

Office of the Hunterdon County Prosecutor

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February 18, 2025

VIA EMAIL

Yourstruly

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RE: Open Public Records Act (OPRA) Request

Dear Yourstruly:

The Hunterdon County Prosecutor's Office (HCPO) is in receipt of your OPRA request, in which you request, in relevant part: "letters, reports, certificates and any other physical documents able to be provided regarding training of officers B. Winfield, B. Hanley and T. Drew from 1/1/2020-1/1/2025."

HCPO respectfully denies your request. A proper [OPRA] request "must identify with reasonable clarity those documents that are desired." Burke v. Brandes, 429 N.J. Super. 169, 174 (App. Div. 2012) (quoting Bent v. Township of Stafford Police Dept., Custodian of Records, 381 N.J. Super. 30, 37 (App. Div. 2005)). Requests for general information that must be "analyzed, collated and compiled" by the custodian are not within the scope of OPRA. MAG Entm't, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 549 (App. Div. 2005). Moreover, requests that require a custodian to analyze and evaluate information in order to respond are improper. See Burke, 429 N.J. Super. at 174; see also Bent, 381 N.J. Super. at 33-39 (denying request for "entire file" of requester's criminal investigation because it neither identified nor described the records sought with any specificity or

particularity); see also MAG Entm't, LLC, 375 N.J. Super. at 549 (request invalid for failing to provide any identifiers other than “a broad generic description of a brand or type of case prosecuted by the agency in the past”); and N.J. Builder's Ass'n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 178-79 (App. Div.), certif. denied, 190 N.J. 394 (2007) (request for “any and all documents and data” invalid for requiring custodian rather than requester to identify the documents sought). OPRA “is ‘not intended [to be] a research tool [that] litigants may use to force government officials to identify and siphon useful information.’” In re N.J. Firemen's Ass'n Obligation, 230 N.J. 258, 276 (2017) (quoting MAG Entm't, LLC, 375 N.J. Super. at 546).

Simply put, your OPRA request demands that HCPO locate, identify, and analyze information over a five-year period which may or may not exist. Neither OPRA nor its interpreting case law mandates such a process. See Burke, 429 N.J. Super. at 174. Likewise, OPRA does not require a public agency to manufacture records to comply with a request. See Sussex Commons Associates, LLC v. Rutgers, 210 N.J. 531, 544 (2012) (“OPRA does not require public agencies to create records.”).

While HCPO acknowledges that OPRA requires disclosure of government training records “only if there is a specific, or particular, educational qualification that is a prerequisite for the job and only if the record demonstrates compliance with that specific requirement[,]” Kovalcik v. Somerset County Prosecutor's Office, 206 N.J. 581, 593, (2011), your records request does not identify with reasonable clarity the documents you desire. In other words, HCPO cannot reasonably respond to a broad request for “letters, reports, certificates and any other physical documents able to be provided regarding training of” the three subject employees. (Emphasis added).

HCPO asks that you refine your OPRA requests consistent with the authority articulated above. Please be further advised that HCPO may reconsider your request for records upon receipt of a lawfully-issued subpoena, pursuant to Rule 4:14-7, or any other legal request.

HCPO has confined its response to your request to that concerning OPRA — not the common law right of access. Regardless, access under the common law involves balancing several factors, including a requestor's interest in obtaining the related record(s) against the State's interest in nondisclosure, see Loigman v. Kimmelman, 102 N.J. 98, 103 (1986), which cannot be accomplished here due to a lack of information.

Your OPRA request has been processed in accordance with N.J.S.A. 47:1A-1 et seq. If your request has been denied in whole or in part, HCPO reserves the right to raise any other grounds for denial not raised in this response. The failure of HCPO to assert an exception or privilege herein does not act as a waiver of any ground for denial not raised herein.

Thank you for your attention to this response. Should you have any questions or concerns, please do not hesitate to contact me.

Respectfully submitted,

RENÉE M. ROBESON
Hunterdon County Prosecutor

A handwritten signature in black ink, appearing to read 'J. Paravecchia', with a stylized, cursive script.

By: JOSEPH PARAVECCHIA
First Assistant Prosecutor