



Eric E. Jackson
Mayor

CITY OF TRENTON
DEPARTMENT OF LAW

Marc A. McKithen
Director of Law

VIA EMAIL ONLY
April 29, 2016

Government Records Council
101 South Broad Street
PO Box 819
Trenton, New Jersey 08625-0819
Attn.: Samuel A. Rosado, Esq.

Re: John Paff v. City of Trenton GRC 2016-95

Dear Mr. Rosado,

Enclosed please find a copy of the Custodian Statement of Information. Please note all responsive documents were provided to the Complainant prior to filing of a complaint.

If you should require additional information, please feel free to contact me.

Sincerely,

Lori E. Caughman
Assistant City Attorney

Enclosure(s)

- c. John Paff (via email only)
- C.J. Griffin (via email only)

PART 1: CONTACT INFORMATION

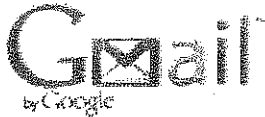
1. GRC Complaint Number: 2016-95
2. Name of Complainant: JOHN PAFF
3. Name of (Alleged) Custodian: RICHARD K. KACHMAR
Job Title of (Alleged) Custodian: MUNICIPAL CLERK
4. Custodian's Public Agency: CITY OF TRENTON
Address: 319 E. STATE STREET
TRENTON NEW JERSEY
- Phone: 609-989-3187
Fax: 609-989-3190
E-mail: RKACHMAR@TRENONTNJ.ORG
5. Name of Custodian's Legal Counsel: LORI E. CAUGHMAN, ESQ
Address: 319 E. STATE STREET
TRENTON , NEW JERSEY 08608
- Phone: 609-989-3011
Fax: 609-989-4242
E-mail: LCAUGHMAN@TRENTONNJ.ORG

John Paff v. City of Trenton GRC Complaint No. 2016-95

Part 2: ABOUT THE DENIAL OF ACCESS COMPLAINT

6. Attach c copy of the OPRA records request upon which this complaint is based
Please mark this attachment “ Item 6”

ITEM # 6



John Paff <opengovtissues@gmail.com>

Trenton OPRA

1 message

Item 6

John Paff <paff@pobox.com>

Wed, Oct 21, 2015 at 12:15 PM

To: Diadina Allen <dallen@trentonnj.org>

Please accept this e-mail/fax as my request under the Open Public Records Act (OPRA) and the common law right of access. Please send all responses and responsive records to me via e-mail to paff@pobox.com. Thank you.

Background:

The Attorney General's Guidelines, on-line here, requires certain information to be maintained.

Records requested:

1. Trenton's Internal Affairs Summary Forms in the form of "Appendix S" of the guidelines submitted to the County Prosecutor covering January 2013 through to current date.
2. The six most recently released reports to the public summarizing the allegations received and the investigations concluded for that period. (See Requirement 10 on page 44 of the Guidelines.)
3. The six most recently released reports to the public that give a brief synopsis of all complaints where a fine or suspension of 10 days or more was assessed to an agency member. (See Requirement 10 on page 44 and "Appendix U" of the Guidelines.)
4. "Brady letters" are named after the United States Supreme Court's 1963 decision in the case of Brady v. Maryland. That decision, among other things, requires law enforcement officials to notify criminal defendants and their lawyers whenever they receive information that a police officer involved in the defendants' cases has been untruthful. I would like the three most recent notifications on file with Trenton that a) were directed to defendants or their attorneys, b) which were made by any law enforcement agency (including but not limited to the Mercer

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County Prosecutor's Office) and c) notified those defendants and/or their attorneys that an employee of the City of Trenton, including but not limited to police officers, had been untruthful.

Thank you for your attention to this matter.

