

HUMAN RIGHTS COMMISSION MEETING

MONDAY, October 5, 2020 - 7:00 P.M.

MINUTES

BOARD MEMBERS PRESENT

Glenn Morgan
Patricia Osborne
Gary White
Carrie Louer
John Papagiannakis

BOARD MEMBERS Absent

Jenny Rosado
Kausar Nawaz

The Regular Meeting of the Human Rights Commission was held at the Municipal Building Council Chambers, One Main Street.

The meeting was called to order at 7:03 p.m. by Chairman Glenn Morgan.

OLD BUSINESS

Chairman Morgan announced that this amended meeting date was advertised in the Home News Tribune and Star Ledger on October 1, 2020 as well as the Township website.

Minutes from the previous meeting on August, 31, 2020 were discussed and motioned for adoption by Chairman Morgan. Vice Chair Osborne motioned and Member John Papagiannakis seconded.

NEW BUSINESS

The Human Rights Commission discussed the appointment of a Sargent at arms (duties of the Sargent at Arms included at the end of this document-appendix A). Chairman Morgan puts forward the appointment of Gary White as the Sargent at Arms. Vice Chair Osborne motions and Member Carrie Louer seconds. All present members voted in favor of the appointment of Gary White as the Commissions Sargent at Arms.

Chairman Morgan also asks for a motion to create a Police Subcommittee within the Human Rights Commission. Members of the subcommittee will include Chairman Morgan, Vice Chair Osborne, and Sargent at Arms White. John Papagiannakis motions and Carrie Louer seconds. The creation of the PD subcommittee is moved.

Chairman Morgan explains the format for the meeting and how the public will proceed with asking questions. Chairman Morgan states that Vice Chair

Osborne will assist with the public forum format and announces there are index cards available to write questions on.

Chairman Morgan announces the new Human Rights Commission email address: HRC@TWP.WOODBRIDGE.NJ.US

The presenters for this meeting are announced: Municipal Clerk John Mitch on Government Transparency will go first followed by Captain Scott Kuzma on accreditation, Captain Robert Brady on use of force, and finally Lieutenant Ed Barrett on internal affairs.

PUBLIC

Municipal Clerk John Mitch thanks the Chairman and gives his presentation overview on OPA and OPRA. John Mitch notes that Board Secretary Megan Kushpa will receive his printed presentation copy of notes for the minutes (appendix B)

Vice Chair Osborne comments on the effectiveness and transparency of the Township Municipal Clerk's office. Chairman Morgan invites members of the public to begin asking questions on OPA and OPRA.

Members of the public question the transparency of the recent budget hearing. Concerns of the early start of that specific meeting and lack of transparency provided to the public in notifying.

Amber Jarrett of Woodbridge brings a dialogue on her concerns about government transparency and voices her critiques

Kyle Anderson asks a specific question on a police stop regarding his brother. Municipal Clerk John Mitch redirects the question more appropriately to Captain Kuzma because the Police Department have a unit designated to PD OPRA requests.

Meshaal Bannerman of Avenel suggests that the special meetings be posted to the Township website as many people do not read hard print newspapers anymore. John Mitch to take that suggestion to the Communications Department.

Public finishes asking questions and expressing concerns regarding government transparency Chairman Morgan thanks Municipal Clerk John Mitch and he is dismissed.

Carrie Louer begins the second portion by starting the questions to the Police Department. Captain Kuzma says that currently there are 202 officers employed and the goal is to hire 8 more and eventually reach 215. Carrie Louer inquires how 215 was determined and Captain Kuzma responds that analysis done on prior years and workload assessments determine the appropriate staffing numbers.

Meshaal Bannerman inquires about workload to which Captain Kuzma responds that it is calls for service, calls per hour, days per week, shift & squad

breakdowns. All these factor into determine if there is enough staff. Bannerman asks Kuzma to bring the suggestion back to the PD that they compile a document to show workload and the determinations of why they need to hire more.

Kyle Anderson brings up the topic of recruiting minorities and how the police department is no longer reflective of the community they protect. He also wants to know what the recruitment process is and how was can improve. Lieutenant Ed Barrett says that since Woodbridge Police Department follows the Civil Service laws it can be challenging to hire. Then he mentions the Community Affairs Division.

Captain Kuzma dives into all the activities Police are present in and the outreach they perform throughout the community. The WPD visit scouting groups, they teach a course in the high school, they host a Junior Cop program, a Senior Cop program, they are out at all the summer concerts, and virtually every other event the Mayor hosts.

