



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 819
TRENTON, NJ 08625-0819

MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

FINAL DECISION

July 28, 2026 Government Records Council Meeting

Pamela D'Andrea
Complainant

Complaint No. 2024-10

v.

Wall Township (Monmouth)
Custodian of Record

At the July 28, 2026, public meeting, the Government Records Council ("Council") considered the July 21, 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:

1. The requested surveillance footage is exempt from disclosure under OPRA's emergency and security exemptions. N.J.S.A. 47:1A-1.1; Gilleran v. Twp. of Bloomfield, 227 N.J. 159, 174-177 (2016). Specifically, disclosure of the video recording would jeopardize the safety and security of the Township's Police Records Bureau and would create a risk to the safety of both the public and employees therein. Thus, the Custodian lawfully denied access to the requested footage. N.J.S.A. 47:1A-6.
2. The Custodian did not unlawfully deny access to the Complainant's November 7, 2023 OPRA request. N.J.S.A. 47:1A-6. Specifically, the Custodian certified in the Statement of Information, and the record reflects that no records responsive to this OPRA request exist. Pusterhofer v. N.J. Dep't of Educ., GRC Complaint No. 2005-49 (July 2005).

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 28th Day of July 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: July 30, 2026

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
July 28, 2026 Council Meeting**

**Pamela D’Andrea¹
Complainant**

GRC Complaint No. 2024-10

v.

**Wall Township (Monmouth)²
Custodial Agency**

Records Relevant to Complaint: Electronic copies of all audio and video recordings of a verbal exchange between employees T. Pelech, R. D’Andrea and S. Powers made by Wall Township (“Township”) at the Township Police Records Bureau that took place in the foyer area on November 7, 2023 between 1:15 p.m. to 2:00 p.m. and 3:15 to 4:00 p.m.

Custodian of Record: Jennilee Bulkley

Request Received by Custodian: November 10, 2023

Response Made by Custodian: November 22, 2023

GRC Complaint Received: January 11, 2024

Background³

Request and Response:

On November 10, 2023, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On November 22, 2023, the Custodian responded in writing denying the Complainant’s request. The Custodian informed the Complainant that no audio recording existed, and the surveillance footage does exist, however, it is exempt from disclosure pursuant to N.J.S.A. 47:1A-1.1, as “security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data or software.” The Custodian, citing Gilleran v. Twp. of Bloomfield, 227 N.J. 159 (2016), stated that the requested records are exempt from disclosure because the release of the surveillance footage would jeopardize public safety as it reveals system vulnerabilities; specifically, blind spots of the camera.

¹ No legal representation listed on record.

² Represented by Catherine Kim, Esq., of Cleary, Giacobbe, Alfieri, Jacobs, LLC (Matawan, NJ).

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.

Denial of Access Complaint:

On January 11, 2024, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted the Township denied her access to the records she sought but did not include any arguments in support of the denial.

Statement of Information:

On February 6, 2024, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that she received the Complainant’s OPRA request on November 13, 2023. The Custodian certified that she reviewed the surveillance cameras for the requested date and time responsive to the Complainant’s OPRA request. The Custodian certified that no officers were present that day so there is no body worn camera footage and that there is no audio recording from the lobby. The Custodian certified that she responded in writing on November 22, 2023, informing the Complainant that no audio existed and the surveillance footage was exempt from disclosure pursuant to N.J.S.A. 47:1A-1.1, as disclosure would jeopardize public safety if disclosed because the subject recording may reveal locations of any “dead spots” within the Police Records Bureau lobby area. The Custodian further asserted that, considering the October 10, 2023 shooting in the lobby of the Bristol Police Department, the Township does not want to risk the safety of either the public or its employees.

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.

Surveillance Video Footage:

OPRA exempts disclosure of records that contain “*emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein.*” N.J.S.A. 47:1A-1.1 (emphasis added). OPRA further exempts access to “*security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons [or] property.*” Id. (emphasis added).

In Gilleran, 227 N.J. 159, the New Jersey Supreme Court held that security footage within a government building is exempt from disclosure under OPRA’s security and surveillance exemption at N.J.S.A. 47:1A-1.1. In reaching this conclusion, the Court set forth a detailed explanation of how security footage met the exemption:

Current events since the new millennium make evident the present[-]day difficulties of maintaining daily security for public buildings and people using

them. The security exceptions prevent OPRA requests from interfering with such security efforts. Even if the Legislature could not have predicted precisely all the many types of criminal, terroristic events that have happened since OPRA was enacted, the Legislature created flexible exceptions to preserve public safety and security. Now, we know that knowledge of the vulnerabilities of a security system could allow an ill-motivated person to know when and where to plant an explosive device, mount an attack, or learn the movements of persons, placing a public building or persons at risk. Information that reveals the capabilities and vulnerabilities of surveillance cameras that are part of a public facility's security system is precisely the type of information that the exceptions meant to keep confidential in furtherance of public safety.

