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December 17, 2024

Citizen

VIA OPRA machine: opra+request-69655-1c444063@requests.opramachine.com

Re: Open Public Records Act (OPRA) request – Standard Operating Procedures

Dear Citizen:

This office is in receipt of your request made under the New Jersey Open Public Records Act (OPRA) wherein you are seeking the “following sections of the Uniform Policy Standard Operating Procedures: Volume 1(General), Volume 2(Administration & Personnel), Volume 3(Operations), and Volume 5(Support) including all of their chapters.”

Please be advised that you have requested 60 chapters of the Standard Operating Procedures (“SOPs”), consisting of 694 pages of documents. The process of reviewing these documents is sufficiently extraordinary in terms of time expenditure to warrant imposition of a special service charge pursuant to N.J.S.A. 47:1A-5c. Before undertaking to provide you with any of the SOPs you have requested to which you may be entitled, we need clarification from you as to whether you are willing to pay the service charge.

As we must be, this office is willing to grant your OPRA request and disclose to you that information to which you are entitled under the law. Determining what must be disclosed would require attorney review of the SOPs requested.

As set forth above, you are requesting 60 chapters of this office’s SOPs, consisting of 694 pages. It is conservatively estimated that satisfaction of your public records request will take approximately 7 hours. This far exceeds the amount of time required to respond to a typical OPRA

request. We maintain that the effort necessary to accommodate your OPRA request is “substantial,” “extensive” and “extraordinary” enough to justify the charging of a service fee.

A special service charge must be “reasonable” and “based upon the actual direct cost of providing” the record. N.J.S.A. 47:1A-5c & d. I cannot tell you exactly how much the service charge will be until the time to satisfy your public record request is actually expended. If it takes 7 hours, the fee would be \$279.23. This number is based upon the undersigned’s hourly salary, specifically, \$39.89 per hour. See Fisher, 400 N.J. Super. at 61.

We would like to make the position of this office clear. Our position is not that, every time there is a public record request for SOPs there will be a special service charge assessed. We also are not imposing a special service charge because overtime would be required to meet the 7-day OPRA deadline in this case. The service charge would be imposed here in light of the fact that it involves a request for voluminous documents; therefore, the time expenditure associated with the review of the documents is obvious and very reasonably anticipated.

Please advise the undersigned as to whether you would like us to move forward with your request, or whether you would like to withdraw your public record request for the SOPs. We also remain receptive to reaching a reasonable solution with you regarding these records that accommodates both of our interests. N.J.S.A. 47:1A-5g.

If I can be of further assistance, please do not hesitate to contact me.

Yours very truly,

s/Dina R. Khajezadeh
Dina R. Khajezadeh
Assistant Prosecutor

DRK/dk