Gerry Robson of Avenel states that the community policing needs to occur more frequently and interactions need to happen especially with smaller children.

Vice Chair Osborne reads a statement from member Kausar Nawaz regarding a suggestion of meet and greets for the WPD and the members of the community.

Don Green of Iselin asks for further clarification about the civil service program. Captain Kuzma responds by explaining how the lists are provided and the limitations imposed on the WPD because of this list. Captain Kuzma explains how the rankings work in terms of test scoring, veteran status and other possible factors. The state of NJ does not allow transferring police officers to other communities.

Bob Louer asks about workload analysis and the population in regards to needing more police. Captain Brady responds by explaining how the process is longer now because of all the regulations that keep expanding. To expand, it isn't just the number of calls, but the paper work and other mandates from the state that the WPD has no control over.

Sargent at Arms Gary White reads an article titled "NJ Pushes Hiring of Police and Minorities."

John Papagiannakis asks the WPD what the breakdown of calls were to which LT. Barrett responds that in 2018 there were 182,055 calls; 51,038 were 911 related and in 2019 there were 175,866 calls; 48,537 were 911 related. Roughly translating to around 500 calls a day.

Carrie Louer asks the WPD to address arrests by race in 2018 & 2019. Lt Barrett offers the number breakdown as follows:

2018
Total: 2,195
Asian: 150
Black: 698
Black Hispanic: 51
Native American: 4
White: 721
White Hispanic: 569
Unknown: 1 (booking photo appears to be White Hispanic)

2019
Total: 2,083
Asian: 144
Black: 687
Black Hispanic: 57
Native American: 3
White: 616
White Hispanic: 531
Unknown: 1 (booking photo appears to be Black)

Amber Jarrett asks about disproportionate. Lt. Barrett answers that just because they are arrested in Woodbridge does not mean they are residents of Woodbridge. Captain Kuzma states that in 2019 non-resident arrests were 62.1%.

Kyle Anderson speaks regarding the reflection of population and rate of arrest. He asks members of the WPD if they analyze who gets pulled over. Captain Kuzma responds that each arrest is reviewed on lawfulness and validity. In Woodbridge a large majority of arrests in Woodbridge a reactive not proactive meaning they are in response to calls.

John Papagiannakis asks the members of the WPD to explain the classifications of the use of force.

Captain Brady breaks the 6 categories it down as follows:

1st level constructive authority—no physical contact, upholstering weapon, holding weapon.
2nd —physical contact: put hands on someone as routine or procedural—guiding to car, pat someone down (consistent with procedures)
3rd option — physical force — wrist lock, wrestling someone to the ground.
4th mechanical force — baton, OC Mace, K9
5th Enhance Mechanical — Taser, Stun Gun
6th Deadly Force — anything that can cause serious bodily injury

Captain Brady also explains that the US Supreme Court has a policy of use of force and the 4th amendment. He also explains they have to follow the Attorney General State Guidelines and that NJ has the most restrictive. Captain Brady discusses triggering mechanisms such as arrest, preventing people from harming themselves, someone who is escaping, and preventing

someone from destroying property. Use of force is warranted and needs to be proportionate.

Don Green asks what the breakdown of use of force is in Woodbridge. Captain Kuzma responds:

2019
Total use of force: 75 times
1st-3rd compliance measures: 62 times
OC Mace: 10 times
Baton: 2 times
Taser: 1 time

2020 (First 6 Months)
Total use of force: 29 times
1st-3rd compliance measures: 28
OC Mace: 1 Time

Racial Breakdown of the use of force:

2019
42 White
31 Black
2 Asian

2020 (First 6 Months)
13 White
15 Black
1 Asian

Captain Brady further explains that chokeholds were banned by the NJ Attorney General on June 5, 2020.

Carrie Louer continues the conversation by asking what the process is for excessive force complaints to which LT. Barrett goes through the department's procedures. Internal affairs gathers documentation and then the case gets referred to the county prosecutor's office. The next step would be either a criminal charge gets filed or the case gets sent back to WPD for internal administrative investigation. If officer is indicted they get suspended without pay. In past 5 years no complaints about excessive force.

