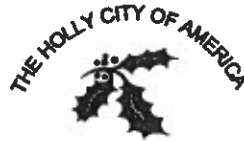


CITY OF MILLVILLE

COMMISSIONERS

BENJAMIN J. ROMANIK
Director of Public Affairs, MAYOR
JOSEPH SOOY, VICE MAYOR
Director of Revenue & Finance
C. KIRK HEWITT
Director of Public Safety
STEPHEN E. WATSON, JR.
Director of Public Works
Marissa Ranello
Director of Parks & Public Property



"A MAIN STREET NEW JERSEY COMMUNITY"

12 SOUTH HIGH STREET
P.O. BOX 609
MILLVILLE, NEW JERSEY 08332

TELEPHONE: (856)825-7000
www.millvillenj.gov

OFFICERS

JOSEPH CALCHI
Administrator
JEANNE PARKINSON
City Clerk
SUSAN QUINONES
Chief Financial Officer
TRACEY GREGOIRE
Tax Collector
BRIAN P. ROSENBERGER
Tax Assessor
WAYNE JOHNSON
Municipal Engineer
BROCK D. RUSSELL
City Attorney

Date: 11/14/2024

To: John Baker

See below in response to your OPRA request received by the City Clerk's Office on 11/5/24. (See Disclaimer on Pg 2)

☒ Please be advised there are no records responsive to your request

See the attached letter with clarification. (4mp)

☐ See attached, no Redactions were made.

☐ See attached, redactions were made pursuant to (see statute(s) below with "x" mark(s)):

☐ Denied, the provisions of the Open Public Records Act do not allow the disclosure of records pursuant to (see statute(s) below with "x" mark(s)):

Billing information:

☐ Amount Due: _____ must be received prior to release of record

Payment information:

☐ Returned Check: Check No. _____ in the amount of _____

☐ Payment Received: Check No. _____ in the amount of _____

Exceptions to Public Access to Government Records:

- ☐ Inter-agency or intra-agency advisory, consultative or deliberative communications, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Legislative records, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Medical Examiner records, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Criminal investigatory records, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Victim records, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Trade secrets and proprietary commercial or financial information obtained from any source, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Any record within Attorney/Client Privilege N.J.S.A. 47:1A-1.1 et seq.
- ☐ Administrative or technical information regarding computer hardware, software and networks, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Emergency or Security information and surveillance techniques, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Security measures and surveillance techniques, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Information that is disclosed would give an advantage to competitors or bidders, N.J.S.A. 47:1A-1.1
- ☐ Information on any sexual harassment complaint, any grievance filed or collective negotiations, N.J.S.A. 47:1A-1.1
- ☐ Communications between City and Insurance Company, N.J.S.A. 47:1A-1.1 et seq
- ☐ Information which is to be kept confidential pursuant to court order, N.J.S.A. 47:1A-1.1 et seq
- ☐ Certificate of honorable discharge issued by the United States government, N.J.S.A. 47:1A-1.1 et seq
- ☐ Personal Identifying Information, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Social Security Numbers, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Certain records of higher education, N.J.S.A. 47:1A-1.1, et seq.

- ___ Biotechnology trade secrets, N.J.S.A. 47:1A-1.2, et seq.
- ___ Limitations to convicts -personal information pertaining to the person's victim or the victim's family, N.J.S.A. 47:1A-2.2, et seq.
- ___ Ongoing Investigations, N.J.S.A. 47:1A-3.a.
- ___ Public defender records that relate to the handling of any case, N.J.S.A. 47:1A-5.k.
- ___ Upholds exemptions contained in other State or federal statutes and regulations, Executive Orders of the Governor, Rules of Court, Constitution of this State, or judicial case law N.J.S.A. 47:1A-9.
- ___ Personnel and pension records, N.J.S.A. 47:1A-10, et seq.
- ___ Privacy Interest - "a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy." N.J.S.A. 47:1A-1.1, et seq.

NOTE: Court documents can be requested through the Municipal Court Administrator at lisa.goneski@njcourts.gov.

If you feel the City has neglected to provide what you have requested, or any part thereof, or if you believe there is some legal authority that supports your position, please notify us and we will be happy to reconsider our response or denial of access as the case may be.

Mandatory Disclaimer:

If your request for access to a government record has been denied or unfilled within seven (7) business days required by law, you have the right to challenge the decision by the City of Millville 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 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.

