

City of Woodbury Police Department



Thomas R. Ryan
Chief of Police

220 South Broad Street
Woodbury, New Jersey 08096
856-845-0065

Kelli A. Marro
Captain

Brian Boucher
Lieutenant

January 31, 2023

Via email only (opra+request-39300-ff9884b7@requests.opramachine.com)
broskiman332

Re: Open Public Records Act/Common Law Records Request

Dear broskiman332:

The Borough of Woodbury Heights Records Custodian received your request for records pursuant to the Open Public Records Act (OPRA) and the common law right of access via email on January 19, 2023, and has forwarded your request to the Woodbury City Police Records Sub-Custodian pursuant to a shared services agreement for processing as to Items 2-5 of your request.

Your records request was as follows:

From: broskiman332 <opra+request-39300-ff9884b7@requests.opramachine.com>
Sent: Thursday, January 19, 2023 10:42 AM
To: Municipal Clerk <RMC@bwhnj.com>
Subject: OPRA request - WHPD request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Woodbury Heights Borough,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

Any and all records of the following:

- [1] - Resolutions allowing Woodbury City Police Administration to run the Woodbury Heights Police Department
- [2] - Resolutions or documentation appointing Lt. Boucher as Woodbury Heights Officer in charge
- [3] - Any documentation's requesting Woodbury City's assistance



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[4] - Any request from Woodbury Heights requesting Police Administrative services from Woodbury City

[5] - Any and all policies, letters, procedures, SOPs, etc sent out by members of Woodbury City Police Admin to Woodbury Heights Police

Yours faithfully,

broskiman332

Response to Common Law Request

The common law right to access public records depends on three requirements: (1) the records must be common law public documents; (2) the person seeking access must establish an interest in the subject matter of the material; and (3) the citizen's right to access must be balanced against the State's interest in preventing disclosure. *Richard Rivera v. Union County Prosecutor's Office*, 250 N.J. 124, 143-44 (2022); *South Jersey Publishing Co. v. New Jersey Expressway Auth.*, 124 N.J. 478, 487 (1991); *Loigman v. Kimmelman*, 102 N.J. 98 (1986); *Nero v. Hyland*, 76 N.J. 213, 222 (1978).

After consultation with the City Solicitor, we have determined that you have failed to establish a proper interest in the requested record(s). Your common law request is therefore denied.

Response to OPRA Request

Response to Item 2:

A search of our available records has identified the following as responsive to your request:

05/27/22 Special Order No 614 - Heights Temporary Shared Services Agreement

Response to Items 3, 4 and 5:

After consultation with the City Solicitor, these parts of your request are denied for the following reason(s):

Overbroad/Improper Request. OPRA and the common law require that a requestor identify the records sought with specificity. The request may not be a broad, generic description of documents that requires the custodian to search the agency's files and analyze, compile and collate the requested information. *Bart v. Passaic County Public Hous. Agency*, 406 N.J. Super. 445, 451 (App. Div. 2009); *Bent v. Stafford Police Department*, 381 N.J. Super. 30, 37 (App. Div. 2005). If a request does not name specifically identifiable records or is overly broad, a custodian may deny access. 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. *MAG Entertainment, LLC v. Div. of Alcoholic Beverage Control*, 375 N.J. Super. 534 (App. Div. 2005); *Bent v. Twp. of Stafford Police Dep't.*, 381 N.J. Super. 30 (App. Div. 2005). Custodians are not required to conduct research or create new records in response to an OPRA request. *Simmons v. Mercado*, 247 N.J. 24 (2021); *MAG Entertainment, LLC v. Division of Alcoholic Beverage Control*, 375 N.J. Super. 534, 546 (App. Div. 2005); *Librizzi v. Township of Verona Police Department*, GRC Complaint No. 2009-213 (August 2010).

