



MAPLE SHADE POLICE DEPARTMENT

OPEN PUBLIC RECORDS ACT REQUEST FORM

200 Stiles Avenue, Maple Shade NJ 08052

Phone: 856-779-9499 Fax #: 856-482-5866

OPRA@mapleshadepd.com

Agency Custodian: Administrative Lieutenant

OPRA requests will not be accepted via Social Media



Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information – Please Print

Form fields for Requestor Information: First Name, MI, Last Name, E-mail Address, Mailing Address, City, State, Zip, Telephone, FAX, Preferred Delivery (Pick Up, US Mail, On-Site, Inspect, Fax, E-Mail), Signature, Date.

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Payment Information

Payment Information section: Maximum Authorization Cost \$, Select Payment Method (Cash, Check, Money Order), Fees (Letter size pages, Legal size pages, Other materials), Delivery (Delivery/postage fees), Extras (Special service charge).

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

Large empty box for Record Request Information.

AGENCY USE ONLY

Agency Use Only section 1: Est. Document Cost, Est. Delivery Cost, Est. Extras Cost, Total Est. Cost, Deposit Amount, Estimated Balance, Deposit Date.

AGENCY USE ONLY

Agency Use Only section 2: Disposition Notes (Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.), In Progress - Open, Denied - Closed, Filled - Closed, Partial - Closed.

AGENCY USE ONLY

Agency Use Only section 3: Tracking Information (Tracking #, Rec'd Date, Ready Date, Total Pages), Final Cost (Total, Deposit, Balance Due, Balance Paid), Records Provided, Custodian Signature, Date.

DEPOSITS

The custodian may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the documents requested will cost in excess of \$5 to reproduce.

Where a special service charge is warranted under OPRA, that amount will be communicated to you as required under the statute. You have the opportunity to review and object to the charge prior to it being incurred. If, however, you approve of the fact and amount of the special service charge, you may be required to pay a deposit or pay in full prior to reproduction of the documents.

YOUR REQUEST FOR RECORDS IS DENIED FOR THE FOLLOWING REASON(S):

(To be completed by the Custodian of Records – check the box of the numbered exemption(s) as they apply to the records requested. If multiple records are requested, be specific as to which exemption(s) apply to each record. **Response is due to requestor as soon as possible, but no later than seven business days.**)

N.J.S.A. 47:1A-1.1

- Inter-agency or intra-agency advisory, consultative or deliberative material
- Legislative records
- Law enforcement records:
 - Medical examiner photos
 - Criminal investigatory records (however, N.J.S.A. 47:1A-3.b. lists specific criminal investigatory information which must be disclosed)
 - Victims' records
- Trade secrets and proprietary commercial or financial information
- Any record within the attorney-client privilege
- Administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security
- Emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein
- Security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data or software
- Information which, if disclosed, would give an advantage to competitors or bidders
- Information generated by or on behalf of public employers or public employees in connection with:
 - Any sexual harassment complaint filed with a public employer
 - Any grievance filed by or against an employee
 - Collective negotiations documents and statements of strategy or negotiating
- Information that is a communication between a public agency and its insurance carrier, administrative service organization or risk management office
- Information that is to be kept confidential pursuant to court order
- Certificate of honorable discharge issued by the United States government (Form DD-214) filed with a public agency
- Social security numbers
- Credit card numbers
- Unlisted telephone numbers
- Drivers' license numbers
- Certain records of higher education institutions:
 - Research records
 - Questions or scores for exam for employment or academics
 - Charitable contribution information
 - Rare book collections gifted for limited access
 - Admission applications
 - Student records, grievances or disciplinary proceedings revealing a students' identification
- Biotechnology trade secrets N.J.S.A. 47:1A-1.2
- Convicts requesting their victims' records N.J.S.A. 47:1A-2.2
- Ongoing investigations of non-law enforcement agencies (must prove disclosure is inimical to the public interest) N.J.S.A. 47:1A-3.a.
- Public defender records N.J.S.A. 47:1A-5.k.
- Upholds exemptions contained in other State or federal statutes and regulations, Executive Orders, Rules of Court, and privileges created by State Constitution, statute, court rule or judicial case law N.J.S.A. 47:1A-9
- Personnel and pension records (however, the following information must be disclosed:
 - An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason for such separation, and the amount and type of any pension received
 - When required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the US, or when authorized by an individual in interest
 - Data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information N.J.S.A. 47:1A-10

N.J.S.A. 47:1A-1

- "a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy."