. . . .

A sensible application of the security exceptions supports denying release of information that undermines the operation of a government facility's security system. Compelling the wholesale release to the public of videotape product of any security camera, or combination of cameras, from a government facility's security system would reveal information about a system's operation and also its vulnerabilities. Once OPRA is interpreted to require unfettered access to the work product of any camera that is part of a governmental facility's security system, then footage from security cameras in all governmental facilities—police stations, court houses, correctional institutions—would be subject to release on demand. It takes no stretch of the imagination to realize that that would make it possible for any person to gather the information necessary to dismantle the protection provided by such security systems.

Requests for videotape product from surveillance cameras protecting public facilities are better analyzed under the common law right of access where the asserted need for access can be weighed against the needs of governmental confidentiality. (Citations omitted).

[Id. at 174-77.]

In the instant case, the Complainant sought access to video recordings made by the Township Police Records Bureau of a verbal exchange between employees T. Pelech, R. D'Andrea, and S. Powers occurring in the foyer area during the hours of 1:15 p.m. to 2:00 p.m. and 3:15 to 4:00 p.m. on November 7, 2023. In the SOI, the Custodian asserted that access to the requested surveillance footage was lawfully denied because the requested surveillance footage may reveal locations of any “dead spots” within the Township’s Police Records Bureau lobby area, which would jeopardize the safety of both the public and the Township’s employees.

Gilleran supports the Custodian’s lawful denial of access to the requested record. Specifically, disclosure of the requested surveillance footage would reveal otherwise nonpublic information, jeopardize the Township’s Police Records Bureau security system, and compromise the safety of the public and employees. Also, disclosure may reveal locations of any “dead spots”

within the Police Records Bureau lobby area. This content is the type of information that is deemed protected and specifically exempt from disclosure under N.J.S.A. 47:1A-1.1.

Accordingly, the requested surveillance footage is exempt from disclosure under OPRA's emergency and security exemptions. N.J.S.A. 47:1A-1.1; Gilleran, 227 N.J. at 174-77. Specifically, disclosure of the video recording would jeopardize the safety and security of the Township's Police Records Bureau and would create a risk to the safety of both the public and employees therein. Thus, the Custodian lawfully denied access to the requested footage. N.J.S.A. 47:1A-6.

Audio Recording:

In Pusterhofer v. N.J. Dep't of Educ., GRC Complaint No. 2005-49 (July 2005), the custodian certified that no records responsive to the complainant's request for billing records existed and the complainant submitted no evidence to refute the custodian's certification regarding said records. The GRC determined that, because the custodian certified that no records responsive to the request existed and no evidence existed in the record to refute the custodian's certification, there was no unlawful denial of access to the requested records.

Here, the Complainant sought access to sought access to audio recordings of a verbal exchange that took place in the foyer area on November 7, 2023, made by the Township Police Records Bureau. The Custodian responded, stating that no audio of the exchange existed. In the SOI, the Custodian certified that no audio recordings of the event existed. The Complainant did not provide sufficient evidence to rebut the Custodian's certification.

Accordingly, the Custodian did not unlawfully deny access to the Complainant's November 10, 2023 OPRA request. N.J.S.A. 47:1A-6. Specifically, the Custodian certified in the SOI, and the record reflects, that no records responsive to this OPRA request exist. Pusterhofer, GRC 2005-49.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. The requested surveillance footage is exempt from disclosure under OPRA's emergency and security exemptions. N.J.S.A. 47:1A-1.1; Gilleran v. Twp. of Bloomfield, 227 N.J. 159, 174-177 (2016). Specifically, disclosure of the video recording would jeopardize the safety and security of the Township's Police Records Bureau and would create a risk to the safety of both the public and employees therein. Thus, the Custodian lawfully denied access to the requested footage. N.J.S.A. 47:1A-6.
2. The Custodian did not unlawfully deny access to the Complainant's November 7, 2023 OPRA request. N.J.S.A. 47:1A-6. Specifically, the Custodian certified in the Statement of Information, and the record reflects that no records responsive to this OPRA request exist. Pusterhofer v. N.J. Dep't of Educ., GRC Complaint No. 2005-49 (July 2005).

Prepared By: Rose-Valda Julceus
Staff Attorney

July 21, 2026