



Gloucester County Prosecutor

CHRISTINE A. HOFFMAN
Acting Prosecutor

DIANNA REED-ROLANDO
Acting Deputy First Assistant Prosecutor

P.O. Box 623
Woodbury, NJ 08096
(856) 384-5500
FAX (856) 384-8624

E-Mail: gcprosecutor@co.gloucester.nj.us

THOMAS R. GILBERT
Acting Chief of Detectives

February 1, 2023

Bob

Re: OPRA request dated January 24, 2023

Dear Bob,

The Gloucester County Prosecutor's Office received your Open Public Records Act (OPRA) requests on January 24, 2023. As such, the seven (7) business day deadline to respond to your requests is February 2, 2023.

Pursuant to your request, you have requested:

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:

Investigative Reports, Law Enforcement Findings, Probable Cause Statements, Court Documents, and any other government record as defined by OPRA regarding the death of GC Fire Marshal Shawn Layton's Arson K9 Ember and his other personal pet.

The common law right to access public records depends on three requirements: (1) the records must be common law public documents; (2) the person seeking access must establish an interest in the subject matter of the material; and (3) the citizen's right to access must be balanced against the State's interest in preventing disclosure. *Richard Rivera v. Union County Prosecutor's Office*, slip op., Docket No. A-58-20 (Supreme Court March 14, 2022); *South Jersey Publishing Co. v. New Jersey Expressway Auth.*, 124 N.J. 478, 487 (1991); *Loigman v. Kimmelman*, 102 N.J. 98 (1986); *Nero v. Hyland*, 76 N.J. 213, 222 (1978).

Since you have failed to identify your interest in the requested record(s), your common law request is denied.

Please be advised that your request for the above records is hereby denied at this time. The requested record(s) or portions thereof are exempt from disclosure at this time pursuant to the ongoing

The County of Gloucester complies with all state and federal rules and regulations against discrimination in admission to, access to, or operations of its programs, services, and activities. In addition, County encourages participation of people with disabilities in its programs and activities and offers special services to all residents 60 years of age and older. Inquiries regarding compliance may be directed to the County's ADA Coordinator at (856) 384-6842/ New Jersey Relay Service 711.

investigation exception of OPRA and the common law because: (1) the requested records “pertain to an investigation in progress by any public agency,” (2) disclosure will “be inimical to the public interest,” and (3) the records were not available to the public before the investigation began. N.J.S.A. 47:1A-3(a); *Paff v. Ocean County Prosecutor’s Office*, 235 N.J. 1 (2018); *North Jersey Media Group, Inc. v. Township of Lyndhurst*, 229 N.J. 541 (2017); *Loigman v. Kimmelman*, 102 N.J. 98 (1986); *North Jersey Media Group v. Township of Nutley*, slip op., Docket No. A-3483-14T3 (App. Div. September 30, 2016).

If your request for access to a government record has been denied or unfulfilled within these seven (7) business days required by law, you have a right to challenge the decision by the Gloucester County Prosecutor’s Office 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 a Denial of Access Complaint Form. You may contact the GRC by toll free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ 08625, by email at grc@dca.state.nj.us, or at its website at www.state.nj.us/grc. The Council 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.

Sincerely,

A handwritten signature in blue ink that reads "Dianna Reed-Rolando". The signature is fluid and cursive, with the first name "Dianna" being more prominent.

Dianna Reed-Rolando
Special Deputy Attorney General,
Acting Deputy First Assistant Prosecutor

