



OFFICE OF THE PROSECUTOR

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August 31, 2023

Michael Richardson
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Re: Open Public Records Act Request #23-65

Dear Mr. Richardson:

This letter is in response to your public records request under the Open Public Records Act and common law, received by this agency via email on August 30, 2023, seeking “[a]ll emails containing in the subject or body any reference to promotional exam, promotions, promotional policy, promotional standards, promotional process, promotional interview either addressed to or from Chief Patrick Snyder from January 1, 2023 till August 29, 2023.”

Pursuant to OPRA, “inter-agency or intra-agency advisory, consultative, or deliberative material” does not constitute a government record and thus is not subject to disclosure. This exception under OPRA “has long been understood to encompass the common-law deliberative process privilege[,]” which “permits the government to withhold documents that reflect advisory opinions, recommendations, and deliberations comprising part of a process by which governmental decisions and policies are formulated.” Bozzi v. City of Atl. City, 434 N.J. Super. 326, 338 (App. Div. 2014) (citations and internal quotation marks omitted).

As the records you request relating to this agency’s promotional process are deliberative and consultative, and as you have not established your entitlement to these records under common law, see North Jersey Media Group Inc. v. Bergen County Prosecutor’s Office, 447 N.J. Super. 182, 210 (App. Div. 2016), I must respectfully deny your request.

Very truly yours,

John J. Santoliquido
Assistant Prosecutor
Custodian of Records