



# GLASSBORO POLICE DEPARTMENT

1 South Main Street  
Glassboro NJ 08028  
Phone #856-881-1501  
Fax #856-881-6872

March 29, 2023

*Via email only ([opra+request-40976-6af9e797@requests.opramachine.com](mailto:opra+request-40976-6af9e797@requests.opramachine.com))*

FratLawz

**Re: Open Public Records Act/Common Law Records Request**

Dear FratLawz:

The Borough of Glassboro Records Custodian received your request for records pursuant to the Open Public Records Act (OPRA) and the New Jersey common law right of access, dated March 18, 2023, via email on March 20, 2023, and has forwarded your request to the Police Records Sub-Custodian for a response as to Items 2 and 3 for police records. Accordingly, the initial seven (7) business day deadline to respond to your request under OPRA is March 29, 2023. This response is being provided on the seventh business day after we received your request. Your records request was as follows:

From: fratlaw <[opra+request-40976-6af9e797@requests.opramachine.com](mailto:opra+request-40976-6af9e797@requests.opramachine.com)>  
Sent: Saturday, March 18, 2023 8:36 PM  
To: Karen Cosgrove <[KCosgrove@glassboro.org](mailto:KCosgrove@glassboro.org)>  
Subject: [EXTERNAL] OPRA request - Request to MC Clerk/Police

Dear Glassboro Borough Municipal Clerk, and Police Records Custodian, and the Fire Marshal (Department).

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: 1.) All people or groups/organizations who have obtained a zoning permit, followed by obtaining a mercantile license, and then a filed for a permit with the Chief of Police to be approved per municipal status to solicit, please note successful and unsuccessful applicants, from January 1st to present.

2.) To the Fire Marshal, Fire Department, and Police Department Record Custodian(s) : All information relating to any and all incidents on March 4th at 18 N Academy Street at any time, to include,  
- All Law Enforcement reports, all highly detailed CAD records with NCIC, Fire department dispatch logs, fire department incident reports, fire marshal incident reports, tickets issued by any department, any violations of any municipal or state code pertaining to the Uniform Fire Code specifically tents, police dispatch logs, list of any mutual aid requested, any written reports regarding incidents, any warning of violation issued to the property noted above on same date.

3.) In relation to the same incident as above, please prepare body cam footage if possible, for all incidents found, from any municipal department.

Yours faithfully,

FratLawz

## **Response to Item 2**

A search of our available records has identified the following as responsive to this part of your request:

|          |                                                                                          |
|----------|------------------------------------------------------------------------------------------|
| 03/04/23 | CAD Activity Detail 23-006671                                                            |
| 03/04/22 | Complaint-Summons Nos. 0806-SC-034932, 0806-SC-034933                                    |
| 03/05/23 | Incident Report 23-006671 (incident date: 03/04/23)                                      |
| 03/04/23 | CAD Activity Detail 23-006676                                                            |
| 03/13/23 | Incident Report 23-006676 (incident date: 03/04/23)                                      |
| 03/14/23 | Complaint-Summons Nos. 0806-SC-032300, 0806-SC-032301,<br>0806-SC-032302, 0806-SC-032303 |

With the exception of the identified Incident Reports, copies of the identified records are enclosed. Please note that, after consultation with the Borough Solicitor, these records have been redacted as follows:

**Privacy/Personal Information.** Part(s) of the identified record(s) containing information and/or images for which identified persons have a reasonable expectation of privacy have 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).

After consultation with the Borough Solicitor, your request for the identified Incident Reports and NCIS data is denied under both OPRA and the common law for the following reason(s):

**Criminal Investigatory Record(s).** 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).

**NCIC Records.** National Crime Information Center (NCIC) data stored in the NCIC is documented criminal justice agency information and access to that data is restricted to duly authorized criminal justice agencies by both federal and state law. 5 U.S.C. §§ 552, 552a; 28 C.F.R. 20; N.J.A.C. 13:59-2.4.