Very truly yours,

John Paff

P.O. Box 5424

Somerset, NJ 08875

Voice: 732-873-1251

Fax: 732-862-4449

e-mail: paff@pobox.com

Part 2: ABOUT THE DENIAL OF ACCESS COMPLAINT

7. Indicate the date on which the Custodian received the OPRA records request upon which this complaint is based.

Received Request November 9, 2015

8. Indicate the date on which the Custodian responded to the OPRA records request upon which this complaint is based.

Responded December 10, 2015

9.

Item 1. Of the Requestor Complaint all available Document responsive to the request were sent to the requestor as listed in table "A"

Item 2. No records existed for a response after careful search of the files

Item 3. Submitted to requestor all documents in files responsive to requestor request any documents requested not supplied do not exist.

Item 4. Brady Letters No records exist for this request.

A	B	C	D	E	F
List Records Responsive to Complaint's OPRA Request	List Records Retention Requirement & Disposition Schedule for @record	List of all records provided in their entirety Or w/redactions Include date such records were provided	If records were disclosed with redactions ,give a general nature description of the redactions	If records were denied in their entirety, give A general nature description of the record	List the legal explanation and statutory citation for the denial of access to records in their entirety or w/ redactions
Internal Affairs summary Report 1/1/12 thru	Applies to all of these Records Per NJDARM	Provided 12/10/15 Internal Affairs summary	No Redactions made	N/A	

<p>6/30/12 1page.</p> <p>Mercer County Prosecutors Office Professional Standard summary Report Form1/1/15 thru 3/31/15 complaints 1page and Agency Disposition 1 page Mercer County Prosecutor Office Professional Standard Summary Report Form 4/1/15 to 6/30/2015 1page Mercer County Prosecutor Office Professional Standard Summary Report Form 4/1/15 to 6/30/15 disposition 1 page and Complaints filed 1.page Mercer County Prosecutor's</p>	<p>Municipal Police Departments Record Retention Schedule Record Series # 0100-0002 Internal Affairs Case Files retention 5 years</p>	<p>Report 1/1/12 thru 6/30/12 1page.</p> <p>Mercer County Prosecutors Office Professional Standard summary Report Form1/1/15 thru 3/31/15 complaints 1page and Agency Disposition 1 page Mercer County Prosecutor Office Professional Standard Summary Report Form 4/1/15 to 6/30/2015 1page Mercer County Prosecutor Office Professional Standard Summary Report Form 4/1/15 to 6/30/15 disposition 1 page and Complaints filed 1.page</p>			
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<p>Office Professional Standard Summary Report Form 7/1/15 to 9/30/15 complaints filed 1 page Mercer County Prosecution Office professional Standards Summary report Form Agency Disposition 7/1/15 to 9/30/15 1 page Appendix S Professional Standards Summary Report Form year 2014 1page complaints filed- Professional Standards Summary Report Form Table 2 Agency Dispositions 1 page. Professional Standards Summary Report Form 2014 Court Dispositions 1page</p>		<p>Mercer County Prosecutor's Office Professional Standard Summary Report Form 7/1/15 to 9/30/15 complaints filed 1 page Mercer County Prosecution Office professional Standards Summary report Form Agency Disposition 7/1/15 to 9/30/15 1 page Appendix S Professional Standards Summary Report Form year 2014 1page complaints filed- Professional Standards Summary Report Form Table 2 Agency Dispositions 1 page. Professional Standards Summary Report</p>			
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<p>Appendix S 2014 Professional Standards Summary Report Form Complaints filed 1page Professional Standards Summary Report Form 2014 Agency Dispositions 1 page Professional Standards Summary Report Form 2014 Court Dispositions 1 page Appendix S Professional Standards Summary Report Form 2013 Complaints filed 1 page Professional Standards summary Report Form 2013 Agency Dispositions 1 page Professional Standards Summary Report Form 2013 Court Dispositions 1 page</p>		<p>Form 2014 Court Dispositions 1page Appendix S 2014 Professional Standards Summary Report Form Complaints filed 1page Professional Standards Summary Report Form 2014 Agency Dispositions 1 page Professional Standards Summary Report Form 2014 Court Dispositions 1 page Appendix S Professional Standards Summary Report Form 2013 Complaints filed 1 page Professional Standards summary Report Form 2013 Agency Dispositions 1 page Professional</p>			
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		Standards Summary Report Form 2013 Court Dispositions 1 page			

