

<b>ABSECON POLICE DEPARTMENT STANDARD OPERATING PROCEDURES</b>		
SUBJECT: <b>OPEN PUBLIC RECORDS ACT SPECIAL SERVICE CHARGE</b>		
EFFECTIVE DATE: 11/8/2022	NUMBER OF PAGES: 2	
ACCREDITATION STANDARDS: <b>N/A</b>	BY THE ORDER OF: <b>CHIEF JAMES LAUGHLIN</b>	

**PURPOSE:** To establish guidelines for the imposition of special service charges in connection with requests made pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1, et seq., for audio and/or visual media recorded by body worn cameras and mobile vehicle recorders, other media including, but not limited to radio transmissions and calls with police dispatchers, and for records that cannot be reproduced by ordinary document copying equipment or when fulfilling a request to the Department requires an extraordinary expenditure of time and effort.

**POLICY:** It will be the policy of the Department to implement the guidelines established in this Standard Operating Procedure.

**PROCEDURE:**

A. General:

1. The Open Public Records Act, N.J.S.A. 47:1A-1, et seq., allows public agencies to impose special service charges whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or when fulfilling a request requires an extraordinary expenditure of time and effort. See N.J.S.A. 47:1A-5.c.

B. Special Service Charges:

1. Whenever the in-house work force or available equipment is insufficient to duplicate or produce government records in a timely fashion, the Department may cause such duplication or production to be accomplished by outside vendors such as copy centers or producers of digital images and audio. If the costs of such duplication or production charged by such vendors exceeds the routine charges set forth in N.J.S.A. 47:1A-5, the actual direct cost of same without any additional surcharge for labor costs shall be paid.
2. Whenever government records cannot be reproduced by regular copying equipment or fulfillment of the request would involve extraordinary time and effort (for example, where a large number of records must be recovered from storage, or substantial staff time is required to review, redact, sort, and/or assemble records), charges may be imposed as follows:
  - a. The actual cost (materials and supplies) of duplication or reproduction; plus

- b. The actual direct cost of labor for each hour of extraordinary time utilized to respond to the request.
3. Any requestor of government records which may be eligible for the imposition of a special service charge under this section shall receive advance notice of the amount of the charge before work is started. If the exact amount cannot be determined, the requestor will be provided with how the charge will be calculated and an estimate of the charge. The Department shall use the attached form for this purpose.



**James R. Laughlin**  
CHIEF OF POLICE

# CITY OF ABSECON POLICE DEPARTMENT



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## **NOTICE OF SPECIAL SERVICE CHARGE**

Date: \_\_\_\_\_

Dear Requestor,

The City of Absecon is in receipt of your OPRA request dated \_\_\_\_\_ attached hereto.

Please be advised that due to the number of officers on scene for this incident and/or the number of hours of Body Worn Camera (BWC) footage and/or police audio transmissions to be reviewed and redacted, the production of the media records in this request will require an estimated \_\_\_\_ hours to complete.

OPRA allows public agencies to impose special service charges whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or when fulfilling a request requires an extraordinary expenditure of time and effort. See N.J.S.A 47:1A-5.c. Special services charged must be based upon the actual direct cost of providing the copy or copies. OPRA mandates that the requester shall have the opportunity to review and object to the charge prior to it being incurred. See N.J.S.A. 47:1A-5.c. As such, a detailed estimate is provided below:

The employee with the training to review and redact the requested media is \_\_\_\_\_ and their direct hourly rate of pay minus fringe benefits is \_\_\_\_\_. The total estimated special service charge is \_\_\_\_\_. This special service charge is in addition to any other fees allowed by law as pertinent. See N.J.S.A. 47:1A-5.b.

**\*\*NOTE\*\*** This special service charge is ONLY for the media for the incident on \_\_\_\_\_ from your OPRA request.

We will not begin to process this portion of your OPRA request until we receive your response. Upon written acceptance and **50%** of the required fee we will begin to process the request. Payments must be submitted to the Municipal Clerk's Office. If you decline this special service charge, please indicate so in your response and we will not process your request for BWC footage and/or police audio transmissions.

Kindly respond in writing with your acceptance or rejection of this estimated charge. Please advise within **10** days or we will deem this OPRA request for BWC footage and/or police audio transmissions to be closed.

***AGENCY USE ONLY***

**DECLINED** – Do not process the OPRA request for BWC footage and/or police audio transmissions.

**ACCEPTED** – Process OPRA for BWC footage and/or police audio transmissions with service charge.

**Payment Processed** –                      Cash                      Check # \_\_\_\_\_                      Money Order