

1 **JOHN F. WHISENHUNT, County Counsel**  
2 **JAMES R. WOOD, Deputy County Counsel**  
3 [State Bar No. 151333]  
4 **PETER CRESS, Deputy Sheriff**  
5 [State Bar No. 245758]  
6 **COUNTY OF SACRAMENTO**  
7 **700 H Street, Suite 2650**  
8 **Sacramento, CA 95814**  
9 **Telephone: (916) 874-5544**  
10 **Facsimile: (916) 874-8207**  
11 **E-mail: woodj@saccounty.net**  
12 **File No.: 100000-000312**

13 **Attorneys for Respondents, County of Sacramento**  
14 **Sheriff's Department**

15 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **IN AND FOR THE COUNTY OF SACRAMENTO**

17 **AMERICAN CIVIL LIBERTIES**  
18 **UNION OF NORTHERN**  
19 **CALIFORNIA,**

20 **Petitioner,**

21 **vs.**

22 **SACRAMENTO COUNTY SHERIFF'S**  
23 **DEPARTMENT,**

24 **Respondents.**

**Case No. 34-2015-80002040**

**SACRAMENTO COUNTY SHERIFFS**  
**DEPARTMENT'S RESPONSE TO**  
**PETITIONER'S FIRST SET OF**  
**REQUESTS FOR ADMISSIONS**

**Trial Date: Not Yet Assigned**  
**Department 24**

25 **RESPONDING PARTY: Sacramento County Sheriff's Department**

26 **PROPOUNDING PARTY: Petitioner American Civil Liberties Union**

27 **SET NUMBER: One**

28 Responding party, Sacramento County Sheriff's Department ("County") hereby  
responds to Petitioner's First Set of Request for Admissions pursuant to Code of Civil  
Procedure sections 2030.010, et seq. as follows:

Request for Admission No. 1:

Admit that YOU do not contend that any exemption to the California Public  
Records Act permits you to withhold RECORDS responsive to any CPRA REQUEST  
other than the exemptions set out in California Government Code sections 6254(f) and

1 6254(k).

2 Response to Request for Admission No. 1

3 Respondent denies the request for Admission No.1.

4 Request for Admission No. 2:

5 Admit that YOU have an IMSI CATCHER.

6 Response to Request for Admission No. 2:

7 Respondent admits.

8 Request for Admission No. 3:

9 Admit that YOU have used an IMSI CATCHER.

10 Response to Request for Admission No. 3:

11 Respondent admits.

12 Request for Admission No. 4:

13 Admit that YOU have used an IMSI CATCHER from a MOBILE PLATFORM.

14 Response to Request for Admission No. 4:

15 Respondent objects to this request as not reasonably calculated to lead to the  
16 discovery of admissible evidence and also objects based upon Evidence Code section  
17 1040. Subject to and without waving those objections, Respondent denies.

18 Request for Admission No. 5:

19 Admit that YOUR IMSI CATCHER is capable of interacting with cellular  
20 telephones without the affirmative agreement of the cellular telephone owners and users.

21 Response to Request for Admission No. 5:

22 Respondent objects to this request as not reasonably calculated to lead to the  
23 discovery of admissible evidence and that it is vague and ambiguous as to the term  
24 "interacting." Respondent also objects to this request based upon Evidence Code section  
25 1040. Subject to and without waving those objections, Respondent denies as phrased.

26 Request for Admission No. 6:

27 Admit that YOUR IMSI CATCHER is capable of interacting with cellular  
28

1 telephones beyond a single target cellular telephone, causing those additional cellular  
2 telephones to transmit information to YOUR IMSI CATCHER.

3 Response to Request for Admission No. 6:

4 Respondent objects to this request as not reasonably calculated to lead to the  
5 discovery of admissible evidence and that it is vague and ambiguous as to the term  
6 "interacting." Respondent also objects to this request based upon Evidence Code section  
7 1040. Subject to and without waving those objections, Respondent denies as phrased.

8 Request for Admission No. 7:

9 Admit that YOUR IMSI CATCHER is capable of interacting with cellular  
10 telephones of third parties in addition to those of parties who are the targets of YOUR  
11 investigations, causing those cellular telephones to transmit information to YOUR IMSI  
12 CATCHER.

