



John Paff &lt;opengovtissues@gmail.com&gt;

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**Records Request**

1 message

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John Paff <paff@pobox.com>

Sun, Feb 16, 2014 at 8:37 PM

To: JThreston@co.burlington.nj.us

Joseph Threston, Custodian of Records  
Burlington County  
via e-mail only to [JThreston@co.burlington.nj.us](mailto:JThreston@co.burlington.nj.us)

Please accept this e-mail/fax as my request for government records pursuant to the Open Public Records Act and the common law right of access. Please respond to this request and send all responsive documents to me at [paff@pobox.com](mailto:paff@pobox.com). Thank you.

**Background:**

On February 4, 2014, I requested, among other items, "[a]ny police incident or other report that was issued after Taylor was found dead in his cell." In your February 14, 2014 response, which I've placed on-line [here](#), you first state that the "County is not in possession of any police report concerning Mr. Taylor's death." Despite no report being available, you then go on to claim that the nonexistent report is exempt as a record pertaining to an investigation in progress and advisory, for being consultative and deliberative as well violating Mr. Taylor's "reasonable expectation of privacy." You also say that my request was "overly broad and unclear."

I am having a difficult time fathoming how a man can be found dead in his jail cell and nobody in the county has a report of it. I will attempt to clarify my request.

I am looking for the records that were written and created after Mr. Taylor was found dead in his cell. For example, I would think that the jail guard who discovered Mr. Taylor's body is apt to have written a report stating something like "At 11:30 hours, I observed Mr. Taylor's body on the floor of his cell . . . " I would also imagine that a physician or hospital would have issued a report pronouncing Mr. Taylor dead and perhaps opining on various details, such as how long he had been dead.

The problem is that you know what reports have been written and I do

not. Please keep in mind that record requests and responses are not supposed to be games of semantics, but that the object of OPRA is to get disclosable government records into the hands of the public. Also keep in mind that even if records that are responsive to my request are exempt from disclosure, you still must identify the documents for me in enough detail so that I can judge for myself whether your claimed exemptions apply. Finally, even if records are exempt under the OPRA, the government's interest in nondisclosure still has to exceed my (i.e. the public's) interest in disclosure under a common law balancing test.

### **Records Requested:**

All reports or other writings that: a) were written by or received by any officer or employer of the County, Jail or Prosecutor's office and b) concern to the death of Robert Taylor, who died while in custody at the Burlington County Jail.

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