OFFICE OF THE CITY CLERK

NEWARK, NEW JERSEY 07102

KECIA DANIELS
Acting City Clerk

ABRAHAM NEGRON
Deputy City Clerk

March 10, 2023

VIA E-MAIL TO:
Kane Montan

RE: OPRA Request- PD-23-0081

Good Morning:

The Office of the Clerk of the City of Newark has received the attached response from the Police Division to your request for the following documents:

Records requested: John Formisano
- All pleadings (court records)
- Arrest reports record
- Criminal investigation records
- Complaints

The Newark Police Division has responded that it does not have any pleadings, arrest reports, or criminal investigation records for Mr. Formisano. The police response is attached hereto.

Your request for "Complaints" seeks portions of Mr. Formisano's Internal Affairs file. Although Internal Affairs records are not accessible under OPRA, they can be accessible under the common law if the requestor's interest in obtaining the documents outweighs the government agency's interest in withholding them. Rivera v. Union Cty. Prosecutor's Office, 250 N.J. 12 (2022). Balancing these competing interests requires the government agency to complete an analysis of multiple factors. Id. Staff of the Law Department is currently reviewing Mr. Formisano's Internal Affairs file to determine those portions which should be revealed to the public and those which must remain withheld. As this file may contain the identities of confidential informants and testifying witnesses, this review process requires time and nuance. This Office

anticipates that the Law Department will finish its review and provide you with its response on or about March 31, 2023.

Very Truly Yours,

_____s/ Samora F. Noguera

Samora F. Noguera

Very Truly Yours,

Encls.