Meshaal Bannerman asks how often the does the prosecutor decide whether or not they are going to file criminal charges and how often has this happened. Bannerman also asked what the level of accountability is when the questions are raised for a thorough investigation. LT Barrett responded by stating that everything in the last 5 years has been handled internally meaning no criminal charges have been filed in the last 5 years. LT. Barrett continues that because of technology like car cameras, store surveillance footage, residential surveillance, these things assist the WPD in gathering all the information for a thorough investigation. The WPD will also attempt to gather statements from complainants, they call

them, sent them letters, go to their residence. Put all investigative techniques they possibly can: "Reasonable officer standard"

Captain Brady adds that every excessive force case immediately gets sent to the prosecutor and they do an investigation and then sent back once they determine no criminal wrongdoing.

Meshaal Bannerman brings up the case covered by NJ.Com on Gill Lane when a person's teeth were smashed in with a flashlight and all officers are on the force today.

Captain Kuzma responds to this by saying that there are fact patterns and that sometimes these news outlets don't cover the incidents how they happen.

Meshaal Bannerman continues by asking how WPD can be trusted to police themselves, how is the WPD help accountable to which LT. Barrett explains that if someone is not satisfied with an IA investigation, they can appeal to the prosecutor again and even the attorney general's office.

Sargent at Arms Gary White reads a Star Ledger article from 9/16 "NJ Lawmaker More Power to Civilians Run Investigations of Police Departments" Bill #A4656. In the article this created a board to investigate Police Departments only if excessive force is used.

Meshaal Bannerman discussed the topic of the PBA president's comments about race baiting. Carrie Louer adds to the dialogue by stating that building bridges and having the WPD move towards the trauma of our minority allies could be a step in the right direction. Kyle Anderson adds that people should push the uncomfortable conversations and Don Green suggests another forum with police for a "heart to heart"

The WPD officers present state that in 2019 there were 16 excessive force complaints.

Chairman Morgan explains the roles of the subcommittee and to bring the PD/other designees along for the ride to continue an open dialogue and begin to build community trust.

Denise Anderson invites WPD to have a more casual discussion and dialogue about our community and the next steps.

John Papagiannakis shifts gears back to police department by asking about the role in schools and Captain Kuzma says that policing in school is proactive and they are only there for security. He also adds that whatever the Board of Education wants the officer's role to be, they will adhere to the Board Administration.

A discussion on what types of workshops are provided to the WPD for mental health, racial bias, and other topics. Captain Kuzma explains that training is ongoing because the state's attorney general and prosecutor

requires it. Some examples are behavioral issues, cultural diversity, disabilities, and more.

Chairman Morgan called for a motion to open the meeting to the public. Motion was made by Vice Chair Patricia Osborne and seconded by Carrie Louer.

Victoria Berch inquired about the formats of the trainings and if there are any discussions on personal conduct and how they should act outside the workplace. Captain Kuzma responds by saying the NJ Attorney General or County Prosecutor formats the trainings but because of COVID-19 many trainings are virtual and not live right now. Captain Brady adds that there is a social media police and general conduct for off duty. Lt. Barrett includes that these general conduct policies encompass acting in a professional manor and also have officer image and department image in mind.

John Papagiannakis asks about community programs and Lt. Barrett reiterates that there is a Jr. Police, Sr. Police, Outreach to High School, community events, school patrol, school program, engage with community. Amber Jarrett follows up by asking if there are any long term programs or more sustained programs.

Sargent at Arms Gary White asks the WPD what the department's stance of the BLM is to which Captain Kuzma states the WPD treats everyone fair and equal.

The Human Rights Commission asks the WPD for an update on the states of body cameras are. Captain Kuzma says that the WPD is waiting on the Attorney General for the regulations on body cams. The reason they are waiting is so that they don't spend unnecessary money on the wrong equipment. For example they bought tasers then AG regulated tasers and couldn't use the ones they bought. Chairman Morgan states in addition to body cams, the WPD has voice recordings & car cameras.

Vice Chair Osborne suggests that the public talk to government like state senators to push supplying funding for body cameras.

Chairman Morgan called for a motion to close the public portion of the meeting. Vice Chair Osborne Motioned and Carrie Louer seconded

ADJOURN

Chairman Morgan called for a motion to adjourn. Vice Chair Osborne Motioned and Carrie Louer seconded.

Meeting was adjourned at 11:25 PM.

APPENDIX A

§ 2-4.8 Enforcement of Decorum; Designation and Duties of Sergeant-at-Arms.

[1974 Code § 2-24; Ord. #2016-43; Ord. No. 2017-06]

a.

The Chairman of the Woodbridge Human Right Commission (WHRC) may request a Commission member or a Police Officer to serve as Sergeant-at-Arms at Commission Meetings.

b.

