



DIRECT DIAL NUMBER:
732-530-8822

John M. Glynn, Jr.
jglynn@dilworthlaw.com

November 9, 2023

Via Email – opra+request-54587-0181c64f@requests.opramachine.com

Re: OPRA Request Received October 26, 2023 Regarding Incident on October 2, 2022

Dear Madame/Sir:

I am writing on behalf of my client, the Monmouth County Sheriff's Office (the "County"), in response to the records request that you submitted to the County under the Open Public Records Act (the "OPRA") on October 26, 2023. The County received your request on the same day and subsequently forwarded the request to our office as special counsel for OPRA matters. Thereafter, on November 6, 2023, our office requested an extension to November 14, 2023 for the County to review its records for documents responsive to your request. This response is being provided within the extended period of time as required by law.

For reference, your request on October 26th was as follows:

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.

Incident Date/ Time/ Location: 10/02/2022 18:34:16 hours. 266 Jackson Mills Road within the jurisdiction of the Township of Freehold.

Records requested: Any and all Computer Aided Dispatch (Spillman) Direct Messages related to above Incident Date/ Time/ Location, sent and received to/from/by any and all responding Officers, from the time of dispatch until the time the call was completed utilizing Spillman timestamps. This request included "Group or Agency" Spillman Direct messages active during the above incident.

"To/ From/ By" include Supervisor(s), Officer(s) In Charge, other agency officer(s), agency "group" messages, officers from other agency's who utilize Spillman and any Monmouth County Sheriffs Office Communications Operator/ Telecommunicator(s) regardless of their desk assignment.

Due to the previous denial reason(s) below will be the specific responses to your "denials":

- 1) "content/ subject" Any, all and ACTIVE Spillman Direct Messages throughout the duration of the above case number relating to the call of service, official law enforcement matters and personal conversations which occurred on a government database.
- 2) "specific date or range" Spillman Direct messages during the date and times of the above case number.
- 3) " identity [of] the sender and/or recipient" include Supervisor(s), Officer(s) In Charge, other agency officer(s), agency "group" messages, officers from other agency's who utilize Spillman and any Monmouth County Sheriffs Office Communications Operator/ Telecommunicator(s) regardless of their desk assignment.

Attached please find records in response to your request. Based on the information you provided in your request, the County was able to use the date, time, and location to isolate Spillman Direct Messages it believes are responsive to your request. Please note that redactions have been made to other messages unrelated to the matter stated in your request. The Spillman Direct Message service is utilized by a number of communities in Monmouth County. Thus, information in messages may relate to criminal matters of a sensitive nature. Given the sensitive nature of the content of Spillman Messages, and the lack of a connection between your request and other messages the County received during the same timeframe as the messages responsive to your request, the messages not related to your request have been redacted.

With this response and the attached responsive documents, this OPRA will be considered closed. If you believe that your request for access to a government record has been improperly denied, you have a right to challenge the decision 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 P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their website 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,
Dilworth Paxson LLP

By: /s/ John M. Glynn
John M. Glynn

Enclosure

cc: Michael Fitzgerald, Monmouth County Counsel (via email; w/o enclosure)
Cynthia Scott, Public Information Officer, Monmouth County Sheriff's Office (via email; w/o enclosure)
Ginger Gero, Office of Monmouth County Counsel (via email; w/o enclosure)