



Wall Township Police Department

Phone: 732-449-4500 ~ Fax: 732-449-1273

www.wallpolice.org



Kenneth Brown Jr.
Chief of Police

July 31, 2018

Dear Ask NJ Media Co.:

The Township of Wall Police Department ("Police Department") Records Custodian received your Open Public Records Act ("OPRA") request on May 1, 2018. The Police Department responded to your request on May 9, 2018 within seven (7) business days after receipt of your request as required by New Jersey law. See N.J.S.A. 47:1A-5.

For ease of reference, your OPRA request seeks the following:

1. All e-mails to and from Kenneth Brown between July 1, 2016 and May 1, 2018 containing the words 'Jennifer Coombs', 'Jen Coombs', and/or 'Citizens Videotaping in Public Buildings'.
2. All e-mails to and from Sean Halloran between July 1, 2016 and May 1, 2018 containing the words 'Jennifer Coombs', 'Jen Coombs', and/or 'Citizens Videotaping in Public Buildings'.
3. All e-mails to and from James Cadigan between July 1, 2016 and May 1, 2018 containing the words 'Jennifer Coombs', 'Jen Coombs', and/or 'Citizens Videotaping in Public Buildings'.
4. All e-mails to and from Greg Carpino between July 1, 2016 and May 1, 2018 containing the words 'Jennifer Coombs', 'Jen Coombs', and/or 'Citizens Videotaping in Public Buildings'.
5. All e-mails to and from Charles(Chad) Clark between July 1, 2016 and May 1, 2018 containing the words 'Jennifer Coombs', 'Jen Coombs', and/or 'Citizens Videotaping in Public Buildings'.
6. All e-mails to and from Steven Nash between July 1, 2016 and May 1, 2018 containing the words 'Jennifer Coombs', 'Jen Coombs', and/or 'Citizens Videotaping in Public Buildings'.
7. All e-mails to and from Kevin Pressey between July 1, 2016 and May 1, 2018 containing the words 'Jennifer Coombs', 'Jen Coombs', and/or 'Citizens Videotaping in Public Buildings'.
8. All e-mails to and from Joseph Wilbert between July 1, 2016 and May 1, 2018 containing the words 'Jennifer Coombs', 'Jen Coombs', and/or 'Citizens Videotaping in Public Buildings'.
9. All e-mails to and from Miles Shanklin between July 1, 2016 and May 1, 2018 containing the words 'Jennifer Coombs', 'Jen Coombs', and/or 'Citizens Videotaping in Public Buildings'.
10. All e-mails to and from Kevin Orender between July 1, 2016 and May 1, 2018 containing the words 'Jennifer Coombs', 'Jen Coombs', and/or 'Citizens Videotaping in Public Buildings'.



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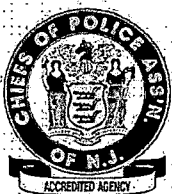


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11. All e-mails to and from Christopher Mason between July 1, 2016 and May 1, 2018 containing the words 'Jennifer Coombs', 'Jen Coombs', and/or 'Citizens Videotaping in Public Buildings'.
12. All e-mails to and from Robert Brice between July 1, 2016 and his retirement date containing the words 'Jennifer Coombs', 'Jen Coombs', and/or 'Citizens Videotaping in Public Buildings'.
13. All e-mails to and from Eric Jennings between July 1, 2016 and May 1, 2018 containing the words 'Jennifer Coombs', 'Jen Coombs', and/or 'Citizens Videotaping in Public Buildings'.

In compliance with your request, the Police Department conducted a preliminary search for responsive records which yielded approximately 212 pages. Given the volume and nature of the documents sought, the records required our thorough review and redaction to ensure that any confidential, privileged, or otherwise exempt information was not inadvertently disclosed. In order to process your request, an "extraordinary expenditure of time and effort," would need to be expended by the Police Department. Accordingly, the Police Department exercised its statutory right to implement a "special service charge" at this juncture (see N.J.S.A. 47:1A-5(c)), or in the interest of finding a reasonable solution to processing your OPRA request, the Police Department waived the special service charge if an extension of sixty (60) business days were granted. See N.J.S.A. 47:1A-5 ("If a request for access to a government record would substantially disrupt agency operations, the custodian may deny access to the record after attempting to reach a reasonable solution with the requestor that accommodates the interests of the requestor and the agency."). On or about May 9, 2018 the Police Department received confirmation that you accepted the sixty (60) business day extension.