Burnett v. County of Bergen, 198 N.J. 408 (2009). Without ambiguity, the court held that the privacy provision "is neither a preface nor a preamble." Rather, "the very language expressed in the privacy clause reveals its substantive nature; it does not offer reasons why OPRA was adopted, as preambles typically do; instead, it focuses on the law's implementation." "Specifically, it imposes an obligation on public agencies to protect against disclosure of personal information which would run contrary to reasonable privacy interests."

Executive Order No. 21 (McGreevey 2002)

- Records where inspection, examination or copying would substantially interfere with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or which, if disclosed, would materially increase the risk or consequences of potential acts of sabotage or terrorism.
- Records exempted from disclosure by State agencies' proposed rules.

Executive Order No. 26 (McGreevey 2002)

- Certain records maintained by the Office of the Governor
- Resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing
- Records of complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environments
- Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation
- Information in a personal income or other tax return
- Information describing a natural person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness, except as otherwise required by law to be disclosed
- Test questions, scoring keys and other examination data pertaining to the administration of an examination for public employment or licensing
- Records in the possession of another department (including NJ Office of Information Technology or State Archives) when those records are made confidential by regulation or EO 9.

Other Exemption(s) contained in a State statute, resolution of either or both House of the Legislature, regulation, Executive Order, Rules of Court, any federal law, federal regulation or federal order pursuant to N.J.S.A. 47:1A-9.a.

(Please provide detailed information regarding the exemption from disclosure for which you are relying to deny access to government records. If multiple records are requested, be specific as to which exemption(s) apply to each record.)

REQUEST FOR RECORDS UNDER THE COMMON LAW

If, in addition to requesting records under OPRA, you are also requesting the government records under the common law, please check the box below.

A public record under the common law is one required by law to be kept, or necessary to be kept in the discharge of a duty imposed by law, or directed by law to serve as a memorial and evidence of something written, said, or done, or a written memorial made by a public officer authorized to perform that function, or a writing filed in a public office. The elements essential to constitute a public record are that it be a written memorial, that it be made by a public officer, and that the officer be authorized by law to make it.

- Yes, I am also requesting the documents under common law.

If the information requested is a "public record" under common law and the requestor has a legally recognized interest in the subject matter contained in the material, then the material must be disclosed if the individual's right of access outweighs the State's interest in preventing disclosure.

Please set forth your interest in the subject matter contained in the requested material:

Note that any challenge to a denial of a request for records under the common law cannot be made to the Government Records Council, as the Government Records Council only has jurisdiction to adjudicate challenges to denials of OPRA requests. A challenge to the denial of access under the common law can be made by filing an action in Superior Court.

1. All government records are subject to public access under the Open Public Records Act ("OPRA"), unless specifically exempt.
2. A request for access to a government record under OPRA must be in writing, hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian. N.J.S.A. 47:1A-5.g. The seven (7) business day response time does not commence until the records custodian receives the request form. If you submit the request form to any other officer or employee of the **Maple Shade Police Department**, that officer or employee must either forward the request to the appropriate custodian, or direct you to the appropriate custodian. N.J.S.A. 47:1A-5.h.
3. Requestors may submit requests anonymously. If you elect not to provide a name, address, or telephone number, or other means of contact, the custodian is not required to respond until you reappear before the custodian seeking a response to the original request.
4. The fees for duplication of a government record in printed form are listed on the front of this form. We will notify you of any special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by cash, check or money order payable to the **Maple Shade Police Department**.
5. **You may be charged a 50% or other deposit when a request for copies exceeds \$25.** The **Maple Shade Police Department** custodian will contact you and advise you of any deposit requirements. You agree to pay the balance due upon delivery of the records. Anonymous requests in excess of \$5.00 require a deposit of 100% of estimated fees.
6. Under OPRA, a custodian must deny access to a person who has been convicted of an indictable offense in New Jersey, any other state, or the United States, and who is seeking government records containing personal information pertaining to the person's victim or the victim's family. This includes anonymous requests for said information.
7. By law, the **Maple Shade Police Department** must notify you that it grants or denies a request for access to government records within seven (7) business days after the agency custodian of records receives the request. If the record requested is not currently available or is in storage, the custodian will advise you within seven (7) business days after receipt of the request when the record can be made available and the estimated cost for reproduction.
8. You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you.
9. If the **Maple Shade Police Department** is unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form or other written correspondence and send you a signed and dated copy.
10. Except as otherwise provided by law or by agreement with the requester, if the agency custodian of records fails to respond to you within seven (7) business days of receiving a request, the failure to respond is a deemed denial of your request.
11. 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 **Maple Shade Police Department** 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 PO 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 Council 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.
12. Information provided on this form may be subject to disclosure under the Open Public Records Act.

