



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
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MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

FINAL DECISION

February 24, 2026 Government Records Council Meeting

Charles Graber
Complainant

Complaint No. 2023-214

v.

Lakewood Police Department (Ocean)
Custodian of Record

At the February 24, 2026, public meeting, the Government Records Council (“Council”) considered the February 17, 2026, Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that the Custodian lawfully denied access to the record relevant to the complaint because said record is exempt from disclosure under N.J.S.A. 2C:25-33(a)(7), applicable to OPRA by operation of N.J.S.A. 47:1A-9(a). See. VanBree v. Bridgewater Twp. Police Dep’t, GRC Complaint No. 2014-122 (October 2014). Because the report is exempt under the Domestic Violence Act, the GRC need not address whether N.J.S.A. 47:1A-1.1 applies.

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. Proper service of submissions pursuant to any appeal is to be made to the Council in care of the Executive Director at the State of New Jersey Government Records Council, 101 South Broad Street, PO Box 819, Trenton, NJ 08625-0819.

Final Decision Rendered by the
Government Records Council
On The 24th Day of February 2026

John A. Alexy, Chair
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Steven Ritardi, Esq., Secretary
Government Records Council

Decision Distribution Date: February 26, 2026



**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
February 24, 2026 Council Meeting**

**Charles Graber¹
Complainant**

GRC Complaint No. 2023-214

v.

**Lakewood Police Department (Ocean)²
Custodial Agency**

Records Relevant to Complaint: Electronic copies of police report #23-060099 regarding an incident occurring on July 21, 2023.³

Custodian of Record: Lauren Kirkman

Request Received by Custodian: August 15, 2023

Response Made by Custodian: August 17, 2023

GRC Complaint Received: September 11, 2023

Background⁴

Request and Response:

On August 15, 2023, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On August 17, 2023, the Custodian responded to the Complainant in writing noting it was a domestic violence report and denying access to the report under N.J.S.A. 47:1A-1.1 (victim confidentiality).

Denial of Access Complaint:

On September 11, 2023, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted that, on August 17, 2023, the Complainant was unlawfully denied access to report #23-060099. The Complainant noted that, on September 4, 2023, he went to the Lakewood Police Department (“LPD”) to obtain the report. The Complainant maintained that the Custodian, Sgt. Peter LaRosa, and Chief Gregory Meyer, all denied him access to the report.

¹ No legal representation listed on record.

² Represented by Steven Secare, Esq., of Secare & Hensel (Toms River, NJ).

³ The Complainant sought additional records that are not at issue in this complaint.

⁴ The parties may have submitted additional correspondence or made additional statements/assertions in the submissions identified herein. However, the Council includes in the Findings and Recommendations of the Executive Director the submissions necessary and relevant for the adjudication of this complaint.

Statement of Information:

On October 5, 2023, the Custodian filed a Statement of Information (“SOI”) attaching legal certifications from Sgt. LaRosa and Chief Meyer. The Custodian certified that she received the Complainant’s OPRA request on August 15, 2023, and denied the request in writing on August 17, 2023. The Custodian certified that she denied access to the report because the Complainant is “named as a suspect for an alleged domestic violence incident.”

The Custodian certified that the domestic violence report is confidential and not disclosable under N.J.S.A. 2C:25-33, N.J.S.A. 47:1A-1.9, and N.J.S.A. 47:1A-1.1 (victim confidentiality). See LaRosa Cert. ¶ 4; Meyer Cert. ¶ 7.

Analysis

Unlawful Denial of Access

OPRA provides that government records made, maintained, kept on file, or received by a public agency in the course of its official business are subject to public access unless otherwise exempt. N.J.S.A. 47:1A-1.1. A custodian must release all records responsive to an OPRA request “with certain exceptions.” N.J.S.A. 47:1A-1. Additionally, OPRA places the burden on a custodian to prove that a denial of access to records is lawful pursuant to N.J.S.A. 47:1A-6.

OPRA also provides that:

The provisions of [OPRA] shall not abrogate any exemption of a public record or government record from public access heretofore made pursuant to [OPRA]; any other statute; resolution of either or both Houses of the Legislature; regulation promulgated under the authority of any statute or Executive Order of the Governor; Executive Order of the Governor; Rules of Court; any federal law; federal regulation; or federal order.

[N.J.S.A. 47:1A-9(a)].

N.J.S.A. 2C:25-33(a)(7) provides in relevant part that “[a]ll records maintained pursuant to [the Prevention of Domestic Violence Act of 1991 (“DVA”)] shall be confidential and shall not be made available to any individual or institution except as otherwise provided by law.”

In VanBree v. Bridgewater Twp. Police Dep’t, GRC Complaint No. 2014-122 (October 2014), the complainant requested, *inter alia*, several mobile video recordings (“MVR”) from police vehicles during an incident that occurred at his home. The custodian determined that the incident was a domestic dispute during which the complainant was arrested and denied access to the requested MVR as confidential domestic violence records. The complainant challenged the custodian’s denial, and the Council subsequently found that the custodian lawfully denied access to the records as confidential pursuant to the DVA.

Here, the Complainant submitted an OPRA request for report #23-060099, in which he is named as a suspect for an alleged domestic violence incident that occurred on July 21, 2023. The Complainant then filed the instant complaint. In the SOI, the Custodian, Sgt. LaRosa, and Chief Meyer certified that the responsive report relates to a domestic violence incident and is exempt under N.J.S.A. 2C:25-33, applicable to OPRA under N.J.S.A. 47:1A-9(a).

N.J.S.A. 2C:25-33(a)(7) provides that all DVA records are confidential except as otherwise provided by law. The Complainant here was involved in an alleged domestic violence incident and was seeking the police report related to that incident. However, the GRC notes that there is no provision within the statute which allows for disclosure of DVA records for a person seeking his/her own records. Thus, the GRC is satisfied that the requested record is part of a domestic violence incident and that N.J.S.A. 2C:25-33(a)(7) applies here.

Accordingly, the Custodian lawfully denied access to the record relevant to the complaint because said record is exempt from disclosure under N.J.S.A. 2C:25-33(a)(7), applicable to OPRA by operation of N.J.S.A. 47:1A-9(a). See VanBree, GRC 2014-122. Because the report is exempt under the DVA, the GRC need not address whether N.J.S.A. 47:1A-1.1 applies.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that the Custodian lawfully denied access to the record relevant to the complaint because said record is exempt from disclosure under N.J.S.A. 2C:25-33(a)(7), applicable to OPRA by operation of N.J.S.A. 47:1A-9(a). See VanBree v. Bridgewater Twp. Police Dep't, GRC Complaint No. 2014-122 (October 2014). Because the report is exempt under the Domestic Violence Act, the GRC need not address whether N.J.S.A. 47:1A-1.1 applies.

Prepared By: Brenda B. Alves
Staff Attorney

February 17, 2026