The Police Department is timely providing you with a response within the sixty (60) business day extension. Enclosed please find all records readily identified as responsive by the Police Department, Bates Stamped as WTPD 1-212. Copied below, please find a Vaughn Index identifying the legal basis for all redactions made to the responsive records.



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<i>List of all records responsive to OPRA request.</i>	<i>List of all records provided, with redactions, or denied in their entirety.</i>	<i>If disclosed with redactions, give a general description of the record.</i>	<i>List the legal explanation and statutory citation for the denial of access to records in their entirety or with redactions.</i>
<i>E-mails to and from Kenneth Brown, Sean O'Halloran, Greg Carpino, Charles (Chad) Clark, Steven Nash, Kevin Pressey, Joseph Wilbert, Miles Shanklin, Kevin Orender, Christopher Mason, Robert Brice, Eric Jennings July 1, 2018- May 1, 2018 [WTPD 34]</i>	<i>Record provided with redactions</i>	<i>N/A</i>	<i>N.J.S.A. 2:25-33 ("Prevention of Domestic Violence Act of 1991") states that "all records maintained pursuant to this act shall be confidential and shall not be made available to any individual or institution except as otherwise provided by law..." N.J.S.A. 47:1A-9.b allows exemptions from disclosure any grant of confidentiality established or recognized by the Constitution of this State; statute, court rule or judicial case law, to apply to OPRA.</i>
<i>E-mails to and from Kenneth Brown, Sean O'Halloran, Greg Carpino,</i>	<i>Record provided with redactions.</i>	<i>N/A</i>	<i>N.J.S.A. 2A:4A-60(a) states that "[s]ocial, medical, psychological, legal and other records of the court and probation division, and records of law enforcement agencies,</i>



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<i>Charles (Chad) Clark, Steven Nash, Kevin Pressey, Joseph Wilbert, Miles Shanklin, Kevin Orender, Christopher Mason, Robert Brice, Eric Jennings July 1, 2018- May 1, 2018 [WTPD 34]</i>			<i>pertaining to juveniles charged as a delinquent or found to be part of a juvenile-family crisis, shall be strictly safeguarded from public inspection". N.J.S.A. 47:1A-9.b allows exemptions from disclosure any grant of confidentiality established or recognized by the Constitution of this State, statute, court rule or judicial case law, to apply to OPRA.</i>
<i>E-mails to and from Kenneth Brown, Sean O'Halloran, Greg Carpino, Charles (Chad) Clark, Steven Nash, Kevin Pressey, Joseph Wilbert,</i>	<i>Record provided with redactions.</i>	<i>N/A</i>	<i>N.J.S.A. 47:1A-1.1 removes any records that contain "Inter-agency or intra-agency advisory, consultative or deliberative material." As such information and records that fall within the deliberative process privilege, such as pre-decisional material that reflect advisory opinions, recommendations and deliberations shared as part of the</i>



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<i>Miles Shanklin, Kevin Orender, Christopher Mason, Robert Brice, Eric Jennings July 1, 2018- May 1, 2018 [WTPD 6-9, 10-12, 14, 16, 17, 20, 23, 25, 27-28; 32-34, 38-50, 52-54, 56, 58-63, 73-79, 81, 83-86, 88-89, 92, 94-98, 105-110, 112, 117, 137, 139-140, 143, 147, 158, 159, 162, 163, 181, 186-195, 197, 199-205]</i>			<i>process by which governmental decisions and policies are formulated, are exempt from public disclosure. <u>Educ. Law Ctr. V. NJ Dep't of Educ.</u>, 198 N.J. 274 (2009) (holding that records that contain or involve factual component are also entitled to deliberative-process protection under OPRA when the material is used in the decision making process and its disclosure would reveal deliberations that occurred during that process); <u>see also Wolosky v. Sparta Board of Educ.</u>, GRC Complaint No. 2010-93 (Dec. 2011) (citing <u>In Re Liquidation of Integrity Insurance Co.</u>, 165 N.J. 75 (2000).</i>
<i>E-mails to and from Kenneth Brown, Sean</i>	<i>Record provided with redactions.</i>	<i>N/A</i>	<i>Executive Order No. 26 (McGreevey 2002) removes any records that contain "records of</i>



