



## NEW JERSEY GOVERNMENT RECORDS COUNCIL

### Administrative Complaint Disposition – No Records Responsive to the Request Exist

**Shinea Jones**  
**Complainant**

**GRC Complaint No. 2023-153**

v.

**Newark Police Department (Essex)**  
**Custodial Agency**

**Custodian of Record:** Kecia Daniels  
**Request Received by Custodian:** May 2, 2023  
**GRC Complaint Received:** July 6, 2023

**Complaint Disposition:** The Custodian certified that Custodian’s Counsel responded on her behalf to Complainant’s Counsel in writing within the statutorily mandated response time, as extended,<sup>1</sup> indicating that no records responsive to the OPRA request existed.<sup>2</sup> Additionally, the Complainant and Complainant’s Counsel failed to provide any evidence to contradict the Custodian’s certification. Thus, this complaint shall be dismissed because the evidence of record reflects that no responsive records exist.

**Applicable OPRA Provision:** “‘Government record’ or ‘record’ means any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business . . .” N.J.S.A. 47:1A-1.1.

**This is the final administrative determination in this matter. Any further review should be pursued in the Appellate Division of the Superior Court of New Jersey within forty-five (45) days. Information about the appeals process can be obtained from the Appellate Division Clerk’s Office, Hughes Justice Complex, 25 W. Market St. PO Box 006, Trenton, NJ 08625-0006.**

**Effective Date of Disposition:** August 29, 2023

Prepared By: Frank F. Caruso  
Executive Director

Date: August 22, 2023  
**Distribution Date: August 29, 2023**

<sup>1</sup> Complainant’s Counsel asserted that the Custodian failed to respond to the subject OPRA request. However, the Custodian provided supporting evidence as part of the Statement of Information proving that a timely response was administered. Specifically, OPRA Unit staff responded in writing on May 3, 2023 (extending the deadline to July 5, 2023), again on June 28, 2023 (extending the deadline to August 9, 2023), and finally on July 6, 2023 stating that no records existed.

<sup>2</sup> The July 14, 2022 accident report disclosed to the Complainant’s Counsel indicates that body-worn cameras (“BWC”) were used at the scene. However, the Custodian certified that said footage had a 180-day retention period and that no records existed. Further, the Custodian included a certification from Officer Latina Martin affirming that she performed two (2) searches before determining that the BWC footage did not exist.