13 Response to Request for Admission No. 7:

14 Respondent objects to this request as not reasonably calculated to lead to the  
15 discovery of admissible evidence and that it is vague and ambiguous as to the term  
16 "interacting." In addition, Respondent also objects to this request based upon Evidence  
17 Code section 1040. Subject to and without waving those objections, Respondent denies as  
18 phrased.

19 Request for Admission No. 8:

20 Admit that YOUR IMSI CATCHER is capable of obtaining location data.

21 Response to Request for Admission No. 8:

22 Respondent objects to this request as not reasonably calculated to lead to the  
23 discovery of admissible evidence and also objects based upon Evidence Code section  
24 1040. Subject to and without waving those objections, Respondent denies.

25 Request for Admission No. 9:

26 Admit that YOUR IMSI CATCHER is capable of sending signals through walls  
27 into private residential spaces.

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1 Response to Request for Admission No. 9:

2 Respondent objects to this request as not reasonably calculated to lead to the  
3 discovery of admissible evidence and also objects based upon Evidence Code section  
4 1040. Subject to and without waving those objections, Respondent denies.

5 Request for Admission No. 10:

6 Admit that even if YOUR IMSI CATCHER is targeted towards one specific  
7 space; the signals are capable of simultaneously entering neighboring private residential  
8 spaces.

9 Response to Request for Admission No. 10:

10 Respondent objects to this request as not reasonably calculated to lead to the  
11 discovery of admissible evidence and that it is vague and ambiguous as to the term  
12 "targeted towards one specific space." Respondent also objects to this request based upon  
13 Evidence Code section 1040. Subject to and without waving those objections,  
14 Respondent denies as phrased.

15 Request for Admission No. 11:

16 Admit that YOUR IMSI CATCHER is capable of determining a cellular  
17 telephone's IMSI.

18 Response to Request for Admission No. 11:

19 Respondent Admits.

20 Request for Admission No. 12:

21 Admit that YOUR IMSI CATCHER is capable of determining a cellular  
22 telephone's phone number or MIN.

23 Response to Request for Admission No. 12:

24 Respondent objects to this request as not reasonably calculated to lead to the  
25 discovery of admissible evidence and also objects based upon Evidence Code section  
26 1040. Subject to and without waving those objections, Respondent denies.

1 Request for Admission No. 13:

2 Admit that YOUR IMSI CATCHER is capable of determining the phone numbers  
3 dialed by a cellular telephone.

4 Response to Request for Admission No. 13:

5 Respondent objects to this request as not reasonably calculated to lead to the  
6 discovery of admissible evidence and also objects based upon Evidence Code section  
7 1040. Subject to and without waving those objections, Respondent denies.

8 Request for Admission No. 14:

9 Admit that YOUR IMSI CATCHER is capable of obtaining the CONTENTS of a  
10 phone call to or from a cellular telephone.

11 Response to Request for Admission No. 14:

12 Respondent objects to this request as not reasonably calculated to lead to the  
13 discovery of admissible evidence and also objects based upon Evidence Code section  
14 1040. Subject to and without waving those objections, Respondent denies.

15 Request for Admission No. 15:

16 Admit that YOUR IMSI CATCHER is capable of determining the phone numbers  
17 to which a cellular telephone sends or from which a cellular telephone receives text  
18 messages.

19 Response to Request for Admission No. 15:

20 Respondent objects to this request as not reasonably calculated to lead to the  
21 discovery of admissible evidence and also objects based upon Evidence Code section  
22 1040. Subject to and without waving those objections, Respondent denies.

23 Request for Admission No. 16:

24 Admit that YOUR IMSI CATCHER is capable of obtaining the CONTENTS of  
25 text messages sent or received by a cellular telephone.

26 Response to Request for Admission No. 16:

27 Respondent objects to this request as not reasonably calculated to lead to the  
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1 discovery of admissible evidence and also objects based upon Evidence Code section  
2 1040. Subject to and without waving those objections, Respondent denies.

3 Request for Admission No. 17:

4 Admit that YOU have used an IMSI CATCHER while it or the cellular telephone  
5 from which the IMSI CATCHER obtained information was located outside of the  
6 geographic boundaries of the County of Sacramento.