Maple Shade Police Department

Citizen's Guide to OPRA Requests and Accident Reports

- The Open Public Records Act (OPRA) and other state laws provide public access to government records including accident reports and other police department documents.
- Not **all** documents are available to the public. Listed on the Government Records Council (GRC) web site (<http://www.state.nj.us/grc/public/exempt/>) are the 25 exemptions under OPRA and the Executive Order Exemptions issued by the GRC. These exemptions are self-explanatory but keep in mind that both the GRC and Superior Court rule on a regular basis on what can and cannot be released.
- When you make a request, please use the designated form to do so. All requests must be specific and clearly identify the items you are requesting. OPRA requires the production of identified documents; it does not require the Police Department to perform research. Vague requests will likely be denied. We will do our best to guide you in the process of your request but ultimately, the request must come from you.
- **The department has 7 business days to respond to your OPRA request.** The first day begins the day AFTER it is received by the custodian of records. Weekends and holidays do not count into this total of days.
- **Accident and other Non-OPRA reports will take 5 business days to complete before they are ready for pickup by you.** Weekends and holidays do not count into this total of days.
 - **You do not need to file an OPRA request to obtain an accident report.**
- If your OPRA request is not clear or there is a question regarding the request, the Police Department may request an extension of time to respond to your request so it may consult with the County Prosecutor or Township Attorney regarding the request. Similarly, if you request documents that are not readily available, the Police Department may request an extension of time to respond. In both instances, you will receive notice in writing from the Department requesting the extension and outlining the time frame needed to respond to your request.
- If you have requested an accident report (NJTR-1) and need assistance interpreting this form, please request from the record's clerk, the NJTR-1 guide sheets which will help you understand and interpret your report. Should you have any questions regarding your report, please contact the officer that handled the accident as their name and badge number will appear at the bottom of the report. **Records personnel are NOT permitted to make any changes to your report.**

- When you receive your documents, you may notice that certain sections of the documents have been blacked out. The Department cannot release certain information (other than to parties involved in an accident N.J.S.A. 39:4-131) such as dates of birth, social security numbers, driver's license numbers, credit card numbers and unlisted telephone numbers. GRC and court decisions dictate the limitations of this information and it will be noted on your OPRA response as to what was redacted and why.
 - A recent example would be when a neighbor dispute took place between two neighbors and one neighbor signed a noise complaint against the other. The neighbor receiving the complaint summons (defendant) requested the information from the records department on exactly who filed the complaint against them. This exact scenario happened in a local nearby town and it was ruled that the person who signed the complaint was entitled to have their personal information blacked out (redacted) as a means of protecting them from retaliation.
- **If you make an anonymous request, we will require you to leave a deposit based upon the estimated costs for your request and there is no guarantee that the request will be approved.**
- Examples of information that the Police Department will not release:
 - We do not give out copies of sensitive police information such as Global Positioning Satellite (GPS) information;
 - Criminal Justice Information System (CJIS) information;
 - Motor Vehicle Commission (MVC) information;
 - Internal Affairs Investigations;
 - Administrative Office of the Court (AOC) information; or
 - Sex Offender information.
- If you are requesting information on registered sex offenders, you can go to the New Jersey State Police website (www.state.nj.us/njsp/) and locate the available public information there.
- Generally speaking, police **Uniform Investigative Reports (UIR's)** are not given out in accordance with established rulings and exemptions, but we do try to work with the public to give out the associated **incident reports**. When you request a record, please make sure you identify the incident number you are requesting.

- If a crime (i.e. theft, burglary) was committed against you and/or your financial interests and an arrest was made, the charges may be considered indictable. If this is the case we will have to refer you to the Burlington County Prosecutor's Office to file your OPRA request.
- Current law dictates that the Maple Shade Police can only charge you \$.05 cents a copy for regular sized copies and \$.07 cents a copy for legal sized copies. You will be charged the actual estimated cost for any VHS tapes and/or CD's/DVD's that we are required to recreate should your request for those items be approved. You will also be charged for the postage on those items (if applicable) and that will be included in your estimated bill.
- A Special Service Charge can be imposed for extraordinary requests such as converting mediums (i.e. VHS to DVD, audio edits...) in accordance with N.J.S.A. 47:1A-5c. You will be given an estimate of the cost before the work is completed to ensure you want to proceed.
- Should you have any questions, please contact the Government Records Council at #866-850-0511 or Lieutenant Jeff Hoch of the Maple Shade Police Department at #856-779-9499.