



ACLU

AMERICAN CIVIL LIBERTIES UNION
of NORTH DAKOTA

September 27, 2016

VIA U.S. MAIL

Records Keeper
Morton County Sheriff's Department
205 1st Avenue NW
Mandan, ND 58554

RE: Open Records Act Request

Dear Sir or Madam:

We are writing to request documents pursuant to N.D. Cent. Code § 44-04-18.10 (Disclosure of Open Records). Specifically, we seek:

1. All records related to how Morton County is using federal and state funds to address the protests of the Dakota Access Pipeline.
2. All records related to the roadblock and checkpoint on Highway 1806, approximately six miles South of Mandan, including but not limited to all documents, audio recordings, video recordings, dispatch recordings and other recordings of radio communications, dispatch logs and printouts, images, email and other correspondence, reports, logs, investigations, notes, personnel assignments, sign in sheets, training materials, briefings, and presentations.
3. All records and correspondence related to or referring to the use of surveillance technologies or equipment by employees or agents of the Morton County Sheriff's Department, and employees or agents of the State of North Dakota, and employees or agents of the federal government related to the protest of the Dakota Access Pipeline from April 1, 2016 to present, including but not limited to written correspondence, emails, text messages, and instant messages. "Surveillance technology" means any electronic device, system utilizing an electronic device, or similar used, designed, or primarily intended to collect, retain, process, or share audio, electronic, visual, location, thermal, olfactory or similar information specifically associated with, or capable of being associated with, any individual or group. Surveillance technology includes but is not limited to cell site simulators deployed by aircraft or ground, facial recognition systems or software, automatic license plate reader systems (ALR), or surveillance cameras (including high resolution cameras and cameras

equipped with infrared or thermal imaging) deployed by aircraft or ground.

4. All correspondence between employees or agents of the Morton County Sheriff's Department and employees or agents of the State of North Dakota relating or referring to the protest of the Dakota Access Pipeline from April 1, 2016, to the present, including but not limited to, written correspondence, emails, text messages, and instant messages.
5. All correspondence between the employees or agents of the Morton County Sheriff's Department and employees or agents (including contractors) of Dakota Access, LLC, relating or referring to the protest of the Dakota Access Pipeline from April 1, 2016, to the present, including but not limited to, written correspondence, emails, text messages, and instant messages.
6. All correspondence between the Morton County Sheriff's Department and the 10-Code Security, LLC, relating or referring to the protest of the Dakota Access Pipeline from April 1, 2016, to the present, including but not limited to, written correspondence, emails, text messages, and instant messages.
7. All correspondence between the Morton County Sheriff's Department and the Frost Kennels, relating or referring to the protest of the Dakota Access Pipeline from April 1, 2016, to the present, including but not limited to, written correspondence, emails, text messages, and instant messages.
8. All correspondence between the Morton County Sheriff's Department and any federal agencies, their employees or agents, relating or referring to the protest of the Dakota Access Pipeline from April 1, 2016, to the present, including but not limited to, written correspondence, emails, text messages, and instant messages.
9. All Offense Reports between August 1, 2016 and today, including but not limited to:
 - a. Arrestee description, including name, date of birth, address, race, sex, physical description, and occupation of arrestee.
 - b. Facts concerning the arrest, including the cause of arrest and the name of the arresting officer.
 - c. Conviction information, including the name of any person convicted of a criminal offense.
 - d. Disposition of all warrants, including orders signed by a judge of any court commanding a law enforcement officer to arrest a particular person.
 - e. A chronological list of incidents, including initial offense report information showing the offense, date, time, general location, officer, and a brief summary of what occurred.
 - f. A crime summary, including a departmental summary of crimes reported and public calls for service by classification, nature, and number.
 - g. Radio log, including a chronological listing of the calls dispatched.
 - h. General registers, including jail booking information.
 - i. Arrestee photograph, if release will not adversely affect a criminal investigation. N.D. Cent. Code Ann. § 44-04-18.7 (West)

10. Daily Logs for the period of April 1, 2016-today.

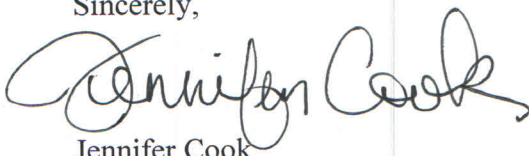
We ask that you release to us the documents requested above without delay.¹ Please produce the documents as they become available, and if portions of the documents are exempt from disclosure, please provide the non-exempt portions.² If the documents are available in electronic format please email them to me at jcook@aclu.org. We request that the fees associated with this request be waived. In the event that they are not waived, we request that charges for supplying the requested records be estimated in advance, and that we be specifically informed if the fees will exceed \$100.00. The ACLU will pay the actual costs of reproduction and postage if the documents are not available in electronic form.³ This information is not being sought for commercial purposes.

We are also writing to ensure that the Morton County Sheriff's Department preserve any and all evidence relating to the law enforcement response to the pipeline protests, including but not limited to, all of the records that are requested above in our above Open Records request. This demand for preservation of evidence includes, but is not limited to, any and all communications, documents, and recordings of any kind, including, but not limited to, all radio communications, computer communications, telephone communications, dispatch communications, CAD reports, dispatch logs, video recordings, including mobile in-car video systems, dash cams and body cameras. Please be advised that we are making this demand for the preservation of all of the recordings and other documentary materials relating to this event and to any subsequent investigation(s) of said event in anticipation of potential criminal and civil litigation arising from these events. Therefore, all of the above-referenced records and evidence must be preserved until the final resolution of any and all civil, criminal and/or other investigative proceedings arising from the protests.

If this request is denied, we request that you provide a written statement describing the legal authority for such denial in accordance with N.D.C.C. Ch 4-44-18, subd. (7).

Please let me know if you need any additional information. We appreciate your anticipated timely cooperation with this request.

Sincerely,



Jennifer Cook
Policy Director, ACLU of North Dakota

cc: Courtney Bowie
Rachel Lederman

¹ N.D.C.C. Ch. 44-04-18, subd. (8).

² N.D.C.C. Ch. 44-04-18.10.

³ N.D.C.C. Ch. 44-04-18, subd. (2)