



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

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PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

FINAL DECISION

October 6, 2025 Government Records Council Meeting

Richard Bacquie
Complainant

Complaint No. 2023-90

v.

Bayonne Police Department (Hudson)
Custodian of Record

At the October 6, 2025, public meeting, the Government Records Council (“Council”) considered the September 29, 2025, 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 records relevant to the complaint because said records are exempt from access as confidential records pursuant to N.J.S.A. 2C:25- 33, applicable to OPRA by operation of N.J.S.A. 47:1A-9(a), and the Complainant is not the victim. N.J.S.A. 47:1A-6; VanBree v. Bridgewater Twp. Police Dep’t (Somerset), GRC Complaint No. 2014-122 (October 2014).

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 6th Day of October 2025

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: October 7, 2025



**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
October 6, 2025 Council Meeting**

**Richard Bacquie¹
Complainant**

GRC Complaint No. 2023-90

v.

**Bayonne Police Department (Hudson)²
Custodial Agency**

Records Relevant to Complaint: Electronic copies of the body worn camera (“BWC”) footage of Bayonne Police Department (“BPD”) Officer Ogbin, Shield No. 352, and Officer Coetho, Shield No. 355, from December 29, 2022, at approximately 6:14 p.m., with regard to Case No. 2022-88283.

Custodian of Record: Madelene C. Medina

Request Received by Custodian: February 13, 2023

Response Made by Custodian: February 22, 2023

GRC Complaint Received: April 20, 2023

Background³

Request and Response:

On February 13, 2023, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On February 22, 2023, the Custodian responded in writing notifying the Complainant that the requested footage was contained on two (2) discs and required a \$6.00 processing fee. On February 23, 2023, the Complainant e-mailed the Custodian asking how he could submit his payment. On February 24, 2023, the Custodian responded advising that he could remit his payment to the City via U.S. mail.

On March 13, 2023, the Complainant emailed the Custodian seeking a status update of his OPRA request. The Custodian responded on the same date advising that the delay was the result of the “Police Dept. Unit of Body Worn Camera” being “backed up with footage requests.” On March 17, 2023, the Complainant emailed the Custodian again seeking a status update of his OPRA request, to which the Custodian responded on the same date advising that his request would

¹ No legal representation listed on record.

² Represented by Assistant City Attorney David C. Rosciszewski (Bayonne, NJ). Previously represented by Assistant City Attorney Jessica Connors.

³ 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.

be fulfilled “asap” and that the Police Department’s “workload is extremely heavy.” On March 27, 2023, the Complainant emailed the Custodian seeking a status update of his OPRA request, to which the Custodian responded on the same date advising that his message had been forwarded to the Police Department. On March 28, 2023, the Complainant emailed the Custodian seeking a status update of his request and advised that the records were needed for an upcoming trial, to which the Custodian responded advising that the Police Department informed her that “the 2 discs will be ready Monday.”

On April 5, 2023, the Complainant emailed the Custodian asking if the “videos are available to pick up.” Later that day, the Law Department advised the Complainant in writing that, after its review of the requested BWC footage and the CAD Activity Detail Report (“CAD”), it was determined that the requested records were exempt from disclosure pursuant to N.J.S.A. 47:1A-1; N.J.S.A. 2C:25-33 (“Prevention of Domestic Violence Act of 1991”) (“DVA”); and Burnett v. Cnty. of Bergen, 198 N.J. 408 (2009). The Law Department advised that records relating to domestic violence matters could be obtained via subpoena. The Law Department further advised the Complainant that he would receive a \$6.00 refund.

Denial of Access Complaint:

On April 20, 2023, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted that the Law Department’s response was vague and did not identify the sensitive nature of the requested information. The Complainant further asserted that the Law Department could have provided him with a redacted form of the requested footage to protect the privacy interests of those involved. The Complainant contended that, as the individual who initiated contact with BPD on the date in question, he should be afforded the right to review the requested BWC footage to ensure that the police acted in accordance with the law and as proof that he did not violate the law. The Complainant attached his email communications with the Law Department and the Law Department’s written response to his OPRA request to his Complaint. The Complainant also attached a copy of the CAD and Superior Court filing confirmation, both confirming the pendency of a domestic violence matter.