The Sergeant-at-Arms shall carry out all orders and instructions given by the Chairman for the purpose of maintaining order and decorum at WHRC meetings.

c.

Rules of Conduct.

1.

Definitions.

(a)

SPEAKER — Shall mean any citizen, making any remarks to the Commission or other individuals present at the meeting during the public comment portion of the meeting.

(b)

UNPROTECTED SPEECH — Shall mean any speech inferring the incitement of illegal activity and/or imminent violence, defamation and libel, obscenity, threats and intimidation.

(c)

FIGHTING WORDS — Shall mean any speech that inflicts injury or tends to incite an immediate breach of the peace.

(d)

DISRUPTIVE CONDUCT — Shall mean any conduct that incites a breach of the peace or impedes and/or disrupts the efficient administration of a Commission Meeting.

2.

Rules of Conduct and Decorum.

(a)

All questions and remarks shall be through the Chairman or presiding Commissioner and members of the public shall not be permitted to address, confront or argue with each other.

(b)

Any member of the public wishing to speak during the public portion of the meeting shall be recognized by the Chairman. The chosen speaker shall proceed to the microphone in the area of the room designated for public comment and give their name and area of the township in which they reside. Speakers are required to approach the microphone one at a time, without creating a line, as to respect each speaker's right to be free from

disruption and/or interference. Any speaker who wishes to be contacted by a Commission member in response to a specific inquiry or issue, should provide their address and any other relevant contact information.

(c)

Each recognized speaker shall be entitled to speak during the public comment portion of the meeting. The Chairman of the Commission has the responsibility of setting time limits, should the need arise, to accommodate those in attendance who wish to speak. The Chairman of the Commission can also establish the format for public speakers prior to opening the meeting up to the public.

d.

No person shall, at any time, engage in name calling or use any vulgar or profane language, which creates a threat of disrupting a Commission Meeting.

(e)

No person shall engage in any disruptive conduct or any speech that involves any type of "unprotected speech" or "fighting words" that creates a threat of disrupting a Commission Meeting.

(f)

No person is permitted to be boisterous, personally insulting, physically or verbally threatening or slanderous, which creates a threat of disrupting a Commission Meeting.

(g)

Speakers are requested to address members of the Commission through the Chairman.

(h)

No person, either as a participant during the public portion of a Commission Meeting, or as an attendee of the Commission Meeting, shall be permitted to speak while a member of the Commission, or another individual that has been recognized by the Chairman, is speaking.

(i)

Members of Commission and Administration representatives reserve the right to answer questions and respond to comments once the public portion of the Commission Meeting is closed.

(j)

If a speaker presents an inquiry or issue during the public comment portion of the Commission Meeting, the Chairman shall determine whether a response to the speaker's inquiry is warranted. If it is determined that such a response is warranted, **the Chairman reserves the right to personally respond or to direct the inquiry or issue to the appropriate Commission member or any other public official that would be able to issue a thorough and appropriate response.**

(k)

A speaker is not entitled to demand an answer to their inquiries from any specific members of Commission, Administration representatives or otherwise.

(l)

If a speaker wishes to approach the dais, the speaker must ask for and receive the permission of the Chairman. If a speaker wishes to present an item to the Commission, the speaker must adhere to the directives of the Chairman.

(m)

The Chairman or presiding Commissioner shall enforce the Rules of Conduct and Decorum consistent with Robert's Rules of Order.

A violation of these rules, resulting in the disruption of the Commission Meeting may result in the offender being removed from the Council Chambers for the remainder of the meeting.

[Ord. No. 2017-06]

APPENDIX B

OPEN PUBLIC MEETINGS ACT (ENACTED IN 1975)

OPMA: Open Public Meetings Act (OPMA) a/k/a the Sunshine Law.

Applies to governmental bodies on the municipal, county and state levels.

Important for members of these governmental entities, attorneys representing those bodies and all citizens affected in some manner by the action of such bodies to be aware of this requirement.

The statute (N.J.S.A. 10:4-6 et seq.) insures the right of citizens to have adequate advance notice of and the right to attend meeting of public bodies at which any business affecting the public is discussed or acted upon in any way except in those circumstances where the public interest would be endangered or the personal privacy or rights of individuals would be endangered.

OPMA address three major areas: (1) Notice of meetings, (2) Conduct of meetings and, (3) Violations of the Act.

