

Chenoweth, Michael S.

From: Mazarella, Cristi M.
Sent: Tuesday, August 14, 2018 5:23 PM
To: ADMIN; Fagiarone, Michael R.; Tucci, Jonathan R.
Subject: FW: OPRA request - Various E-mails- Citizens Videotaping in Public Buildings- 2

I just received this OPRA Request today 8/14/2018. Clock starts ticking tomorrow 8/15/2018.

Thank You,

Cristi

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

From: Cynthia Moore [<mailto:opra+request-2322-20349f18@requests.opramachine.com>]
Sent: Monday, August 13, 2018 4:42 PM
To: RECORDS
Subject: OPRA request - Various E-mails- Citizens Videotaping in Public Buildings- 2

Dear Oceanport Police Department,

This is a request for public records made under OPRA and the common law right of access. Please acknowledge receipt of this message.

Records requested:

1. All e-mails to and from Police Chief Michael P. Kelly between July 1, 2016 and August 14, 2018 containing the words 'Gunnison Undercover', 'Matt Tim', 'John VanDyke', 'John VanDyk', and/or 'Citizens Videotaping in Public Buildings'.
2. All e-mails to and from Captain Michael S. Chenoweth between July 1, 2016 and August 14, 2018 containing the words 'Gunnison Undercover', 'Matt Tim', 'John VanDyke', 'John VanDyk', and/or 'Citizens Videotaping in Public Buildings'.
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Yours faithfully,

Cynthia Moore

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

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Chenoweth, Michael S.

From: Mazarella, Cristi M.
Sent: Tuesday, July 31, 2018 12:06 PM
To: 'opra+request-2067-b410ac58@requests.opramachine.com'
Cc: ADMIN
Subject: OPRA Request Response

REQUEST FOR GOVERNMENT RECORDS
(N.J.S.A. 47:1A-1, et seq.)
GOVERNMENT RECORDS REQUEST RESPONSE

TO: ASK NJ Media Co.

DATE: July 31, 2018

In reference to your OPRA request dated July 13, 2018 and received by this office on July 16, 2018. Please note the following:

Your request asks the following:

This is a request for public records made under OPRA and the common law right of access. Please acknowledge receipt of this message.

Records requested:

1. A copy of policies and/or procedures regulating the Oceanport Police Department's public facebook page, any and all Oceanport Police Department's policies regarding the maintenance and/or content retention of township maintained social media forums.
This part of the OPRA Request already fulfilled.
2. List(s) of names of people who are/were hidden, blocked, banned from the Oceanport Police Department's public facebook page.
Prior to July 18, 2018, our agency's Facebook page did not have retention/archive safeguards in place and therefore when items were deleted, they could not be retrieved or recovered. The only name that has been hidden, blocked, or banned was "Gunnison Undercover".
3. List(s) of any deleted, hidden, blocked, banned comments that were on the Oceanport Police Department's Office's public facebook page for the time period of 1-1-2018 to 7-13-2018.
Prior to July 18, 2018, our agency's Facebook page did not have retention/archive safeguards in place and therefore when the comments were deleted, they could not be retrieved or recovered.
4. List(s) of the authors' names of any deleted, hidden, blocked, banned comments that were on the Oceanport Police Department's public facebook page for the time period of 1-1-2018 to 7-13-2018.
Prior to July 18, 2018, our agency's Facebook page did not have retention/archive safeguards in place and therefore when the comments were deleted, they could not be retrieved or recovered.
5. Copies of all messages and author's names sent via the Oceanport Police Department's facebook messenger and responses for the time period of 1-1-2018 to 7-13-2018.
The Facebook messenger feature was never activated and therefore we were never able to receive or respond to private messages through this feature.

6. Name and rank and/or position title of the Oceanport Police Department employee(s) responsible for maintaining any and all Oceanport Police Department's social media forums.

This part of the OPRA Request already fulfilled.

7. Any emails sent to/from the employee(s) in question regarding the deleting/removing of content, or the limiting of access to content on any and all social media forums for the time period of 1-1-2018 to 7-13-2018.

This part of the OPRA request already fulfilled.

☐ Records available are attached.

☐ Additional time is requested for the following reasons: Additional time is needed for numbers 2, 3, 4, and 5. We needed to contact our IT company, as well as Facebook, to possibly retrieve the information you are requesting. We will need another week, 8/31/2018, to complete this task.

☒ There are no records relating to your request: See each individual numbers for explanation.

☐ See attached letter for denial.

If you should have any questions please feel free to contact me at 732-222-6301 extension 1015 or you can email me at records@oceanportpolice.org.

Cristi Mazarella
Police Records Bureau
Oceanport Police Department
Borough of Oceanport
P.O. Box 370
Oceanport, NJ 07757
Tel: 732.222.6301 ext 1015
Fax: 732.222.0945

Chenoweth, Michael S.

From: Mazarella, Cristi M.
Sent: Tuesday, August 14, 2018 5:23 PM
To: ADMIN; Fagliarone, Michael R.; Tucci, Jonathan R.
Subject: FW: OPRA request - Various E-mails- Citizens Videotaping in Public Buildings- 2

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Thank You,

Cristi

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Chenoweth, Michael S.

