

Borough of Fort Lee



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August 20, 2025

VIA E-MAIL [opra+request-79048-0ff99a53@requests.opramachine.com]

James Buford

Re: Open Public Records Act Request No. 732-2025

Dear Mr. Buford:

The Borough of Fort Lee ("Borough") records custodian received your Open Public Records Act ("OPRA") request on August 4, 2025. On August 13, 2025, the Borough obtained an extension of the response deadline until September 3, 2025. As such, the Borough is timely responding to your request in accordance with New Jersey law.

Your OPRA request seeks the following:

- Incident Detail/CAD Reports for instances in which a vehicle pursuit was initiated by your agency from 1/1/2024 to 8/1/2025
- Incident Detail/CAD Reports for instances in which a vehicle refused to stop, but a pursuit was NOT initiated from 1/1/2024 to 8/1/2025.

Please be advised that your request is overly broad, as it fails to identify with reasonable clarity any particular records sought. OPRA operates to make identifiable government records "readily accessible for inspection, copying, or examination." N.J.S.A. 47:1A-1. New Jersey courts have consistently held that OPRA does not countenance open-ended searches of an agency's files. MAG Entm't, LLC v. Div. of ABC, 375 N.J. Super. 534, 549 (App. Div. 2005); New Jersey Builders Ass'n v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166 (App. Div.), cert. denied, 190 N.J. 394 (2007). Consequently, a proper request under OPRA "must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency's documents." See e.g., Spectraserv, Inc. v. Middlesex Cty. Utilities Auth., 416 N.J. Super. 565, 576 (App. Div. 2010); Bent v. Twp. of Stafford Police Dep't, 381 N.J. Super. 30, 37 (App. Div. 2005). OPRA requests may not be a broad generic description of documents that require the custodian to search the agency's files and "analyze, compile, and

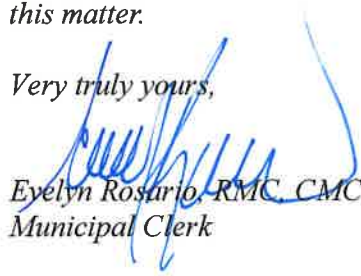
collate" the requested information. Id.; see also Lagerkvist v. Office of Governor of State, 443 N.J. Super. 230, 237 (App. Div. 2015) (holding that OPRA does not convert a custodian into a researcher, which would have been the effect of the request). Here, your request is clearly deficient as it constitutes a blanket request for all Incident Detail/CAD Reports for instances in which a vehicle pursuit was initiated over a 20-month period, and your request purports to require the Borough's records custodian to conduct research in order to determine which instances involved circumstances in which a vehicle refused to stop but a pursuit was not initiated, which is beyond the legal obligations of a records custodian under OPRA. See Parreott v. Asbury Park School District, GRC Complaint Nos. 2016-20 & 2016-39 (Sept. 2017) (holding that the portion of the request seeking "all relevant documents" was invalid because it sought a class of various records and would have required the records custodian to conduct research in order to locate responsive records); see also Burke v. Ocean Cty., 2013 WL 6169154 (App. Div. 2013) (holding that an OPRA request is not the equivalent of lawsuit discovery). Accordingly, your request is invalid as it fails to comport with OPRA's specificity requirements.

Moreover, to the extent that your request may potentially be construed as seeking any specifically identifiable records, any responsive records would be exempt from disclosure in their entirety as they constitute "criminal investigatory records" within the meaning of N.J.S.A. 47:1A-1.1. See North Jersey Media Group, Inc. v. Twp. of Lyndhurst, 229 N.J. 541, 556 (2017). These reports are not required by law to be made, maintained or kept on file, pertain to a criminal investigation, and are being held by a law enforcement agency. The exemption continues to survive the conclusion of the investigation. See Boyd v. Atlantic County Prosecutor's Office, GRC Complaint No. 2012-253 (2013); Scott v. Red Bank Police Department (Monmouth), GRC Complaint No. 2011-244 (2013); Janeczko v. NJ Department of Law and Public Safety, GRC Complaint Nos. 2002-79 & 2002-80 (2004). Accordingly, the Borough is legally precluded from releasing any potentially responsive incident detail/CAD reports.

Notwithstanding the invalidity of your request, in the interest of transparency the Borough is producing the enclosed call log reflecting instances in which a motor vehicle attempted to elude police from January 1, 2024 to August 1, 2025.

Your OPRA request is now deemed answered and closed. Thank you for your attention to this matter.

Very truly yours,


Evelyn Rosario, RMC, CMC
Municipal Clerk

Enclosure