



November 2, 2022

Via email only (OPRA Machine)
Fred Pittman

49 Kirkwood Road Gibbsboro, NJ 08026-1499
Tel: (856) 783-6655
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www.gibbsborotownhall.com

Re: Open Public Records Act

Dear Fred Pitman:

The Borough of Gibbsboro Records Custodian received your initial request for records pursuant to the Open Public Records Act (OPRA) and the common law right of access on October 24, 2022. Accordingly, the initial seven (7) business day deadline to respond to your request under OPRA is November 2, 2022. This response is being provided on the seventh business day after receipt of your request.

Your records request was as follows:

I am requesting the following information regarding an incident with Jeffrey Trush a disabled person under the American With Disabilities Act.

- 1.Copy of body cam off arrest & incident.**
- 2.Police reports.**
- 3.Police Departments ADA Compliance officer Name,phone,email,fax**

A search of our available records shows that the following records respond to your request:

1. Body Camera video of Investigator Mangold (Case #2022-08062)
2. Body Camera video of Detective Sergeant Treger (Case #2022-08062)
3. Arrest Report, Case #2022-08062, prepared by Investigator Mangold, dated, 10/26/22
4. Investigation Report, Case #2022-08062, prepared by Investigator Mangold, dated 10/26/22

In response to Item 3 of your request, the Gibbsboro Police Department does not have an ADA Compliance Officer.

In response to Items 1 and 2 of your request, your request is denied for the following reason(s):

Domestic Violence Records. The identified record(s) or portions thereof are not subject to disclosure under either OPRA or New Jersey common law due to the nature of the incident(s). N.J.S.A. 2C:25-33 (Uniform record of applications for relief; information included; confidentiality) provides:

All records maintained pursuant to this act shall be confidential and shall not be made available to any individual or institution except as otherwise provided by law.

Moreover, N.J.S.A. 2C:25-34 (Domestic violence restraining orders; central registry) provides in relevant part:

All records made pursuant to this section shall be kept confidential and shall be released only to
* * *

c. A court, upon its finding that access to such records may be necessary for determination of an issue before the court;

* * * *

Your request has also been considered under common law. 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).

We have determined that you have failed to establish a proper interest in the requested records. Your common law request is therefore denied.

We can, however, provide you with the following information at this time:

1. Department GIBBSBORO BOROUGH POLICE DEPARTMENT		2. Mun. Code 0413		3. Phone Number 856-783-0900		4. CAD Incident# 22293L632		5. Other Agency Case #		6. Department Case Number 2022-08062	
7 Name (Last) TRUSH		(First) JEFFREY		(Middle) R		8. Home Phone / Cellular / [REDACTED]		8A. Alias TRUSH, JEFFERY R		8B. Immigration ☐	
9. Full Address(No. and Apt/Suite) 119 MANOR RD		9A. City GIBBSBORO		9B. Municipality GIBBSBORO BOROUGH		9C. County CAMDEN		9D. State NJ		9E. Zip 08026	
10. Place of Birth(City) US		10A. (State) US		11. Date of Birth [REDACTED]		12. Age 40		13. Sex MALE		14A. Race WHITE	
14B. Ethnicity NON HISPANIC		15. Height(Ft/In) 6-02		16. Weight 181 - 200		17. Hair BROWN		18. Eyes GREEN		19. Complexion LIGHT	
20. Marital Status MARRIED		21. Other Descriptive Information - Marks - Scars - Tattoos RIGHT ARM " JREAL "		22. Driver's License Number / DL State / Agency ID # / MNI# [REDACTED]		23. Employer/School NONE		24. Occupation [REDACTED]		25. Social Security Number / SBI / FBI / BCI [REDACTED]	
26. Employer's/School Address [REDACTED]		27. Work Phone [REDACTED]		Active Military / Veteran ☐ YES ☐ NO ☒ UNKNOWN							
DETAILS OF ARREST											
28. Arrest Date & 29. Time 10/20/2022 15:40		30. Loc. of Arrest (No. - Street) 119 MANOR RD		30A. City GIBBSBORO		30B. Municipality GIBBSBORO BOROUGH		30C. County CAMDEN		30D. State NJ	
30E. Zip 08026		31. Mun. Code NJ00413									
32~34. Crime Information No. Code Description 1 2C:12-1A(1) ATT CAUSE PURR/ KNOWLY BODILY INJURY TO ANOTHER		Traffic/Non E-CDR Complaint Number		E-CDR Warrant/Summons Number 0413-S-2022-000047							

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 Gibbsboro 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 web site 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.

Very truly yours,

Amy C. Troxel, RMC
Borough Clerk
Borough of Gibbsboro