



# SHERIFF WAYNE IVEY

# BREVARD COUNTY SHERIFF'S OFFICE

Staff Services Unit ★ 700 Park Avenue ★ Titusville, Florida 32780-4095 ★ (321) 264-5216 ★ Fax (321) 264-5287

### Brevard County Jail Complex

860 Camp Road  
Cocoa, FL 32927  
(321) 690-1500  
(321) 635-7800 fax

### Canaveral Precinct

111 Polk Avenue  
Cape Canaveral, FL 32920  
(321) 868-1113  
(321) 784-8340 fax

### East Precinct

2575 N. Courtenay Pkwy.  
Merritt Island, FL 32953  
(321) 454-6652  
(321) 454-6631 fax

### Investigative Services

340 Gus Hipp Boulevard  
Rockledge, FL 32955  
(321) 633-8499  
(321) 633-8403 fax

### North Precinct

750 Park Avenue  
Titusville, FL 32780  
(321) 264-5208  
(321) 264-5359 fax

### Operational Services

2575 N. Courtenay Pkwy.  
Merritt Island, FL 32953  
(321) 454-6643  
(321) 454-6642 fax

### South Precinct

1515 Sarno Road, Bldg B.  
Melbourne, FL 32935  
(321) 253-6658  
(321) 253-6666 fax

### West Precinct

2725 Judge Fran Jamieson Way, Bldg. E  
Viera, FL 32940  
(321) 633-2123  
(321) 633-1965 fax



April 22, 2014

Mr. Nathan F. Wessler  
c/o American Civil Liberties Union Foundation  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004-2400

Re: Chapter 119 Public Records Request of February 28<sup>th</sup>, 2014

Dear Mr. Wessler,

Brevard County Sheriff Wayne Ivey acknowledges receipt of your correspondence of February 28<sup>th</sup>, 2014, which makes a request for public records pursuant to Chapter 119, Florida Statutes. The request generally seeks public records "regarding use of cell site simulators by Brevard County Sheriff's Office" and specifically identifies ten categories of possible public records that are requested.

The Sheriff's Office has carefully analyzed and evaluated the specific requests for records made in the letter; has reviewed the materials and arguments cited in the February 28<sup>th</sup> letter; and is also cognizant of the pending multiple similar requests that the ACLU has made to other law enforcement agencies in Florida. This office is aware of and respects the public debate over this and similar issues, and has given careful consideration to the policies and values expressed by both sides of the debate. That being said, it is the position of the Brevard County Sheriff that the following exemptions are applicable to the public records request of February 28<sup>th</sup>, and must be respectfully asserted in response to the records requested by the February 28<sup>th</sup> letter:

- Section 119.071(2)(d) – Any information revealing surveillance techniques or procedures or personnel is exempt from Section 119.07(1) and Article I, section 24(a) of the Florida Constitution. Any comprehensive inventory of state and local law enforcement resources compiled pursuant to part 1, chapter 23, and any comprehensive policies and plans compiled by a criminal justice agency pertaining to the mobilization, deployment, or tactical operations involved in responding to an emergency.

- Section 119.071(f) – Data processing software obtained by an agency under a licensing agreement that prohibits its disclosure and which software is a trade secret, as defined in Section 812.081, and agency-produced data processing software that is sensitive are exempt from Section 119.07(1) and Article 1, section 24(a) of the Florida Constitution.
- Sections 943.053(2) and 943.054 regarding criminal history and criminal justice information.
- Any non-disclosure agreement or requirement by and between the Brevard County Sheriff's Office and any federal agency that is or may be applicable to this public records request.

By assertion of these exemptions and objections, the Brevard County Sheriff's Office does not waive any other exemption or objection to the February 28<sup>th</sup> public records request that could be asserted, and the specifics of any further exemption or defense will be provided to you promptly by an amended response. If you believe there is any defect in the form or substance of this response or in the manner which these exemptions are asserted herein, please advise, and if necessary an amended response will be made.

Please call or contact my office at your convenience with any questions, or if further discussion is desired regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donn".

Commander Jimmy Donn  
Staff Services Unit  
(321) 264-5216