

JEAN-RENE BASLE
County Counsel

MICHELLE D. BLAKEMORE
Chief Assistant

PRINCIPAL ASSISTANTS

Regina A. Coleman
Michael A. Markel
Penny Alexander-Kelley
Dart W. Brizzoc



COUNTY COUNSEL
385 NORTH ARROWHEAD AVENUE, 4th FLOOR
SAN BERNARDINO, CA 92415-0140

TELEPHONE (909) 387-5455
FAX (909) 387-5462

DEPUTIES

Alan L. Green	James H. Thebeau
Carol A. Greene	Frank Salazar
Melissa A. Ladenson	Eric K. Yee
Matthew J. Marnell	Beth L. Steigerwalt
Jeffrey S. Moret	S. Mark Strain
Phebe W. Chu	Richard W. Van Frank
Jamila Bayari	Kristina M. Robb
Cynthia O'Neill	Kenneth C. Hardy
Scott M. Runyan	Adam E. Fbright
Mitchell L. Norton	Robert T. Messinger
Julie J. Surber	John Tubbs II
Steven R. Bass	Svetlana Kauper
Ramona E. Verduzco	David Guardado
Jacqueline Carey-Wilson	Algeria R. Ford
Danielle E. Wuchenich	Richard Lueczak
Glenn C. Moret	Sophie A. Akins
Teresa M. McGowan	Agnes J. Cheng
Dawn M. Messer	Miles A. Kowulski

March 30, 2015

Mike Katz-Lacabe
46 Estrabrook St.
San Leandro, CA 94577

Re: Public Records Act Request

Dear Mr. Katz-Lacabe:

The San Bernardino County Sheriff's Department ("Department") is continuing its review of the records you requested on February 23, 2015.

The Department objects to the disclosure of records that are exempt pursuant to state or federal or state law. (Government Code § 6254(k).) This includes any business or industry information protected by the trade secret privilege. (Civil Code § 3426.1 (d).) The Department objects to the disclosure of documents when the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Government Code § 6255(a); *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325; *Rogers v. Superior Court* (1993) 19 Cal.App.4th 469.) This includes any records that qualify as preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained in the ordinary course of business. (Government Code § 6254(a); *Citizens for A Better Environment v. Department of Food and Agriculture* (1985) 171 Cal. App. 3d 704.)

Without waiving these or any other objections, exemptions, or privileges relating to this request, the Department is nonetheless making a good faith effort to identify records which may be responsive to your request. Please be advised that the search for responsive documents is ongoing and we have not completed the search. Once the Department has gathered together and ascertained what records, if any, may be responsive to your request, the Office will determine what portion may be privileged or exempt from disclosure, and notify you as to what records may be provided, or provided in redacted format. If the Department is able to identify specific, non-privileged records responsive to your requests, this Office will advise you of the nature of such records, advise you of the cost of duplication which must be paid in advance, and provide copies to you following such payment. We believe that we can provide a final response within 14 days.

Below, please find an itemized list addressing your records requests:

- 1. The Non-disclosure agreement between the San Bernardino County Sheriff's Department and the FBI concerning cellular telephone surveillance and monitoring equipment from Harris Corporation or Boeing.

The Department has identified a document that is responsive to this request, and the Office is currently reviewing that document to determine what portion of the document may be privileged or exempt from disclosure. The Office will contact you immediately after this review is complete.

- 2. Any MOU/agreement for sharing/use of cellular telephone surveillance and monitoring equipment.

The Department has determined that it possesses no disclosable documents that are responsive to this request.

- 3. Harris Corporation or Boeing Company Terms and Conditions.

The Department has determined that it possesses no disclosable documents that are responsive to this request.

- 4. Any notifications about public records requests regarding StingRay, KingFish, Hailstorm or other Harris equipment or Boeing Company equipment sent by the San Bernardino County Sheriff to the Federal Bureau of Investigation (FBI) since January 1, 2012 and responses from the FBI since January 1, 2012.

The Department has not located specific disclosable documents that are responsive to this request.

- 5. Any notifications about public records act requests regarding StingRay, KingFish, Hailstorm or other Harris equipment or Boeing Company equipment sent by the San Bernardino County Sheriff to Harris Corporation or Boeing Company since January 1, 2012 and responses from Harris Corporation or Boeing Company since January 1, 2012.

The Department has not located specific disclosable documents that are responsive to this request.

Please do not hesitate to call me if you would like to discuss this matter further.

Sincerely,

JEAN-RENE BASLE
County Counsel

Miles A. Kowalski
MILES A. KOWALSKI
Deputy County Counsel

for