



OFFICE OF THE HUDSON COUNTY PROSECUTOR

**595 NEWARK AVENUE
JERSEY CITY, NEW JERSEY 07306**

ESTHER SUAREZ

TELEPHONE: (201) 795-6400

November 27, 2017

Gavin Rozzi

SENT VIA EMAIL ONLY TO:

opra+request-243-9695e914@requests.opramachine.com

Re: OPRA Request cell site simulator information

Dear Mr. Rozzi:

I am in receipt of your request for records in the above matter under the Open Public Records Act, N.J.S.A. 47: 1A-1, et. seq. sent via email dated November 20, 2017 and received on November 21, 2017. It requests the following:

1. "Copies of all records documenting the acquisition of StingRay, AmberJack, KingFish or similar cell site simulator technologies by your agency from January 1, 2011 to November 20, 2017. I mean 'acquisition' in its broadest sense, including agreements under which the county prosecutor's office or county law enforcement agencies have leased, borrowed or otherwise come into physical possession of these technologies.

2. According to a document on-line here, Harris Corp. and other vendors sometimes requires law enforcement agencies to sign an agreement requiring the agency to notify the Harris Corp if it receives an Open Public Records Act request seeking information about its products. I would like copies of any such agreements on file with this office.

3. Copies of all notifications made to Harris in accordance with any documents responsive to #2 above.

4. All documents, whether generated by the county prosecutor's office or other agency, pertaining to the use of the technologies that are the subject of this request."

As to item one, the following documents are attached: Copy of submitted proposed resolution, resolution fact sheet, determination of value certificate, approved resolution and accompanying paperwork from the Hudson County Freeholder's dated April 16, 2015, requisition order and purchase order. To the best of my knowledge and belief no further documents exist which would satisfy your request.

As to items two and three to the best of my knowledge and belief no documents exist which would satisfy your request.

As to items four, pursuant to OPRA this request is denied as these items are exempt pursuant to **N.J.S.A. 47:1A-1 et seq.** under the following exemptions: As trade secrets and proprietary commercial or financial information. For the purposes of this paragraph, trade secrets shall include data processing software obtained by a public body under a licensing agreement which prohibits its disclosure; as security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software. Further, this information is exempt pursuant to Executive Order 21 as a Government record where accessibility would substantially interfere with the state's ability to protect and defend the state and its citizens against acts of sabotage or terrorism, or which, if disclosed would materially increase the risk or consequence of potential acts of sabotage or terrorism.

You have a right to appeal a decision that a document or documents are not public records. You may take your appeal to the Government Records Council or to the New Jersey Superior Court as provided by **N.J.S.A. 47:1A-6 and -7.**

Sincerely,

ESTHER SUAREZ
Prosecutor Hudson County

By:


DAWN K. SCALA
Assistant Prosecutor