If you have any questions please contact my office.

Sincerely,


Jeanne M. Parkinson, RMC
City Clerk

CITY OF MILLVILLE

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Municipal Engineer
BROCK D. RUSSELL
City Attorney

November 13, 2024

John Baker

Opra+request_68554_4573a145@requests.opramachine.com

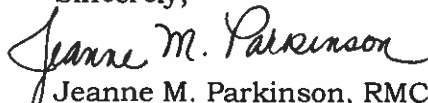
Dear Mr. Baker:

As to OPRA, Police Internal Affairs records are exempt from OPRA under N.J.S.A. 47:1A – 9(b). See Rivera v. UCPO, 250 NJ 124,143 (2022).

As to the request for disclosure under the Common Law Right of Access (hereinafter the “CLRA”) where an I/A investigation has been completed such that an I/A report has been issued, disclosure may be required under the CLRA. See Rivera, *ibid.* at 147–48. In Rivera, the Supreme Court found that an “internal affairs report qualifies as a public record under the Common Law”. The Court, however, also recognized that the State Attorney General’s Internal Affairs Policy and Procedures Manual contains a “confidentiality provision, which ‘guaranteed that the progress of internal affairs investigations and all supporting materials are considered confidential information.’” Rivera, *supra.* at 142.

In this particular case, the Cumberland County Prosecutor’s Office and not the City is the agency conducting the internal affairs investigation and, as such, is in possession of all the records generated by the investigation. The City of Millville consequently is not in possession of any of the requested records. When the City recently made inquiry to the Prosecutor’s Office, we were advised that its investigation remains an ongoing one. Until such time as the CCPO concludes its investigation and issues an I/A report to the City, the City cannot review the content of the report, including its findings and conclusions, and cannot perform the balancing test of the Loigman factors (as modified by the Court in Rivera, *supra.*). Accordingly, at this time, the City has no records responsive to your request.

Sincerely,


Jeanne M. Parkinson, RMC
City Clerk

CC: Cumberland County Prosecutor’s Office

Respond 11/13/24

DW 11/14/24

Mercado, Wendy

From: Jeanne Parkinson
Sent: Tuesday, November 5, 2024 9:45 AM
To: Mercado, Wendy
Subject: FW: OPRA request - Status of suspended officers stemming from "racist" group chat messages

Please process as received yesterday. I did not realize you were not copied.

-----Original Message-----

From: John Baker <opra+request-68554-4573a145@requests.opramachine.com>
Sent: Sunday, November 3, 2024 6:43 AM
To: Jeanne Parkinson <Jeanne.Parkinson@millvillenj.gov>
Subject: OPRA request - Status of suspended officers stemming from "racist" group chat messages

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Millville City,

Please accept this electronic request for public records made under OPRA and the common law right of access. I am not required to fill out an official form or use a particular software platform to submit my request per NJSA 47:1A-6(f), which states that an email from a requestor including all of the information required on the adopted form shall suffice in place of a completed form as a valid government record request.

I HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

I WILL NOT use the requested government records for a commercial purpose.

I AM NOT seeking records in connection with a legal proceeding.

Records requested:

To: B. Kavanaugh ✓
D. Ayars
County Prosecutor
Cc. Haydis
Joanna
Wendy
Robin

RECEIVED
NOV 05 2024
CITY CLERK'S OFFICE

Any case information pertaining to the reasoning behind the suspension(s) of the Officers/Supervisors waiting for a pending administrative hearing stemming from a "racist" & "derogatory" group chat which was found during a Millville Police Officer's interview with another agency.

My preferred delivery method for response(s) to this request is by E-mail as attachments. Please confirm you have received this request. If you are not the custodian of records, please forward my request to that person and provide their email address to me for future reference.

Yours faithfully,

John Baker.

Please deliver records electronically via email to the below UNIQUE address for all replies to this request:

opra+request-68554-4573a145@requests.opramachine.com

Is Jeanne.Parkinson@millvillenj.gov the wrong address for OPRA requests to Millville City? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=millville_city

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opramachine.com/request/status_of_suspended_officers_ste

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

"OPRAMachine's mission is to give people easy and affordable access to New Jersey public records.

For more information, contact us at: (732) 707-1628 or PO Box 3180, New Brunswick, NJ 08903."
