



VENTURA COUNTY SHERIFF'S OFFICE

- **GEOFF DEAN**
Sheriff
- **GARY PENTIS**
Undersheriff
- **STEVE DE CESARI**
Assistant Sheriff
- **GUY STEWART**
Assistant Sheriff

800 SOUTH VICTORIA AVENUE, VENTURA, CA 93009 PHONE (805) 654-2380 FAX (805) 645-1391

March 26, 2015

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

Subject: Public Records Act Request

Dear Mr. Katz-Lacabe:

I am writing in response to your Public Records Act request, dated February 23, 2015, and received by the Ventura County Sheriff's Office (the "Sheriff") on March 2, 2015. You requested the following information:

- The non-disclosure agreement between the Ventura County Sheriff's Office and the FBI concerning cellular telephone surveillance and monitoring equipment from Harris Corporation (KingFish, StingRay, Hailstorm, etc.) or Boeing (DRTBox)
- Any MOU/agreement for sharing/use of cellular telephone surveillance and monitoring equipment
- Harris Corporation or Boeing Company Terms and Conditions
- Any notifications about public records act requests regarding StingRay, KingFish, Hailstorm or other Harris equipment sent by the Ventura County Sheriff's Office to the Federal Bureau of Investigation (FBI) since January 1, 2012 and response from the FBI since January 1, 2012
- Any notifications about public records act requests regarding StingRay, KingFish, Hailstorm or other Harris equipment sent by the Ventura County Sheriff's Office to Harris Corporation or Boeing Company since January 1, 2012 and response from the FBI since January 1, 2012

As an initial matter, after conducting a diligent search, the Sheriff does not have any records responsive to the second, third, fourth or fifth categories listed in your letter.

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With respect to the first category, the contents of the non-disclosure agreement (the "NDA") between the County and the FBI regarding technology from the Harris Corporation are exempt from disclosure pursuant to Government Code sections 6254, subdivision (k) and 6255, and pursuant to Evidence Code sections 1040 and 1060. The NDA was entered into in an effort to protect law enforcement sensitive details regarding the technology at issue. The Sheriff's access to the equipment itself is governed by the NDA. Disclosing the contents of the NDA and the existence of and capabilities provided by the equipment to the public not only violates the proprietary rights of the Harris Corporation but may allow individuals who are the subject of investigation to employ countermeasures to avoid detection by law enforcement. This would not only endanger the lives and physical safety of law enforcement officers and other individuals, but would also adversely impact criminal and national security investigations. Moreover, disclosure of the contents of the NDA would reveal the FBI's role in the Sheriff's use of this equipment and could further jeopardize the law enforcement objectives of the use of the equipment. The public interest in the law enforcement objectives of the equipment and safety of law enforcement officers and others clearly outweighs the general interest in transparency.

As such, the Sheriff will produce a copy of the NDA, but redact the contents that are exempt pursuant to Government Code sections 6254, subdivision (k) and 6255, and pursuant to Evidence Code section 1040 and 1060.

The persons responsible for the determinations above are Emily T. Gardner, Assistant County Counsel, and Tracey Pirie, Sheriff's Bureau Manager. Any further questions or communications on this matter should be directed to the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tracey F. Pirie". The signature is fluid and cursive, with the first name "Tracey" being more prominent.

Tracey F. Pirie
Sheriff's Bureau Manager
Human Resources/Records

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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

May 29, 2012

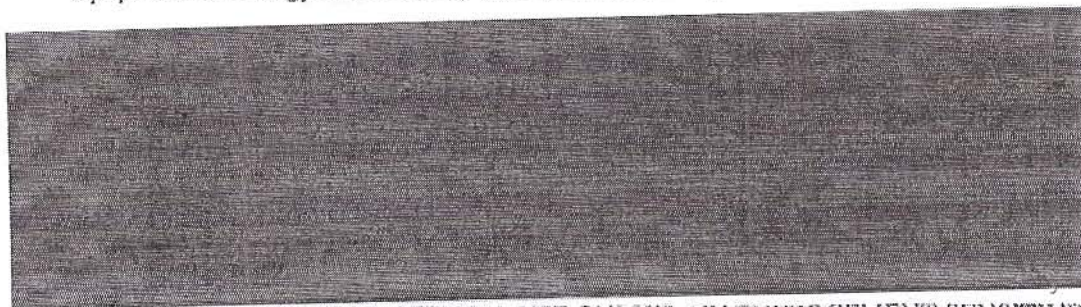
Christopher Dunn
Captain
Ventura County Sheriff's Office
5177 Camino Ruiz
Camarillo, CA 93012

Re: Acquisition of Wireless Collection Equipment/Technology and Non-Disclosure Obligations

LAW ENFORCEMENT SENSITIVE (LES): The information in this document is the property of the Federal Bureau of Investigation (FBI) and may be distributed within the Federal Government (and its contractors), U.S. intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI Operational Technology Division authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website on an unclassified network.