Statement of Information:

On May 25, 2023, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that she received the Complainant’s OPRA request on February 13, 2023. The Custodian certified that on February 22, 2023, the Law Department advised the Complainant that there were two (2) discs of responsive BWC footage, which required a \$6.00 processing fee. The Custodian certified that upon receipt of payment on March 2, 2023, the Law Department instructed BPD to process the subject OPRA request. The Custodian stated it was determined that there was only one (1) disc that contained the subject footage. The Custodian stated that it is customary for delays to occur when processing BWC footage requests due to extreme backlog and limited staff capable of reviewing and redacting BWC videos.

The Custodian stated that Complainant’s request was reviewed by the Law Department in conjunction with the CAD on April 4, 2023, at which time it was determined that the requested footage related to a domestic violence matter and was exempt from disclosure. The Custodian

affirmed that, on April 5, 2023, the Law Department advised the Complainant in writing that his \$6.00 would be refunded because the requested BWC footage was exempt from disclosure pursuant to N.J.S.A. 47:1A-1, N.J.S.A. 2C:25-33, and Burnett, 198 N.J. 408 (2009). The Custodian affirmed that the Complainant was also advised that records relating to domestic violence matters could be obtained via subpoena. The Custodian stated that the Complainant subsequently propounded a subpoena for the subject records upon the Law Department, which it complied with on May 16, 2023.

The Custodian maintained that her denial of access was lawful in accordance with N.J.S.A. 47:1A-1 and N.J.S.A. 2C:25-33 and that the Complainant was informed of the proper manner to gain access to the requested records.

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 further provides that:

The provisions of this act . . . 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 provides in relevant part that “[a]ll records maintained pursuant to this act shall be confidential and shall not be made available to any individual or institution except as otherwise provided by law.” Id. at (a)(7).

In VanBree v. Bridgewater Twp. Police Dep’t (Somerset), GRC Complaint No. 2014-122 (October 2014), the complainant, a defendant in a domestic violence matter, requested several police mobile video recordings. The custodian, denying access, asserted that the requested records were exempt as criminal investigatory records and confidential records under the DVA. The Council confirmed that the responsive records related to a domestic violence incident and concluded that the custodian lawfully denied access to the records.

The facts in the matter before the Council are analogous to the facts of VanBree, GRC 2014-122. Here, as in VanBree, the Complainant was a party in a domestic violence matter, which

at the time of the complaint, was pending in the Superior Court of New Jersey under Docket No. FV-09-001723-23.⁴ This was confirmed through the CAD and Superior Court filing confirmation that the Complainant submitted with his complaint. The Complainant sought recordings captured by BWC during the pendency of the domestic violence matter while the parties were awaiting trial. In addition, during his communications with the Law Department, the Complainant stated that the requested records were needed for his upcoming trial. In the SOI, the Custodian certified that the responsive records related to a domestic violence incident and were exempt from disclosure under N.J.S.A. 2C:25-33, applicable to OPRA under N.J.S.A. 47:1A-9(a).

Moreover, the GRC is not persuaded by Complainant's assertion that he should be afforded the right to review the subject BWC for the reasons advanced in his complaint. There is no provision within the statute which allows for disclosure of DVA records for a person seeking his/her own records, and only narrow exceptions in OPRA pertaining to a victim's ability to obtain same. Thus, the GRC is satisfied that the requested records were part of a domestic violence incident and that N.J.S.A. 2C:25-33 applies here.

Therefore, the Custodian lawfully denied access to the records relevant to the complaint because said records are exempt from access as confidential records pursuant to N.J.S.A. 2C:25-33, applicable to OPRA by operation of N.J.S.A. 47:1A-9(a), and the Complainant is not the victim. N.J.S.A. 47:1A-6; VanBree, GRC 2014-122.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that the Custodian lawfully denied access to the records relevant to the complaint because said records are exempt from access as confidential records pursuant to N.J.S.A. 2C:25-33, applicable to OPRA by operation of N.J.S.A. 47:1A-9(a), and the Complainant is not the victim. N.J.S.A. 47:1A-6; VanBree v. Bridgewater Twp. Police Dep't (Somerset), GRC Complaint No. 2014-122 (October 2014).

Prepared By: Jennifer C. Howell
Staff Attorney

September 29, 2025

⁴ "Domestic violence cases are assigned to the FV docket." <https://www.njcourts.gov/glossary/fv-or-fo-docket-number> (accessed April 3, 2025).