



Gloucester County Prosecutor

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THOMAS R. GILBERT
Acting Chief of Detectives

February 1, 2023

FratzLaws

Re: OPRA request dated January 23, 2023

Dear FratzLaws,

The Gloucester County Prosecutor's Office first received your Open Public Records Act (OPRA) requests on January 23, 2023. As such, the seven (7) business day deadline to respond to your requests is February 1, 2023.

Pursuant to your request, you have requested:

Records requested from Prosecutors Office (Major Crimes Unit which responded to incident at this location) and the County Dispatch Center:

incident reports, arrest reports, EMS Requests, CAD details, officer reports, law enforcement reports, 911 calls, dispatch logs, probable cause findings for any incident regarding an incident at 204 Carpenter Street, Glassboro, NJ from August 2022 to present

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.

A search of our records has identified CAD reports for incidents at 204 Carpenter Street, Glassboro from August 2022 to present. Copies of the identified CAD reports are attached. Please note that parts of the CAD reports contain personal and private information. Information which identified personal and or 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.

private information has been redacted. N.J.S.A. 47:1A-1; Executive Order No. 21 (McGreevey 2002); *Paff v. Ocean County Prosecutor's Office*, 235 N.J. 1 (2018); *Brennan v. Bergen County Prosecutor's Office*, 233 N.J. 330 (2018); *In the Matter of the New Jersey State Fireman's Association*, 230 N.J. 258 (2017); *Burnett v. County of Bergen*, 198 N.J. 408 (2009); *North Jersey Media Group v. Township of Nutley*, slip op., Docket No. A-3483-14T3 (App. Div. September 30, 2016); *Nelson v. N.J. Department of Law & Public Safety*, No. 2013-124 (GRC 2014); *Merino v. Borough of Ho-Ho-Kus*, No. 2003-110 (GRC 2004).

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

In addition, any and all law enforcement reports, officer reports and incident reports must also be denied. The requested record(s) or portions thereof are not required by law to be made, maintained or kept on file and pertain to a criminal investigation and are therefore exempt from disclosure pursuant to the criminal investigatory records exception of OPRA. N.J.S.A. 47:1A-1.1; *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); *Schulz v. N.J. State Police*, Complaint No. 2014-390 (GRC 2015).

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,



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