#10. Regarding the Search -- Pursuant to protocol the Clerk office under my direction reviewed this OPRA request to determine which department and individuals were referenced and may have responsive documents to request. Once the list of those departments and individuals was determined the Clerk's Office sent out the OPRA request via, email to the Department and individuals that have been identified as potentially have information responsive to the request. Included with the OPRA request was a memorandum from the Clerk's Office attaching the OPRA request and providing the operative due date for the information. This process is familiar to all departments and done routinely. The Process was followed in the instant matter as it is in all matters. Thereafter the documents were compiled and copied and available for delivery via email to the requestor. Our office retained a complete copy of the documents it produced to this OPRA request. The City did not produce some document because they do not exist. There exists no documentation of any kind referencing the subject matter of this OPRA other than those documents that have already been produced.

#11. No Documents were destroyed with regard to this OPRA request.

					governing bodies to exclude the public from discussions of personnel matters).
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For more clarification of the information required in the document index in table format:

- A. An itemized list of all records responsive to the Complainant’s OPRA request that were made, maintained, kept on file or received by your agency on the date of the request, regardless of whether you deem such records are exempt from disclosure.
 - B. State the agency’s Records Retention Period (in years) and Destruction Schedule (in years) for each record responsive to the request as established and approved by the New Jersey Department of Treasury, Records Management Services.
 - C. Of the records responsive to the request, indicate which records, if any, were provided to the Complainant, in their entirety or with redactions, and the dates such records were provided.
 - D. Of the records responsive to the request and provided to the Complainant with redactions, give a general nature description of the redactions.
 - E. Of the records responsive to the request, and *not* provided to the Complainant in their entirety, give a general nature description of the record.
 - F. Specifically state the legal explanation and statutory citation (to OPRA or other law that applies) for such denial based on a public agency’s burden of proving that all denials of access are authorized by law pursuant to N.J.S.A. 47:1A-6 and the court’s instruction to provide same in John Paff v. NJ Department of Labor, 392 N.J. Super. 334 (App.Div. 2007).
10. Specifically describe the search undertaken to satisfy the records request upon which this complaint is based.
 11. Specifically state the last date on which documents that may have been responsive to the request were destroyed in accordance with the Records Destruction Schedule established and approved by New Jersey Department of Treasury, Records Management Services.
 12. Provide all facts and legal arguments in support of the Custodian’s actions with regard to the handling of the OPRA records request upon which this complaint is based on an attached written statement marked “Item 12.”

Item 12

The City of Trenton has produced all existing documents that were responsive to the OPRA request. Any additional information that the Complainant is requesting would require the City to create a document. As per the recently decided case of John Paff v. Township of Galloway, et al. DOCKET NO. A-0125-14T4, the City is not required to generate documents to fulfill an OPRA request.

If the Custodian fails to complete this form completely and accurately (responding to each numbered item specifically as directed and providing a document index in table format), this form will be returned to the Custodian for proper completion thus prolonging the adjudication of the complaint.

By signing this Statement of Information, I certify that:

- I am the Custodian charged by the public agency with the responsibility for responding to the request for records on which this complaint is based; or
- I am the alleged Custodian of an organization I do not believe to be a public agency obliged under the provisions of OPRA;
- The documents attached hereto are true copies of all documents sent or received by the Custodian or the Custodian's staff (records the custodian claims are privileged or not accessible to the public under OPRA are not included);
- A copy of this Statement of Information will be provided to the Complainant simultaneously with it being provided to the GRC; and
- The foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment pursuant to the New Jersey Court Rule 1:4-4.

Signature:



Printed Name:

Richard M. Kachmar

Job Title:

City Clerk

Date:

April 29, 2016