



From: "oprarequests@counsel.essexcountynj.org"
 <oprarequests@counsel.essexcountynj.org>
Date: Tuesday, May 19, 2020 at 12:42 PM
To: AO Records <records@americanoversight.org>
Subject: OPRA Request #4717 Updated (Closed)

This email was received from an external sender. Exercise caution when opening attachments or clicking links.

The County of Essex has updated your request for government records dated 04/27/2020 02:04 seeking (Official notification or directive from I.C.E.).

To make any changes, check the status of your request, and download records responsive to your request, please click below:

<http://essex.oprarequest.com>

Thank you for your interest in the public records of Essex County.

If your request has been closed and you have additional comments please email oprarequests@counsel.essexcountynj.org informing us of the comments being added.

Once a request is closed, we are not notified of further comments added.

05/19/2020 03:42:27 PM Request status **Update** from Pending to Closed (OPRA Coordinator)

05/19/2020 03:42:17 PM Please see the attached record. This request is now considered closed. (OPRA Coordinator)

05/19/2020 03:42:00 PM Request_No._4717_-_ICE_Ltr_.pdf (OPRA Coordinator)

05/18/2020 04:23:21 PM Due date **Update** from 05/18/2020 02:04 PM to 06/08/2020 02:04 PM (OPRA Coordinator)

05/18/2020 04:23:15 PM Your request requires additional time beyond the previously extended deadline due to the lack of in-office staff at the Department of Corrections resulting from the COVID-19 crisis in the State of New Jersey. OPRA allows custodians to seek extensions of time pursuant to N.J.S.A. 47:1A-5.i. Accordingly, the updated due

date for this request is June 8, 2020. The County of Essex is grateful for your patience in this matter while the COVID-19 crisis remains ongoing.

(OPRA Coordinator)

04/27/2020 02:43:55 PM Due date [Update](#) from 05/06/2020 02:04 PM to 05/18/2020 02:04 PM (OPRA Coordinator)

On March 16, 2020, the New Jersey State Assembly passed Assembly Bill No. 3849 which permits a government agency twenty-one (21) calendar days to respond to an OPRA request "during a period declared pursuant to the laws of this State as a state of emergency, public health emergency, or state of local disaster emergency." Assembly Bill No. 3849. Presently, numerous

04/27/2020 02:43:50 PM Departments within Essex County are encouraged to work remotely from home in an effort to contain the spread of the novel coronavirus which means that these employees will not be able to search physical records in response to OPRA requests. Therefore, your request requires an extension of time until May 18, 2020 to allow the relevant Departments sufficient time to locate and redact any responsive records if same exist in their possession.

(OPRA Coordinator)

04/27/2020 02:25:32 PM Payment type [Update](#) from Check to No Fee (records@americanoversight.org)

04/27/2020 02:09:55 PM Payment type [Update](#) from No Fee to Check (records@americanoversight.org)



**U.S. Immigration
and Customs
Enforcement**

April 23, 2020

Alfaro Ortiz
Director Essex County Correctional Facility
354 Doremus Avenue
Newark, NJ 07105

Re: Public Disclosure of ICE Detainee Information

Dear Director Mr. Ortiz,

It has come to ICE's attention that Essex County has prepared and published a document capturing statistical data pertaining to ICE detainee serology screening/antibody testing results. This document was posted on Twitter on April 21, 2020 at 1:00 p.m. The posting has been shared one time and potentially viewed by the 25,900 followers of this Twitter account. ICE's concerns regards to the distribution of potential misinformation created by this document were also depicted in the letter you received by the COTR on April 21, 2020.

We request that you cease from publicly disclosing any information related to ICE detainees without prior approval of the Contracting Officer based on the terms of our Inter-Governmental Service Agreement (IGSA) number EROIGSA-11-0008, Modification P00008, Attachment 6, Performance Work Statement (PWS).

PWS, Section II, Paragraph B. 8, states, "The Service Provider shall coordinate all public information related issues pertaining to ICE detainees with the CO [Contracting Officer]. All press statements and releases shall be cleared, in advance, with the ICE Office of Public Affairs. The Service Provider shall promptly make public announcements stating the facts of unusual or newsworthy incidents to local media. Examples of such events include, but are not limited to: deaths, escapes from custody, and facility emergencies."

Thus, under this clause, any public dissemination of information regarding ICE detainees requires coordination with the CO and clearance by ICE. Absent coordination and clearance, you are prohibited from publicly posting the information.

Please take immediate action to ensure this violation is resolved and not repeated.

Beth Anne Davis
Contracting Officer
NJ-ESSEX-20-1061-A-000001

cc: Philip B. Alagia, Essex County Chief of Staff
John Tsoukaris, Field Office Director
Carol M. Frey, Contracting Officer's Representative
Michael C. Anderson, Assistant Field Office Director