Public bodies that OPMA applies to means commissions, authorities, boards, council, committees or other groups of two or more persons organized under the laws of this state and collectively empowered as a voting body to perform a public

governmental function affecting the rights, duties, obligations, privileges, benefits, or other legal relations of any person or, to spend public funds. This includes the Legislature but does not include the judicial branch of government, Parole Board, State Commission of Investigation Apportionment Commission, or a political party committee.

Meetings are defined as any gathering whether corporeal or by means of communication equipment which is attended by or open to all of the members of a public body, held with the intent to discuss or act as a unit upon the specific public business of that body. It does not mean to include such gatherings (1) attended by less than an effective majority of the members of a public body or, (2) attended by or open to all of the members of three or more similar public bodies at a convention or similar gathering.

Public business means and includes all matters which relate in any way, directly or indirectly, to the performance of the bodies functions or the conduct of its business.

ADEQUATE NOTICE: Means written advance notice of at least 48 hours, giving the time, date, location and to the extent known, what will be discussed of any regular, special or rescheduled meeting and whether or not formal action may or may not be taken. The notice must be prominently posted in at least one public place (i.e., town hall bulletin board), transmitted to two newspapers (Home News Tribune and Star Ledger) which are designated by the governing body because

they have the greatest likelihood of informing the public within the area of jurisdiction of the public body of such meetings and, a copy filed with the Municipal Clerk. A public meeting cannot be held if adequate notice was not met. **Exceptions:** Upon the affirmative vote of three quarters of the members present a public meeting may be held notwithstanding the failure to provide adequate notice if: (1) such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to public interest; and (2) the meeting is limited to discussions of acting with respect to such matters or urgency and importance; and (3) notice of such meeting is provided as soon as possible following the calling of such meeting by posting written notice of the same in the public place described by notifying two newspapers and; (4) either the public body could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided; or, although the public body could reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided.

STATEMENT AT MEETING: At the commencement of every meeting of a public body the person presiding shall announce publicly, and then shall cause to be entered in the minutes of the meeting, an accurate statement to the effect that (a) adequate notice has been provided, specifying the time, place and manner in which such notice was provided; or (b) that adequate notice was not provided in which case the

announcement shall state (1) the nature of the urgency and importance referred to and the nature of the substantial harm to the public interest likely to result from a delay in the holding of the meeting (2) that the meeting will be limited to discussion of and acting with respect to such matters of urgency and importance; (3) the time, place and manner in which notice of the meeting was provided; and (4) either that the need of the meeting could not reasonably have been foreseen or, that such could reasonably have been foreseen but such notice was not provided in which the announcement shall specify the reason adequate notice as not provided.

FAILURE TO INVITE MEMBERS OF PUBLIC BODY TO MEETING:

No person or public body shall fail to invite a portion of its members to a meeting for the purpose of circumventing the provisions of this act.

Except as provided by statute, all meetings of public bodies shall be open to the public at all times. At some point during the meeting, a public comment portion must be provided for those in attendance to speak. Exceptions are provided by statute, Federal Law or Rule of Court. They include but are not limited to pending or anticipated litigation, personnel matters, discussion of collective bargaining unit agreements, matters to discuss the purchase, lease or acquisition of real property with public funds, the settling of bank rates or investment of public

funds, where it could adversely affect the public interest if discussion of such matters were disclosed. Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law. Matters falling under attorney-client privilege, employment, appointment, termination of employment, evaluation of the performance of, promotion or disciplining of any prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individuals employees or appointees whose rights could adversely be affected request in writing that such matter or matters be discussed at a public meeting.

PROCEDURE TO GO INTO CLOSED SESSION / EXECUTIVE

SESSION: No public body shall exclude the public from any meeting to discuss any matter until the public body adopts a Resolution at a meeting to which the public shall be admitted. The Resolution shall state the general nature of the subject(s) to be discussed and, stating as precisely as possible the time when and the circumstances under which the discussion conducted in closed session of the public body can be disclosed to the public.

MINUTES: Each public body shall keep reasonably comprehensible minutes of all its meetings showing time and place, members present, the subjects considered, the actions taken, the vote of each member, and any other information required by law to be shown in the minutes by law which shall promptly be available to the public to the extent that making such matters public shall not be inconsistent with the act.

At least once a year, within 7 days following the annual organization or reorganization meeting of a public body or if no organization or reorganization, not later than January 10 of such year, every public body shall post and maintain posted throughout the year a schedule of the regular meetings of the public body to be held during the succeeding year. The notice shall contain the location, time and date. If the schedule is revised during the year, new meetings must be posted where the annual notice is posted and notification is made to the same newspapers the annual notice was. The notice must be transmitted at least 48-hours in advance of a meeting.

