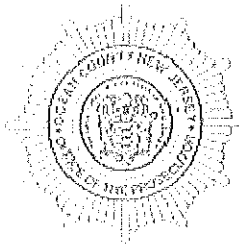


BRADLEY D. BILLHIMER
Ocean County Prosecutor

VINCENT A. PETRECCA
Chief of Detectives



MICHAEL T. NOLAN JR.
First Assistant Prosecutor

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OFFICE OF THE PROSECUTOR

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732-929-2027 Fax: 732-240-3338

December 21, 2018

VIA OPRA Machine: opra+request-3139-6e99b3bf@requests.opramachine.com

Re: Open Public Record Request
Law Enforcement Rearming cases

Dear Sir:

I am in receipt of your request made under the New Jersey Open Public Records Act (OPRA) pertaining to the above-mentioned matter.

The documents you are seeking have an underlying offense of domestic violence, and as such, are exempt from disclosure under OPRA. Such records are deemed confidential by the Prevention of Domestic Violence Act of 1991 ("PDVA"). N.J.S.A. 47:1A-9; N.J.S.A. 2C:25-33; N.J.S.A. 2C:25-25(c); N.J.S.A. 2C:25-26(c); R. 1:38-3(c)(12) and (d)(9-10). OPRA does not abrogate this exemption; therefore, records of domestic violence may not be produced in response to an OPRA request. N.J.S.A. 47:1A-9(a); Butala v. Township of Aberdeen, GRC Complaint No. 2014-194 (February 2015); VanBree v. Bridewater Township Police Department, GRC Complaint No. 2014-122 (October 2014); Executive Order No. 69 (Whitman 1997), paragraph 4, "[this section] is also intended to prevent such release that would violate existing law regarding confidentiality in areas including, but not limited to, domestic violence and juveniles."

If I can be of further assistance, please contact me at 732-929-2027, x3623.

Yours very truly,


Shiraz I. Deen
Assistant Prosecutor

SID/dp