7 Response to Request for Admission No. 17:

8 Respondent objects to this request as not reasonably calculated to lead to the  
9 discovery of admissible evidence and also objects based upon Evidence Code section  
10 1040. Subject to and without waving those objections, Respondent denies.

11 Request for Admission No. 18:

12 Admit that, for instances when YOUR IMSI CATCHER interacts with THIRD  
13 PARTY cellular telephones, YOU do not provide notice to the users or owners of the  
14 cellular telephones that their phones are interacting with an IMSI CATCHER.

15 Response to Request for Admission No. 18:

16 Respondent objects to this request as not reasonably calculated to lead to the  
17 discovery of admissible evidence and that it is vague and ambiguous as to the terms  
18 "interacts" and "interacting." In addition, Respondent also objects to this request based  
19 upon Evidence Code section 1040. Subject to and without waving those objections,  
20 Respondent denies as phrased.

21 Request for Admission No. 19:

22 Admit that when YOUR IMSI CATCHER interacts with THIRD PARTY cellular  
23 telephones, YOUR IMSI CATCHER does not indicate that it is the property of a LAW  
24 ENFORCEMENT AGENCY.

25 Response to Request for Admission No. 19:

26 Respondent objects to this request as not reasonably calculated to lead to the  
27 discovery of admissible evidence and that it is vague and ambiguous as to the term  
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1 “interacts.” In addition, Respondent also objects to this request based upon Evidence  
2 Code section 1040. Subject to and without waving those objections, Respondent denies as  
3 phrased.

4 Request for Admission No. 20:

5 Admit that YOUR IMSI CATCHER is capable of obtaining information from a  
6 THIRD PARTY cellular telephone at a range greater than or equal to one mile.

7 Response to Request for Admission No. 20:

8 Respondent objects to this request as not reasonably calculated to lead to the  
9 discovery of admissible evidence and also objects based upon Evidence Code section  
10 1040. Subject to and without waving those objections, Respondent denies.

11 Request for Admission No. 21:

12 Admit that YOU have used an IMSI CATCHER without first obtaining any  
13 JUDICIAL AUTHORIZATION for that use.

14 Response to Request for Admission No. 21:

15 Respondent Admits.

16 Request for Admission No. 22:

17 Admit that YOU have obtained a warrant authorizing the use of YOUR IMSI  
18 CATCHER.

19 Response to Request for Admission No. 22:

20 Respondent objects to this request as not reasonably calculated to lead to the  
21 discovery of admissible evidence. Subject to and without waving those objections,  
22 Respondent denies.

23 Request for Admission No. 23:

24 Admit that YOU have obtained a PEN/TRAP ORDER for the use of YOUR IMSI  
25 CATCHER.

26 Response to Request for Admission No. 23:

27 Respondent objects to this request as not reasonably calculated to lead to the  
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1 discovery of admissible evidence. Subject to and without waving those objections,  
2 Respondent denies.

3 Request for Admission No. 24:

4 Admit that YOU have obtained a HYBRID ORDER for the use of YOUR IMSI  
5 CATCHER.

6 Response to Request for Admission No. 24:

7 Respondent objects to this request as not reasonably calculated to lead to the  
8 discovery of admissible evidence. Subject to and without waving those objections,  
9 Respondent denies.

10 Request for Admission No. 25:

11 Admit that YOU have submitted an application for JUDICIAL  
12 AUTHORIZATION regarding the use of YOUR IMSI CATCHER that did not disclose  
13 that YOUR IMSI CATCHER was capable of interacting with cellular telephones of  
14 THIRD PARTIES in addition to cellular telephones of PERSONS who are the target of  
15 YOUR investigations.

16 Response to Request for Admission No. 25:

17 Respondent objects to this request as not reasonably calculated to lead to the  
18 discovery of admissible evidence and that it is vague and ambiguous as to the term  
19 "interacting." In addition, Respondent also objects to this request based upon Evidence  
20 Code section 1040. Subject to and without waving those objections, Respondent denies  
21 as phrased.

22 Request for Admission No. 26:

23 Admit that YOU have submitted an application for JUDICIAL  
24 AUTHORIZATION regarding the use of an IMSI CATCHER that did not disclose that  
25 the IMSI CATCHER simulates a tower of base station of a cellular telephone or data  
26 network.