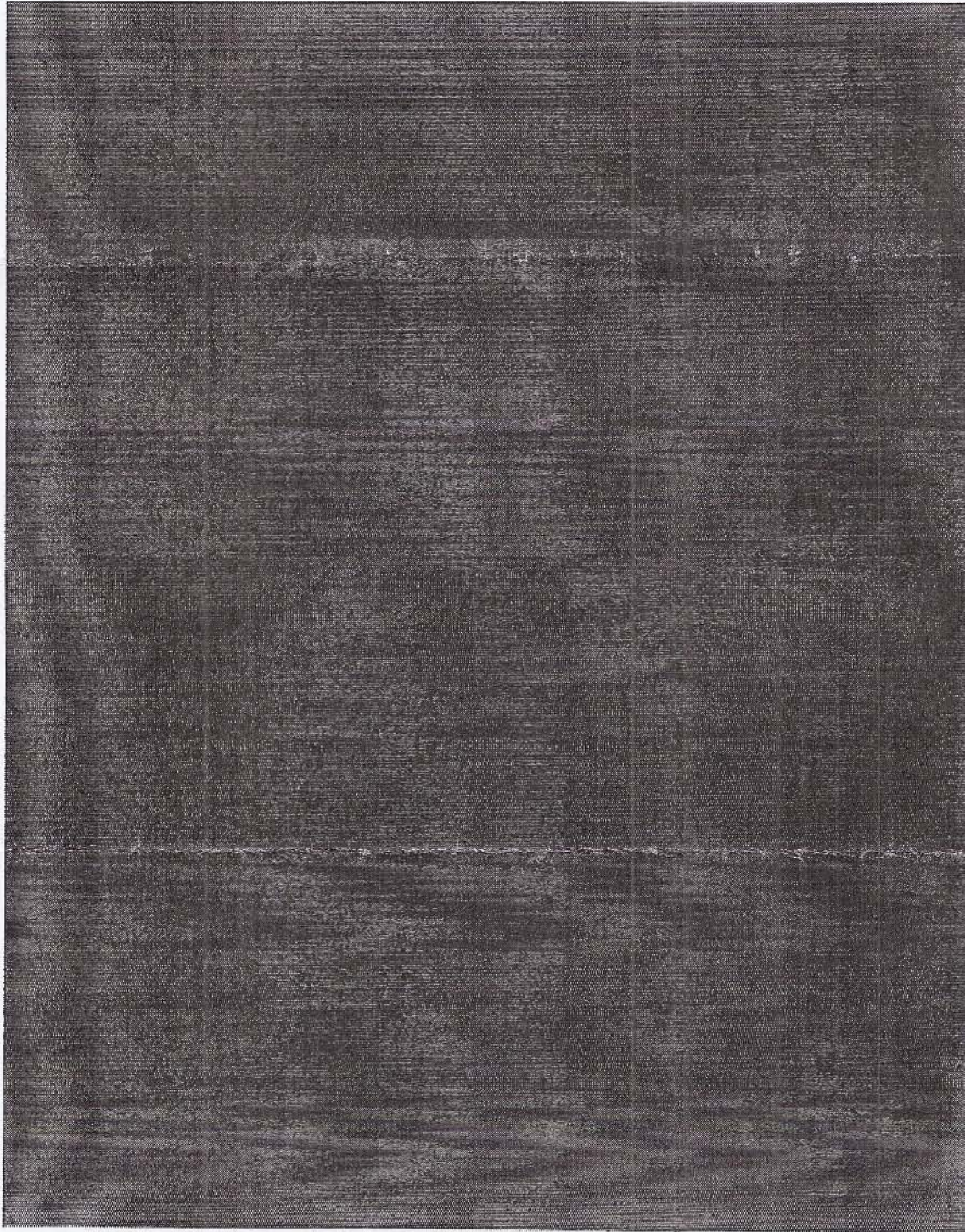
Dear Captain Dunn:

We have been advised by Harris Corporation of the Ventura County Sheriff Office's request for acquisition of certain wireless collection equipment/technology manufactured by Harris Corporation. Consistent with the conditions on the equipment authorization granted to Harris Corporation by the Federal Communications Commission (FCC), state and local law enforcement agencies must coordinate with the Federal Bureau of Investigation (FBI) to complete this non-disclosure agreement prior to the acquisition and use of the equipment/technology authorized by the FCC authorization.



