



SPARTA TOWNSHIP POLICE DEPARTMENT

65 MAIN STREET • SPARTA, NEW JERSEY 07871-1903
PH: (973) 729-6121 • FAX: (973) 729-5073
WWW.SPARTAPD.ORG



May 19, 2026

Email: opra+request-91188-ae960063@requests.opramachine.com

Re: OPRA Request #291

Dear Mr. Miller,

The Township is in receipt of your correspondence requesting “Sparta police internal affairs summary reports (i.e. those required to be filed by IAPP section 9.11.1) covering 2023, 2024, and 2025.”

After reviewing your request, the Township must deny it under the Open Public Records Act (“OPRA”), N.J.S.A. 47:1A-1 et seq. Your request does not identify specific government records with sufficient clarity and would require the Custodian to conduct research, interpretation, analysis, and legal review in order to determine what records, if any, may be responsive.

Under OPRA, a records custodian is not required to:

- conduct research;
- interpret a requester’s intent;
- determine which records may fit a broad description;
- create new records or compilations; or
- perform legal analysis on behalf of a requester.

See *MAG Entertainment, LLC v. Division of Alcoholic Beverage Control*, 375 N.J. Super. 534 (App. Div. 2005); *Bent v. Stafford Police Department*, 381 N.J. Super. 30 (App. Div. 2005); and *Burke v. Brandes*, 429 N.J. Super. 169 (App. Div. 2012).

Your request references general categories of Internal Affairs materials over multiple years but does not identify any specific records, such as:

- a particular report title;
- a specific Internal Affairs case number;
- a named officer;
- a specific incident date;
- a specific disciplinary matter; or
- a discrete finalized record.

As presently drafted, the request is therefore improper under OPRA.



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In addition, Internal Affairs records are generally considered confidential under New Jersey law, including the New Jersey Attorney General's Internal Affairs Policy & Procedures ("IAPP"), and are exempt from disclosure pursuant to N.J.S.A. 47:1A-1, executive directives, and applicable case law. See *North Jersey Media Group v. Township of Lyndhurst*, 229 N.J. 541 (2017).

To the extent your request concerns "major discipline," New Jersey law already requires publication of qualifying major discipline information through the Attorney General's statewide reporting process. Those reports are publicly available through the New Jersey Office of the Attorney General website:

<https://www.njoag.gov/majordiscipline/>

The Township is not required under OPRA to create customized summaries, compilations, or legal determinations regarding whether specific matters constitute "major discipline."

Further, to the extent your correspondence may be interpreted as a request under the common law right of access, your submission does not presently establish the requirements necessary for disclosure.

Under New Jersey common law, a requester must demonstrate:

1. the existence of an identifiable common law public record;
2. a legally recognized interest in the subject matter of the record; and
3. that the requester's interest in disclosure outweighs the government's interest in confidentiality.

See *Loigman v. Kimmelman*, 102 N.J. 98 (1986); *Keddie v. Rutgers*, 148 N.J. 36 (1997); and *North Jersey Media Group v. Township of Lyndhurst*, 229 N.J. 541 (2017).

Your submission does not identify the requested records with enough specificity to allow for a proper common law balancing analysis. Internal Affairs records also involve substantial governmental and privacy interests, including:

- confidentiality of Internal Affairs investigations;
- privacy interests of officers, complainants, and witnesses;
- integrity of investigative and disciplinary processes;
- law enforcement confidentiality concerns; and
- protection against disclosure of personnel-related information.

Nothing in this response should be interpreted as:

- an acknowledgment that responsive records exist;
- a waiver of any statutory, regulatory, common law, evidentiary, or privilege-based exemption; or
- an agreement that any record, if it exists, would be subject to disclosure under OPRA or the common law.

Nevertheless, rather than issuing a final disposition on any potential common law request, the Township will provide you with an opportunity to clarify whether you intend to proceed solely under the common law right of access.



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If so, please provide clarification identifying:

- the exact records sought;
- specific report titles;
- specific date ranges;
- specific Internal Affairs case numbers, if known;
- whether you seek a particular finalized report, such as a “Summary and Conclusions Report”; and
- the specific interest supporting your claimed entitlement to access under the common law.

Please note that neither OPRA nor the common law requires a public agency to conduct research, review files to determine what a requester may be seeking, create compilations, or perform legal analysis on behalf of a requester.

Please provide any clarification within seven (7) business days of the date of this correspondence. If no clarification is received within that time, the matter will be considered closed. Any subsequent request may need to be submitted as a new request.

The Township expressly reserves all rights, defenses, exemptions, and privileges available under OPRA, the common law, the New Jersey Attorney General’s Internal Affairs Policy & Procedures, and all other applicable laws, regulations, directives, and judicial decisions.