

Morris County Sheriff's Office

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Chief

September 15, 2020

Via E-Mail [opra+request-16641-2177a74a@requests.opramachine.com]

Red Rum

Re: OPRA Request received September 11, 2020

Dear Sir or Madam:

The Morris County Sheriff's Office ("Sheriff's Office") records custodian received your Open Public Records Act ("OPRA") request on September 11, 2020. The seven business day deadline to respond to your request is September 22, 2020. As such, the Sheriff's Office is timely responding to your request in accordance with New Jersey law.

Your OPRA request seeks the following:

1. CAD reports and recordings for Morris Sheriffs K-9 response on Wednesday November 29, 2017 assistance to the Parsippany Police Department (your case number 2017-009054)
2. SOP's on Morris County K-9 handler training
3. K-9 Training records for Sheriffs Officer Frank Perez
4. Training records for K-9 Zander

With respect to the first item of your request, the Sheriff's Office identified one potentially responsive record consisting of an Investigation Report authored by D/CPL Frank Perez dated December 21, 2017. However, please be advised that this record is exempt from disclosure as it constitutes a "criminal investigatory record" 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). This report is not required by law to be made, maintained or kept on file, pertains to a criminal investigation, and is 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); Janezko v. NJ Department of Law and Public Safety, GRC Complaint Nos. 2002-79 & 2002-80 (2004).

Please be advised items 3 and 4 of your request are overly broad, as they fail 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). Your request is clearly deficient as it purportedly seeks all of Sheriff's Officer Frank Perez's K-9 Training records and all training records for K-9 Zander, and purports to require the Sheriff's Office's records custodian to conduct research with respect to same. 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 law suit discovery). Your OPRA request is also invalid due to the lack of any date limitation. See Wares v. Passaic Cty. Prosecutor's Office, GRC Complaint No. 2014-330 (June 2015); Love v. Borough of Spotswood, GRC Complaint No. 2014-223 (Interim Order March 2015). Furthermore, to the extent that your OPRA request could be construed as requesting specific government records, any training records constitute exempt personnel records within the meaning of N.J.S.A. § 47:1A-10, which do not fall within any of the statutory exceptions that may otherwise allow for public access under limited circumstances.

Lastly, enclosed please find 15 pages of records which the Sheriff's Office has identified as responsive to the second item of your request.

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

Very truly yours,



Danielle Bonfanti
Morris County Sheriff's Office
Criminal Case Unit