



State of New Jersey

DEPARTMENT OF CORRECTIONS
WHITTLESEY ROAD
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TRENTON NJ 08625-0863

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt Governor

GARY M LANIGAN
Commissioner

April 8, 2014

Sent via E-Mail to
prison info project@umich.edu

Greer Donley
Prison Information Project
c/o Professor Marge Schlanger
910 Legal Research Building
University of Michigan Law School
625 South State Street
Ann Arbor, Michigan 48109

Re OPRA Request - Tracking # 9970

Dear Ms Donley

This office is in receipt of your e-mailed correspondence dated 3/31/2014 regarding the above noted OPRA request

In response to your request, please find Level 1 Internal Management Procedure IMM 002 IRS 001 "Inmate Remedy System" – 16 pages This policy is now in effect and replaces IMM 002 RRP 001

Also included are the following Level 1 Internal Management Procedures

- 1 PCS 001 PREA 001 "Sexual Assault/Prison Rape Elimination Act (PREA) Advisory Council" – 7 pages,
- 2 PCS 001 005 "Sexual Assault/Prison Rape Elimination Act (PREA) Sexual Assault Advisory Committee/Council" – 3 pages,
- 3 IMM 001 PSA 001 "Zero Tolerance of Prison Sexual Assault" – 6 pages,
- 4 IMM 001 004 "Zero Tolerance Policy Prison Sexual Assault" – 3 pages,
- 5 PCS 001 PREA ICM "Institutional Prison Rape Elimination Act (PREA) Compliance Manager" – 3 pages

In response to your request for Level III Internal Management Procedures regarding the Inmate Remedy System, please be advised that Level III Internal Management Procedures are institutional specific, are considered confidential and are exempt from disclosure pursuant to N J S A 47 1A-9 which exempts records that are subject to restrictions established by State or federal statute, regulation, Executive Order or Rules of Court, or privilege or grant of

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confidentiality established or recognized by the Constitution of NJ, statute, court rule or judicial case law

In accordance with N J S A 47 1A-1 et seq , the above noted documents are being e-mailed as attachments to this correspondence free of charge

You have a right to challenge the decision by the Department of Corrections At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint in writing with the Government Records Council (GRC) You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P O Box 819, Trenton, NJ 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc The Council can also answer other questions about the law

Sincerely,

John Farvey
Records Custodian

c OPRA Records File

Denial of Access Appeal Info

The New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) permits a person who believes he or she has been illegally denied access to a public record to file a complaint with the Government Records Council (GRC), or file suit in Superior Court to challenge the decision and compel disclosure. This poster describes the procedures for taking these actions.

To file a complaint with the Government Records Council:

Contact the GRC by phone at 1-866-850-0511, by e-mail at grc@dca.state.nj.us, or review the GRC web site at www.nj.gov/grc for information and to register your complaint.

The GRC staff may be able to help resolve the problem over the phone. If not, you can receive a complaint form through the mail or from the web site.

When you file the written complaint, the GRC will offer you and the public agency non-adversarial, impartial mediation.

If mediation is not agreed to or fails, the GRC will investigate the complaint.

The investigation may result in findings or a formal decision by the GRC, which may include a hearing by the Council.

In some cases, the Council can award attorneys' fees or fine a records custodian for failing to provide records.

Details of this process are available from the GRC.

There is no fee to file a complaint with the GRC.

To file a complaint in Superior Court:

A requester may start a summary (expedited) lawsuit in the Superior Court. A written complaint and order to show cause must be filed with the court.

The court requires a \$200 filing fee, and you must serve the lawsuit papers on the appropriate public officials.

The court will schedule a hearing and resolve the dispute.

If you disagree with the court's decision, you may appeal the decision to the Appellate Division of Superior Court.

If you are successful, you may be entitled to reasonable attorney fees.

You may wish to consult with an attorney to learn about initiating and pursuing a summary lawsuit in the Superior Court.

<http://www.state.nj.us/grc/register/appeal/>