or information rather than an identifiable record. The New Jersey Superior Court has held that "while OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, it is not intended as a research tool litigants may use to force government officials to identify and siphon useful information. Rather, OPRA simply operates to make identifiable government records "readily accessible for inspection, copying, or examination."

The Court further held that "under OPRA, agencies are required to disclose only "identifiable" government records not otherwise exempt. In short, OPRA does not countenance open-ended searches of an agency's files." The request is also vague and ambiguous.

2. To the extent that your request is seeking a personnel records of the City of Bridgeton, i.e., your reference to a "Duty Shift Roster", it is denied because such personnel records are not considered a public record. OPRA provides that: "the personnel or pension records of any individual in the possession of a public agency, including but not limited to records relating to any grievance filed by or against an individual, shall not be considered a government record and shall not be made available for public access, except that: an individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefore, and the amount and type of any pension received shall be a government record, N.J.S.A. 47:1A-10.

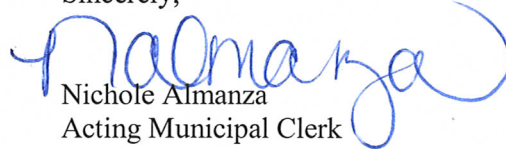
3. Lastly, to the extent that your request encompasses or is intended to include or is a request for a "Duty Shift Roster", the request is denied as a "Duty Shift Roster" is exempt from the definition of a government record pursuant to N.J.S.A. 47:1A-1.1. because such records necessarily include details regarding surveillance techniques and staffing levels which, if disclosed, could pose a risk to the safety of police personnel as well as the public and civilians employed by the City of Bridgeton.

Your request is also denied under the common law right of access. The City of Bridgeton's interest in protecting the safety of its police officers and the public outweighs your interest in obtaining the information requested.

If you believe there is some legal authority that supports your position, please notify us and we will be happy to reconsider our response or denial of access as the case may be.

If you have any questions please contact my office.

Sincerely,



Nichole Almanza
Acting Municipal Clerk

Mandatory Disclaimer:

If your request for access to a government record has been denied or unfilled within seven (7) business days required by law, you have the right to challenge the decision by the City of Bridgeton to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. box 819, Trenton, NJ 08625, by e-mail at grc@dca.state.nj.us, or at their website at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Respond by: 3/12/21

Due by: 3/16/21

Nichole Almanza

From: John W. Milner <opra+request-20860-ce8b57b8@requests.opramachine.com>
Sent: Thursday, March 04, 2021 8:16 PM
To: Nichole Almanza
Subject: OPRA request - Policemen on duty

Dear Bridgeton City,

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:

Please provide me with a list of the number of patrolmen on duty, in patrol cars, during a normal weekday, 10 hour shift. The document is called a "Patrol Shift Roster".

Yours faithfully,

John W. Milner

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-20860-ce8b57b8@requests.opramachine.com

Is almanzan@cityofbridgeton.com the wrong address for OPRA requests to Bridgeton City? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=bridgeton_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/policemen_on_duty_54

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.

cc: Police

