

OFFICE OF THE PROSECUTOR COUNTY OF SUSSEX

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August 5, 2026



Re: OPRA request Dated July 27, 2026 received by the Sussex County Prosecutor's Office

Dear [REDACTED]

This office is in receipt of your Records Request received by this agency on July 27, 2026 via e-mail.

In review of your request, you have requested the following records:

1. **Every contract with Flock Safety or any other ALPR vendor.**
2. **All grant applications, grant awards, and grant close-out reports relating to ALPRs.**
3. **Every memorandum of understanding (MOU) with municipal police departments concerning ALPR data sharing.**
4. **Current and prior ALPR policies and standard operating procedures.**
5. **The inventory of all ALPR cameras owned, leased, or operated by the Prosecutor's Office.**
6. **Records identifying camera locations.**
7. **User audit logs showing database access (with investigative information redacted if necessary).**
8. **Annual audits or compliance reports required by the Attorney General.**
9. **Procurement records, including purchase orders, invoices, and payment vouchers.**
10. **Any correspondence with the New Jersey Office of the Attorney General regarding ALPR funding or implementation.**

This agency responds to your itemized records request above in turn.

1. **Every contract with Flock Safety or any other ALPR vendor.**

This agency is not in possession of records responsive to this request.

2. All grant applications, grant awards, and grant close-out reports relating to ALPRs.

This agency is not in possession of records responsive to this request.

3. Every memorandum of understanding (MOU) with municipal police departments concerning ALPR data sharing.

This agency is not in possession of records responsive to this request.

4. Current and prior ALPR policies and standard operating procedures.

You are being provided with the following record responsive to your request:

- Sussex County Prosecutor's Office ("SCPO") Standard Operating Procedure re: Automated License Plate Recognition (ALPR) effective January 23, 2023

5. The inventory of all ALPR cameras owned, leased, or operated by the Prosecutor's Office.

This agency is not in possession of records responsive to this request.

6. Records identifying camera locations.

This agency respectfully denies your request because the disclosure of the physical location(s) of ALPR technology would compromise their security and law enforcement's ability to conduct surveillance pursuant to "surveillance, security, tactical, investigative, or operational techniques, measures, or procedures, which if disclosed, would create a risk to the safety of persons, property, electronic data or software, or compromise [the law enforcement agencies'] ability to effectively conduct investigations. N.J.A.C. 13:1E-3.2; N.J.S.A. 47:1A-9).

Additionally, the disclosure of the physical location(s) of ALPR technology would allow ill-intentioned groups or individuals the opportunity to physically and electronically tamper with the ALPR system, N.J.S.A. 47:1A-1; GRC Exemption #8, Computer Security and GRC Exemption #10, Security Measures & Techniques (electronic data, computer hardware, software and networks), thereby jeopardizing the ALPR program's security and creating a risk to the safety of persons and property. Further, the disclosure of the physical location(s) of ALPR technology would jeopardize emergency information, security information, and operational security of buildings, facilities, and critical infrastructure. N.J.S.A. 47:1A-1; GRC Exemption #9, Building Security.

This agency further respectfully denies your request because it is overly broad and does not seek government records from this agency, which are specifically defined in N.J.S.A. 47:1A-1.1. Rather, you are requesting "information," which is not contemplated by OPRA. Likewise, OPRA does not require a public agency to manufacture records to comply with a request. See Sussex Commons Associates, LLC v. Rutgers, 210 N.J. 531, 544 (2012) ("OPRA does not require public agencies to create records.").

OPRA "only allows requests for records, not requests for information." Burke v. Brandes, 429 N.J. Super. 169, 174 (App. Div. 2012) (quoting Bent v Twp. of Stafford Police Dep't., 381 N.J. Super. 30, 37 (App. Div. 2005)). The custodian is obliged to "locate and redact [the requested] documents, isolate exempt documents, . . . identify requests that require 'extraordinary expenditure of time and effort' and warrant assessment of a 'service charge,' and, when unable to comply with a request, 'indicate the specific basis'" thereof. Spectraserv, Inc. v. Middlesex Cnty. Utils. Auth., 416 N.J. Super. 565, 576 (App. Div. 2010) (quoting N.J. Builders Ass'n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 177 (App. Div. 2007) (quoting N.J.S.A. 47:1A-5a-j)). If "the custodian is unable to comply with

a request for access, the custodian shall indicate the specific basis therefor on the request form and promptly return it to the requestor.” N.J.S.A. 47:1A-5g.