1 Response to Request for Admission No. 26:

2 Respondent objects to this request as not reasonably calculated to lead to the  
3 discovery of admissible evidence and also objects based upon Evidence Code section  
4 1040. Subject to and without waving those objections, Respondent denies.

5 Request for Admission No. 27:

6 Admit that YOU have submitted an application for JUDICIAL  
7 AUTHORIZATION regarding the use of an IMSI CATCHER that did not disclose that  
8 the IMSI CATCHER is capable of sending signals through walls into private residences.

9 Response to Request for Admission No. 27:

10 Respondent objects to this request as not reasonably calculated to lead to the  
11 discovery of admissible evidence and also objects based upon Evidence Code section  
12 1040. Subject to and without waving those objections, Respondent denies.

13 Request for Admission No. 28:

14 Admit that YOU have received information from another LAW ENFORCEMENT  
15 AGENCY, including without limitation any FEDERAL AGENCY that was obtained by  
16 using an IMSI CATCHER.

17 Response to Request for Admission No. 28:

18 Respondent objects to this request as not reasonably calculated to lead to the  
19 discovery of admissible evidence. Subject to and without waving those objections,  
20 Respondent denies.

21 Request for Admission No. 29:


22 Admit that YOU have shared information obtained by YOUR use of an IMSI  
23 CATCHER with another LAW ENFORCEMENT AGENCY including without limitation  
24 any FEDERAL AGENCY.

25 Response to Request for Admission No. 29:

26 Respondent admits.  
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1 DATED: 9-11-15

JOHN F. WHISENHUNT, County Counsel  
Sacramento County, California

2  
3  
4 By:   
5 JAMES WOOD  
6 Deputy County Counsel

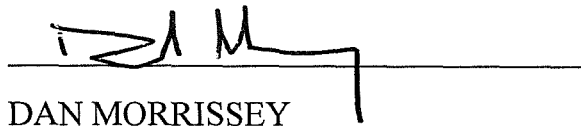
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VERIFICATION

I, Dan Morrissey, declare as follows:

I am employed by the Sacramento County Sheriff's Department. I have read the foregoing Response **SACRAMENTO COUNTY SHERIFF DEPARTMENT'S RESPONSE TO REQUEST FOR ADMISSIONS**. I declare under penalty of perjury under the laws of the State of California that I believe the matters stated therein to be true and correct and that this declaration was executed on this ~~14th~~ day of August 2015 at Sacramento, California.

  
DAN MORRISSEY

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**PROOF OF SERVICE BY MAIL**

I, Michelle Embree, declare:

I am a citizen of the United States, over the age of 18 years, and not a party to the above-entitled action. I am employed in the County of Sacramento and my business address is 700 H Street, Suite 2650, Sacramento, California 95814.

I am readily familiar with the business practices of the collection and processing of correspondence for mailing with the United States Postal Service, and correspondence so collected and processed is deposited with the United States Postal Service on the same date in the ordinary course of business.

On September 11, 2015, I served the original or a copy of the following:  
**RESPONSE TO PETITIONER'S FIRST SET OF REQUESTS FOR ADMISSIONS**  
on the parties interested in said action as follows:

**mail** by enclosing a true copy in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. I am readily familiar with the business practices of the Office of the Sacramento County Counsel for collection and processing of correspondence for mailing with the United States Postal Service, and correspondence so collected and processed is deposited with the United States Postal Service on the same date in the ordinary course of business:

American Civil Liberties Union Foundation Of Northern California Michael Risher, Esq. 39 Drumm Street San Francisco, CA 94111	Latham & Watkins LLP Sadik Huseny, Esq., Hanno Kaiser, Esq and Kyle Virgien, Esq. 505 Montgomery Street, S-2000 San Francisco, CA 94111
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American Civil Liberties Union Foundation Of Southern California Peter Bibring, Esq. & Jessica Price, Esq. 1313 West Eighth Street Los Angeles, CA 90017	Lujing Liu, Esq. 140 Scott Drive Menlo Park, CA 94025
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I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on September 11, 2015, in Sacramento, California.

\_\_\_\_\_  
Michelle Embree