



Dear Mayor Fagan and Members of the Summit Common Council,

NJ21st is a nonprofit civic journalism organization with attention to local government bodies. In reviewing the upcoming Council agenda, I noticed the ordinance on police camera footage that establishes a charge of approximately \$78.13/hour.

Since Senator Scutari's 2024 OPRA amendment, local government bodies have pushed back hard on OPRA requests, going so far as to take journalists to court over records requests. Whether or not this ordinance is connected to the growing pushback on transparency is uncertain; however, when compared to some other examples in New Jersey, this charge is high.

Ocean City lists police body-worn camera footage at \$29/hour, with no charge for the first three hours.

Haddon Township lists \$0.49/minute, or about \$29.40/hour.

Howell lists \$25/hour.

Oaklyn and Allenhurst list \$50/hour.

Furthermore, this appears to be a special service charge for review and redaction labor, not a simple duplication fee. The GRC says special service charges must be reasonable, based on the actual direct cost of fulfilling the request, and calculated using the hourly rate of the lowest-level employee capable of fulfilling the request, without fringe benefits. The GRC also says special service charges are case-specific and that "no special service charges can be established in advance by ordinance."

Police footage is probably one of the most important items OPRA gives the public

access to, and it is not clear why police officers themselves would be responsible for the redaction. On its face, that creates a significant potential conflict of interest, especially when the footage may involve review of police conduct.

In the event this rate is being used to offset what is actually attorney review, the public should be made aware of that. Attorney review would likely cost more than \$78.13/hour, meaning the ordinance could both shift costs onto requestors and leave taxpayers shouldering the difference. If that is the case, a default policy of attorney review for every OPRA request involving video footage would come across as an aggressive and unnecessarily secretive practice against transparency. It would also make the language in the ordinance potentially misleading.

I respectfully request that the Council reconsider having this ordinance on the agenda or, at the very least, explain how this fixed rate complies with the GRC's case-by-case guidance and consider exemptions consistent with the public messaging surrounding Senator Scutari's 2024 amendment, including exemptions for residents and journalists.

Respectfully,

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on behalf of the NJ21st Board
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