[Doe v. Rutgers, 466 N.J. Super. 14, 27 (App. Div. 2021).]

A “proper [OPRA] request ‘must identify with reasonable clarity those documents that are desired.’” Burke, 429 N.J. Super. at 174 (quoting Bent, 381 N.J. Super. at 37). Requests for general information that must be “analyzed, collated and compiled” by the custodian are not within the scope of OPRA. MAG Entm’t, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 549 (App. Div. 2005). Moreover, requests that require a custodian to analyze and evaluate information in order to respond are improper. See Burke, 429 N.J. Super. at 174; see also Bent, 381 N.J. Super. at 33-39 (denying request for “entire file” of requester’s criminal investigation because it neither identified nor described the records sought with any specificity or particularity); see also MAG Entm’t, LLC, 375 N.J. Super. at 549 (request invalid for failing to provide any identifiers other than “a broad generic description of a brand or type of case prosecuted by the agency in the past”); and N.J. Builder’s Ass’n, 390 N.J. Super. at 178-79 (request for “any and all documents and data” invalid for requiring custodian rather than requester to identify the documents sought). OPRA “is ‘not intended [to be] a research tool [that] litigants may use to force government officials to identify and siphon useful information.’” In re N.J. Firemen’s Ass’n Obligation, 230 N.J. 258, 276 (2017) (quoting MAG Entm’t, LLC, 375 N.J. Super. at 546). Likewise, OPRA does not require a public agency to manufacture records to comply with a request. See Sussex Commons Associates, LLC, 210 N.J. at 544 (“OPRA does not require public agencies to create records.”).

Your OPRA request may be fairly characterized as overly broad, to which this agency cannot reasonably respond. “While an exact definition of an impermissibly overly broad request is abstract, courts have found requests that require a custodian to exercise his discretion, survey employees, or undertake research to determine whether a record is responsive are overly broad and not encompassed by OPRA.” Doe, 466 N.J. Super. at 27. “‘OPRA does not authorize unbridled searches of an agency’s property.’ Bent, 381 N.J. Super. at 37; see also Renna v. Cnty. of Union, 407 N.J. Super. 230, 245 (App. Div. 2009) (‘The custodian must have before it sufficient information to make the threshold determination as to the nature of the request and whether it falls within the scope of OPRA.’).” Id. at 28. The same applies here.

7. User audit logs showing database access (with investigative information redacted if necessary).

This agency seeks clarification, in writing, as to precise nature of the information and documents you are seeking in connection with your request for “user audit logs showing database access.” If, after receiving such clarification, this agency determines it is in possession of responsive documents, same will be provided.

8. Annual audits or compliance reports required by the Attorney General.

You are being provided with the following records responsive to your request:

- 2023 SCPO NJ SNAP Annual ALPR Audit Certification Form;
- 2024 SCPO NJ SNAP Annual ALPR Audit Certification Form; and
- 2025 SCPO NJ SNAP Annual ALPR Audit Certification Form.

9. Procurement records, including purchase orders, invoices, and payment vouchers.

This agency is not in possession of records responsive to this request.

10. Any correspondence with the New Jersey Office of the Attorney General regarding ALPR funding or implementation.

This agency is not in possession of records responsive to this request.

Your OPRA request has been processed in accordance with N.J.S.A. 47:1A-1 et seq. If your request has been denied in whole or in part, this agency reserves the right to raise any other grounds for denial not raised in this response. The failure of this agency to assert an exemption, exception, or privilege herein does not act as a waiver of any ground for denial not raised herein.

Thank you for your attention to this response. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

s/Nicole C. Tracy

Assistant Prosecutor