We advertise in the Home News Tribune and Star Ledger.

The annual notice is also posted on our website.

OPEN PUBLIC RECORDS ACT

(ENACTED IN 2004)

OPRA allows open access to records maintained by public agencies that are not otherwise exempt from disclosure.

A record is defined as anything that is made, maintained, and kept on file in the course of official business.

OPRA mandates that a records custodian (in our case, myself for the most part; police handle their own) grant or deny access as soon as possible but not less than 7 business days after receiving a request. I should point that there are exceptions in which I will get into shortly.

Day 1 of the calculation starts the day after the custodian receives the OPRA request.

A valid OPRA request seeks specific, identifiable government records. Valid OPRA requests do not ask questions, do not seek information, and do not require a custodian to conduct any research.

If there is enough information on the request, it is assigned to a particular department or departments to respond directly to the requestor. If not, I or the responding department or departments will go back to the requestor for clarification. The

calculation of days starts in this case after the clarification is received. If a request for records is for something that is exempt from public disclosure, either myself or the responding department will advise the requestor accordingly.

It is reasonable that a custodian will not have physical custody of every record maintained by an agency. As such, custodians attempt to gain access to records maintained elsewhere. A custodian can not be held responsible if another employee obstructs access, as long as the custodian can prove attempts to gain access to the records. The Government Records Council will hold an official or employee who obstructs accesses accountable.

Custodian must also determine if records or portions of records are exempt from public disclosure.

Custodian will redact, convert to requested medium and calculate appropriate fees for doing so if needed. Under state statute we are permitted to charge for records by the page or, if a large request of records is sought that will cause a significant disruption to prepare for, we can charge a special service fee to cover the cost of the employee working on the response.

If a record is redacted you will be provided the legal basis for same. If there is a special service charge you will be advised of the estimated amount beforehand. If you agree to proceed, a 50% deposit will be required before work begins.

Examples of exempt records are:

Inter-agency or intra-agency advisory, consultative or deliberative material (generally refers to draft documents or documents used in deliberative process.)

Legislative Records.

Medical examiner records.

Criminal investigatory records.

Victims' records.

Data processing software under a licensing agreement that prohibits its disclosure.

Administrative or technical information regarding computer hardware, software and networks which, if any, would jeopardize computer security.

Any record within the attorney-client privilege.

Emergency and security information or procedures for any building or facility which, if disclosed, would jeopardize security of the building or facility of persons therein.

Security measures and surveillance techniques which, if disclosed, would create a risk to the safety or person, property, electronic data or software.

Building plans.

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 individual(s); or collective negotiations, including documents and statement of strategy or negotiating position.

Information which is a communication between a public agency and its insurance carrier, administrative services organization or risk management office.

Information required to be kept confidential by court order.

Certificate of honorable discharge (DD-214) filed with the public agency.

Personal identifying information such as social security numbers, credit card numbers, unlisted telephone numbers, and driver's license numbers.

Limitations to convicts: any records pertaining to the person's victim or the victim's family.

Ongoing investigations.

Public defenders records.

Personnel and pension records except an individual's name, title, position, salary, payroll record, length of service, date of separation and the reason for separation, and the amount and type of any pension received.

Privacy interest: 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.

Many of these exemptions and many more have been in effect since then Governor Hughes was in office.

At times OPRA requests can be complex because they fail to reasonably identify records they want access to.

If an OPRA request is too broad it will be denied. As an example, asking for a copy of any and all permits issued to or for a particular address is overly broad. Asking for a copy of a building permit that was issued to replace a roof is specific. Asking for a copy of the Animal Control Officer's report on a loose dog on a specific date and location is acceptable. Asking for a copy of all Animal Control Officer's reports of a loose dog from January 2015 to date is overly broad.

Every request is reviewed carefully.

A custodian is not required to research. As an example, a request for copies of all minutes from meetings where ABC Towing Company was discussed is not a valid request. However, requesting a copy of the minutes from a particular date where ABC Towing was discussed is a proper request.

What OPRA is not supposed to be:

A method of abuse.

A game of gottcha.

A way to waste government time and resources / money.

OPRA v. Common Law: OPRA does not affect a requestor's common law right of access or right of access via discovery. When a requestor seeks access to records under the common law, the following is considered: 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 states interest in preventing disclosure. It is a balancing test.

Finally, while you can challenge a denial of access for records under OPRA in both Superior Court and the GRC, you can only challenge a denial of access for records under common law to the courts.

