

THE CITY OF SUMMIT

N E W J E R S E Y

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Rosemary Licatase
City Clerk
Secy. to Mayor & Council

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February 20, 2024

VIA EMAIL

Karen Rodriguez
MuckRock News,
DEPT MR157419
263 Huntington Ave
Boston, MA 02115
157419-46403462@requests.muckrock.com

Re: OPRA Request 2024-00092

Dear Ms. Rodriguez:

I am writing in response to your request submitted pursuant to the Open Public Records Act ("OPRA").

Your OPRA request is set forth below:

All records and documents held by Summit Police Department regarding a Tesla crash that occurred on May 19, 2022. According to media reports the crash happened on Route 24 at milepost 9 in Summit, NJ at around 2:00pm. David M. Baum, 57, was the driver of the Tesla and was pronounced dead at the scene.

The records requested include but is not limited to:

- *Incident report*
- *Investigative records (interview transcripts, scene models)*
- *CAD report*
- *All video and audio recordings (dash cam, body cam, mobile video, interviews, video of the scene)*
- *All photos*
- *Radio dispatch recordings*
- *911 calls*
- *After action reports*

I request that the records I seek be provided in electronic format.

In order to help to determine my status to assess fees, you should know that I am a journalist with Scripps News, I request this

information for news gathering purposes. Scripps News is a national news network and a subsidiary of the E.W. Scripps company. This information is not being sought for commercial purposes.

The New Jersey Open Public Records Act requires a response time of seven business days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$20. Should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 7 business days, as the statute requires.

The City's has identified ten (10) pages of records responsive to your request. Redactions have been made to remove personal telephone numbers, dates of birth, driver's license numbers, vehicle plate numbers, and social security numbers to protect the individuals' reasonable expectation of privacy pursuant to N.J.S.A. 47:1A-1. See also N.J.S.A. 47:1A-1.1 (exempting "that portion of any document which discloses the unlisted telephone number and social security number" from the definition of a "government record"); R. 1:38-7 (providing that driver's license numbers, vehicle plate numbers, and social security numbers constitute confidential personal identifiers).

Additionally, information relating to medical, psychiatric or psychological history, diagnosis, treatment, or evaluation has been redacted pursuant to Executive Order No. 26 (McGreevey 2002).

The remainder of the potentially responsive records consist of approximately seventeen (17) hours of video footage. Your request as it currently stands would result in an extraordinary expenditure of time and effort for the City, as the potentially responsive records would need to be reviewed and redacted prior to release. Please be advised that the City cannot devote its limited resources to review and redact such an unduly burdensome volume of records. OPRA allows a records custodian to attempt to reach a reasonable solution with a requestor where a request will substantially disrupt agency operations, such as in these circumstances. N.J.S.A. 47:1A-5(g). Accordingly, the City suggests that you attempt to narrow the scope of your OPRA request. If the

City does not receive an amended request from you by February 23, 2024 we will treat your request as abandoned and close our file.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rosemary Licatese".

Rosemary Licatese, City Clerk