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O'Halloran, Greg Carpino, Charles (Chad) Clark, Steven Nash, Kevin Pressey, Joseph Wilbert, Miles Shanklin, Kevin Orënder, Christopher Mason, Robert Brice, Eric Jennings July 1, 2018-May 1, 2018 [WTPD 36, 37]			<i>complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environments. <u>N.J.S.A. 47:1A-9.b</u> allows exemptions from disclosure any grant of confidentiality established or recognized by the Constitution of this State, statute, court rule or judicial case law, to apply to OPRA.</i>
E-mails to and from Kenneth Brown, Sean O'Halloran, Greg Carpino, Charles (Chad) Clark, Steven Nash, Kevin Pressey, Joseph Wilbert, Miles Shanklin, Kevin	<i>Record provided with redactions.</i>	N/A	<i><u>N.J.S.A. 47:1A-1.1</u> provides that "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." This includes social security numbers, unlisted</i>



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<i>Oreder, Christopher Mason, Robert Brice, Eric Jennings July 1, 2016- May 1, 2018 [WTPD 9, 79, 82, 86, 93, 95, 112, 114-117, 120, 122, 124-127, 129-133, 135, 137, 140, 141, 143, 144, 151, 152]</i>			<i>telephone numbers, driver's license numbers, personal email addresses, dates of birth, SBI numbers, etc.</i>
<i>E-mails to and from Kenneth Brown, Sean O'Halloran, Greg Carpino, Charles (Chad) Clark, Steven Nash, Kevin Pressey, Joseph Wilbert, Miles Shanklin,</i>	<i>Record provided with redactions</i>	<i>N/A</i>	<i><u>N.J.S.A. 47:1A-1.1</u> removes any records that contain "any record within the attorney-client privilege." New Jersey law exempts from public disclosure attorney work product, consisting of "the mental impressions, conclusions, opinions or legal theories" shared by legal counsel. See <u>Rodriguez v. Kean University</u>, GRC Complaint No. 2013-323 (Oct. 2014) (citing <u>N.J.S.A. 47:1A-1.1</u> and <u>N.J.S.A.</u></i>



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Kevin Orender, Christopher Mason, Robert Brice, Eric Jennings July 1, 2016- May 1, 2018 [WTPD 98, 100-104, 112-113, 115, 117, 119-126, 128-130, 132, 134, 140, 142-143, 145, 145-151, 153-156, 160-161, 165-167, 169, 170-171, 173-175, 177-179, 182-185]			47:1A-9); <u>see also Scheeler v. Bor. Of W. Cape May</u> , GRC Complaint No. 2014-143 (July 2015); <u>Scheeler v. Twp. of Galloway</u> , GRC Complaint No. 2012-151 (July 2013)
E-mails to and from Kenneth Brown, Sean O'Halloran, Greg Carpino, Charles (Chad)	Record provided with redactions	N/A	<u>N.J.S.A. 47:1A-1.1</u> removes any records that contain "administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security."



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<i>Clark, Steven Nash, Kevin Pressey, Joseph Wilbert, Miles Shanklin, Kevin Orender, Christopher Mason, Robert Brice, Eric Jennings July 1, 2016- May 1, 2018 [WTPD 27, 40]</i>			
<i>E-mails to and from Kenneth Brown, Sean O'Halloran, Greg Carpino, Charles (Chad) Clark, Steven Nash, Kevin Pressey, Joseph Wilbert, Miles Shanklin,</i>	<i>Record provided with redactions.</i>	<i>N/A</i>	<i>N.J.S.A. 47:1A-1.1 removes any records that contain "security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software" from the definition of "government record."</i>



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Kevin Orender, Christopher Mason, Robert Brice, Eric Jennings July 1, 2016- May 1, 2018 [WTPD 14, 85, 93, 95]			

Thank you for your attention to this matter and professional courtesies.

Very truly yours,

Kevin R. Pressey
Records Custodian
Wall Township Police Department
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kpressey@wallpolice.org



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