Security Information. The requested record(s) contain(s): (a) administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security; (b) emergency or security information or procedures for buildings or facilities which, if disclosed, would jeopardize security of the building or facility or persons therein; and/or (c) security measures and



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surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software, do not constitute a government record, are deemed to be confidential, and are exempt from disclosure under both OPRA and the common law. N.J.S.A. 47:1A-1; *Gilleran v. Township of Bloomfield*, 227 N.J. 159 (2016); *Richard Battaglia v. Township of Parsippany-Troy Hills Main Library (Morris)*, GRC Complaint No. 2021-112 (August 2022); *Howard v. N.J. Transit*, GRC Complaint No. 2018-43 (November 2019).

To the extent you are requesting specific government records, please clarify Items 3-5 of your request by identifying the specific records requested.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the City of Woodbury to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Very truly yours,

Linda Banks
Police Records Custodian



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City of Woodbury Police Department



Thomas R. Ryan
Chief of Police

Kelli A. Marro
Captain

Special Order No. 614

May 27th, 2022

From: Chief Thomas Ryan
To: All Personnel (Woodbury City/Woodbury Heights)
Re: Temporary Shared Services Agreement

All,

The City of Woodbury and Borough of Woodbury Heights has entered into a temporary shared services agreement for police services. The following information expands on the contents of the shared services agreement.

Officer in Charge

Per a shared services agreement between the City of Woodbury and the Borough of Woodbury Heights, Chief Thomas R. Ryan has been temporarily appointed as the Officer in Charge of the Woodbury Heights Police Department effective May 18th, 2022. As such the Woodbury Heights Police Department (WHPD) will still operate as separate entity with assistance from the Woodbury City Police Department.

Administrative Function/Daily Operations

The shared services agreement allows for Chief Ryan or his designee to assume control over the administrative functions and the daily operations of the Woodbury Heights Police Department. At this time Lt. Brian Boucher will assume responsibilities for the daily operations, including internal affairs of the Woodbury Heights Police Department. All members of the Woodbury Heights Police Department will report directly to Lt. Boucher. In his absence the members of the WHPD will report to Captain Kelli Marro kmarro@woodburypd.com or 609-206-6316.

Mutual Aid

The shared services agreement allows for prolonged mutual aid between the Woodbury City Police Department and the Woodbury Heights Police Department. Officers from the Woodbury City Police Department will provide mutual aid to Woodbury Heights Officers when requested, it will also be assumed that Woodbury City Officers will assist in Woodbury Heights if their officers are busy with other calls for service. Both agencies are encouraged to familiarize themselves with the other agencies jurisdiction during regular tours of duty with random patrols of both jurisdictions. Familiarization and cooperation between both agencies will lead to a successful transition. In the case that the members of the Woodbury City Police Department, regardless of rank, are called to Woodbury Heights to assist their officers the members of the Woodbury Heights PD are in charge of the incident.

Heights Shift Shortage

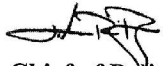
In the case that a Woodbury Heights officers takes vacation, personal, or comp time, is off shift for training, or calls out sick and there is a need for patrol coverage, the other members of the Woodbury Heights Police Department will have the first right of refusal for the overtime shift coverage. In the case that the other members of the Woodbury Heights police department cannot cover the shortage then the overtime spot will be available to the members of the members of the Woodbury City Police Department and need to be covered.

Complaint Processing

In the event that a Woodbury City Police Officer makes an arrest in Woodbury Heights they will process that complaint under the court code for Woodbury Heights (Mantua Joint Court). All Woodbury police officers will have the ability to process the arrestee and write reports for Woodbury Heights at Woodbury Police Headquarters. Members of the Woodbury Heights Police Department who make an arrest in Woodbury Heights will process arrestees and complaints at Woodbury Heights Police Headquarters as normal. Members of the Woodbury Heights Police Department that make an arrest in Woodbury City will process at Woodbury Police Headquarters.

I appreciate everyone's cooperation as we work to solidify the details of this agreement. I realize there will be additional questions that come up with incidents that occur. We will do our best to address each incident and make sure that decisions are made in the interest of officer safety and best practices.

Thomas Ryan



Chief of Police



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