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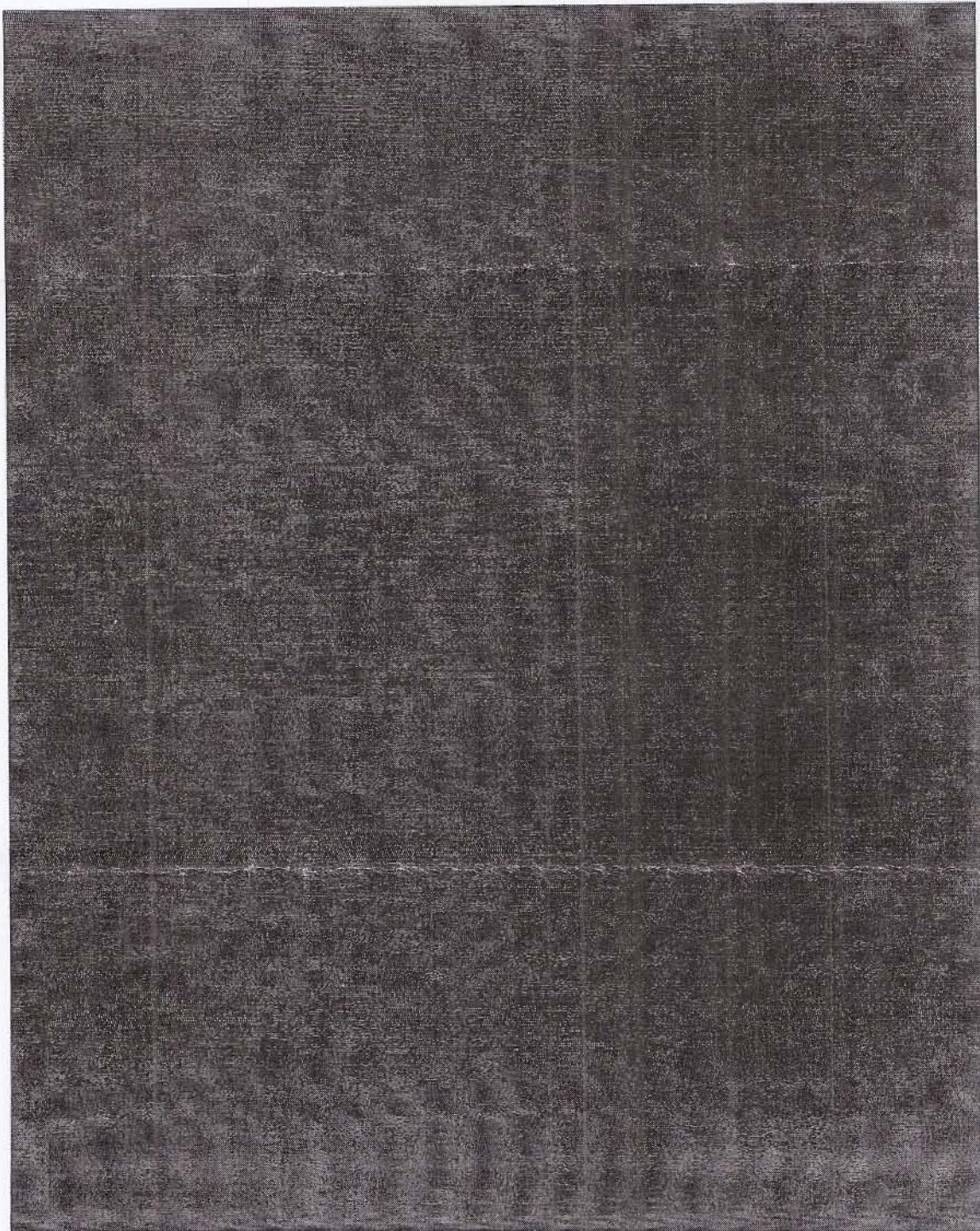
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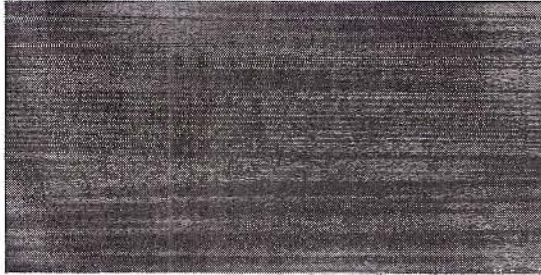
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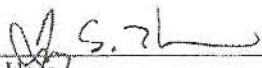


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The Ventura County Sheriff's Office's acceptance of the above conditions shall be evidenced by the signatures below of an authorized representative and wireless collection equipment operators of the Ventura County Sheriff's Office.

Sincerely,

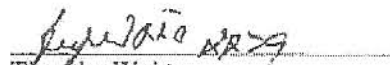


Amy S. Hess
Assistant Director
Operational Technology Division
Federal Bureau of Investigation

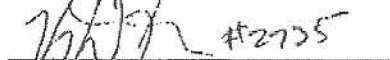
Acknowledged and agreed to this 8th day of June, 2012.




Christopher Dunn
Captain
Ventura County Sheriff's Office
Camarillo, CA




Timothy Waite
Sergeant



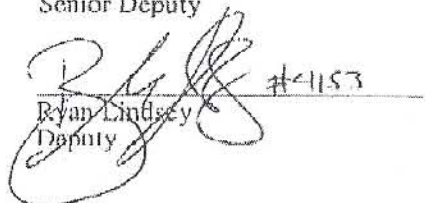
Kevin Donoghue
Senior Deputy



Lawrence Hanson
Senior Deputy



Darren Smith
Senior Deputy



Ryan Lindsey
Deputy

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