From: Kelly, Michael P.
Sent: Friday, August 10, 2018 10:18 AM
To: opra+request-2253-2355ad42@requests.opramachine.com
Cc: Mazzarella, Cristi M.; ADMIN
Subject: OPRA Request Response
Attachments: Chief Kelly's emails related to Jennifer Coombs and citizen videotaping.pdf; Capt. chenoweth's emails related to Jennifer Coombs and citizen videotaping..pdf; Lt. Fagliarone's emails related to Jen Coombs Citizen videotaping.pdf; Sgt. Tucci's emails related to Jen Coombs and Citizen videotaping.pdf

REQUEST FOR GOVERNMENT RECORDS
(N.J.S.A. 47:1A-1, et seq.)
GOVERNMENT RECORDS REQUEST RESPONSE

TO: Cynthia Moore

DATE: August 10, 2018

In reference to your OPRA request dated August 1, 2018 and received by this office on August 2, 2018. Please note the following:

Your request asks:

1. All e-mails to and from Police Chief Michael P. Kelly between July 1, 2016 and August 2, 2018 containing the words 'Jennifer Coombs', 'Jen Coombs', and/or 'Citizens Videotaping in Public Buildings'.
2. All e-mails to and from Captain Michael S. Chenoweth between July 1, 2016 and August 2, 2018 containing the words 'Jennifer Coombs', 'Jen Coombs', and/or 'Citizens Videotaping in Public Buildings'.
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☒ Records available are attached.

☐ Additional time is requested for the following reasons:

☐ There are no records relating to your request:

☐ See attached letter for denial.

If you should have any questions please contact me or the records custodian of the police department at 732-222-6301 extension 1015 or you can email her at records@oceanportpolice.org

Michael P. Kelly
Chief of Police

Oceanport Police Department
P.O. Box 370
Oceanport, N.J. 07757
Tele# 732-222-6301 ext 1001
Fax-732-222-0945
Email:chief@oceanportpolice.org



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Chenoweth, Michael S.

From: Mazzarella, Cristi M.
Sent: Thursday, August 02, 2018 8:53 AM
To: ADMIN; Fagliarone, Michael R.
Subject: FW: OPRA request - Various E-mails- Citizens Videotaping in Public Buildings

This is another OPRA request that will have to be taken care of as well, in my absence. Due August 13th. Clock starts ticking tomorrow.

Thank You,

Cristi

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

From: Cynthia Moore [<mailto:opra+request-2253-2355ad42@requests.opramachine.com>]

Sent: Wednesday, August 01, 2018 10:17 PM

To: RECORDS

Subject: OPRA request - Various E-mails- Citizens Videotaping in Public Buildings

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Chenoweth, Michael S.

From: Kelly, Michael P.
Sent: Friday, October 13, 2017 2:15 PM
To: ALL
Subject: Fwd: Citizens Videotaping in Public Buildings
Attachments: Picture1.jpg

Please read.

Michael P. Kelly
Chief of Police

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Lori Linskey <LLinskey@mcponj.org>
Date: 10/13/17 1:54 PM (GMT-05:00)
To: Monmouth County Police Chiefs <MonmouthCountyPoliceChiefs@mcponj.org>
Subject: Citizens Videotaping in Public Buildings

Good afternoon,

Some time ago, we alerted you to a Neptune City resident who drives to government buildings throughout the county to videotape, and then post online, her interactions with public employees at government agencies. The citizen, Jennifer Coombs, is back at this again and we have been alerted by some of your departments. This is understandably unsettling to the staff and law enforcement officers who work in the buildings in which this individual has been filming. Although this individual's conduct seems wrong, and our initial reaction as law enforcement is to have this citizen cease her videotaping, her actions are permitted as protected free speech under the First Amendment of the United States Constitution.

Opinions from the Civil Rights Division of the U.S. Department of Justice and both the New Jersey and United States Supreme Courts have collectively determined in many different cases that the use of videotaping by citizens, whether of law enforcement, public meetings or government activity; fosters openness which is an important touchstone of our democracy. Regardless of the holdings of our highest courts, it does not mean that the conduct of citizens videotaping in this manner is not disturbing to those of us who are confronted with it in the lobbies of our buildings. Fortunately, there are certain limited instances where such videotaping has been found to cross into territory that permits action on our parts.

Our courts have consistently noted that the right for citizens to record police is permitted, so long as their actions are not interfering with law enforcement operations and are not jeopardizing the safety of officers, suspects, others in the vicinity of the videotaping, or violates a specific law. It is unlikely that a citizen doing little more than videotaping in a public access area of a government building would be demonstrating conduct that would fall into one of these narrow exceptions.

So, what should you do if this individual or another citizen shows up in your lobby or another publicly accessible space and starts videotaping? Be courteous, ask if you can be of assistance, and ignore any comments the citizen may make designed to incite a response from you or your staff, regardless of how long the individual stays. Be mindful that anything that you or members of your staff say or do during that interaction will most likely end up online for all to see. Please make sure that your officers and staff members are made aware of this information so that they can respond accordingly. If you are concerned that the actions of a videotaping citizen are stepping over the wide boundaries of free speech that our courts have set, please call your MCPO legal advisor for guidance.

We have attached a recent photo of Ms. Coombs for your reference.

Jennifer Coombs
[REDACTED]
[REDACTED]

If you have any questions or concerns, don't hesitate to let me know.

Lori



Lori Linskey
First Assistant Prosecutor
Monmouth County Prosecutor's Office
132 Jerseyville Avenue
Freehold, New Jersey 07728-2374
732-431-7160 ext. 6790
llinskey@mcponj.org

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