**No common law interest.** 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*, 250 N.J. 124, 143-44 (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). Your common law request is denied due to your failure to identify your interest in the requested records.

We can, however, provide you with the following information regarding these incidents.

*Case No. 23-006671:*

**Arrested-1**

Acosta, Elijah D W/M-21 of 1315 Amberg St, Union, NJ, 07083  
DOB: [REDACTED]  
HT: 603 WT: 161  
Eyes: Brown

**Booking#:** 23-000159

| Case#     | Charge     | Description | Ct |
|-----------|------------|-------------|----|
| 23-006671 | MO9 354-22 | Loud Noise  | 1  |

**Arrested-2**

Gallagher, Mathew G W/M-21 of 34 Eagle Dr, Emerson, NJ, 07630  
DOB: [REDACTED]  
HT: 600 WT: 181  
Eyes: Green

**Booking#:** 23-000160

| Case#     | Charge     | Description | Ct |
|-----------|------------|-------------|----|
| 23-006671 | MO9 354-22 | Loud Noise  | 1  |

*Case No. 23-006676:*

**Arrested-1**

Gallagher, Mathew G W/M-21 of 34 Eagle Dr, Emerson, NJ, 07630  
DOB: [REDACTED]  
HT: 600 WT: 181  
Eyes: Green

**Booking#:** 23-000191

| Case#     | Charge     | Description | Ct |
|-----------|------------|-------------|----|
| 23-006676 | MO9 354-22 | Loud Noise  | 1  |

**Arrested-2**

Acosta, Elijah D W/M-21 of 1315 Amberg St, Union, NJ, 07083  
DOB: [REDACTED]  
HT: 603 WT: 161  
Eyes: Brown

**Booking#:** 23-000190

| Case#     | Charge     | Description | Ct |
|-----------|------------|-------------|----|
| 23-006676 | MO9 354-22 | Loud Noise  | 1  |

**Arrested-3**

Bomba, Samuel J W/M-23 of 30 Overlook Dr, Glen Gardner, NJ, 08826

DOB: [REDACTED]

HT: 601 WI: 180

Eyes: Brown

Booking#: 23-000193

| Case#     | Charge     | Description | Ct |
|-----------|------------|-------------|----|
| 23-006676 | MO9 354-22 | Loud Noise  | 1  |

**Arrested-4**

Cummins, Bailey S W/M-22 of 4 Dunbarton Rd, Cherry Hill, NJ, 08003

DOB: [REDACTED]

HT: 510 WI: 201

Eyes: Blue

Phone [REDACTED]

Booking#: 23-000192

| Case#     | Charge     | Description | Ct |
|-----------|------------|-------------|----|
| 23-006676 | MO9 354-22 | Loud Noise  | 1  |

**Response to Item 3**

A search of our available records has identified the following as responsive to this part of your request:

|          |                                             |
|----------|---------------------------------------------|
| 03/04/23 | Axon_Body_3_Video_2023-03-04_1443_X60A3712E |
| 03/04/23 | Axon_Body_3_Video_2023-03-04_1447_X60A3695F |
| 03/04/23 | Axon_Body_3_Video_2023-03-04_1447_X60A3868A |
| 03/04/23 | PC_Criminal_Offense                         |

Further processing of this item of your request requires additional time beyond the seven (7) business days to fulfill due to the scope and nature of your request and the need for review and redaction of privacy, security, medical and/or other material exempt from disclosure from the BWC video(s). OPRA allows custodians to seek extensions of time pursuant to N.J.S.A. 47:1A-5.i. Specifically, OPRA states that, "the requestor shall be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied."

Further processing of your request requires an additional seven (7) business days, which is until April 7, 2023.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the Borough of Glassboro 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](mailto:grc@dca.state.nj.us), or at their web site at [www.state.nj.us/grc](http://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.

Very truly yours,



Melissa Royin  
Senior Records Clerk  
Glassboro Police Department  
856-881-1501 ext 88150  
[mrovin@glassboropd.org](mailto:mrovin@glassboropd.org)