



September 27, 2016

VIA U.S. MAIL

Records Keeper
Superintendent's Office
North Dakota Highway Patrol
Bismarck Office
601 Channel Drive
Bismarck, ND 58501-7757
(701) 328-5595 fax

RE: Open Records Act Request

Dear Sir or Madam:

I am writing to request documents pursuant to N.D. Cent. Code Ann. § 44-04-18.10 (West) (Disclosure of Open Records). Specifically, I seek:

1. Records related to how the North Dakota Highway Patrol is using state funds to assist law enforcement in Morton County as they address the protests related to the Dakota Access Pipeline, including but not limited to all records related to the closure of Highway 1806 (South) approximately six miles south of Mandan, North Dakota.
2. All correspondence between you and employees or agents of the Morton County Sheriff's Department regarding the protest of the Dakota Access Pipeline.
3. All correspondence between you and employees or agents (including contractors) of Dakota Access, LLC.
4. All correspondence between you and the 10-Code Security, LLC.
5. All citations issued in Morton County for the time period of August 1, 2016 through today.
6. Any and all records related to the protest or "water protectors" in Morton County, North Dakota and the construction of the Dakota Access Pipeline.



7. All records and correspondence related to or referring to the use of surveillance technologies or equipment by employees or agents of the North Dakota Highway Patrol, 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.

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 North Dakota Highway Patrol 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).

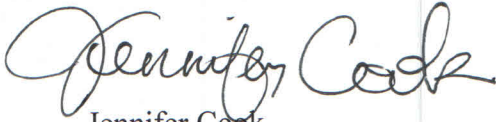
¹ N.D.C.C. Ch. 44-04-18, subd. (8).

² N.D.C.C. Ch. 44-04-18.10.

³ N.D.C.C. Ch. 44-04-18, subd. (2)

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

Sincerely,

A handwritten signature in black ink that reads "Jennifer Cook". The signature is written in a cursive, flowing style.

Jennifer Cook
Policy Director, ACLU of North Dakota

cc: Courtney Bowie
Rachel Lederman