

**GRAND FORKS COUNTY  
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November 32, 2016

Electronic Frontier Foundation  
ATTN: Adam Schwartz  
815 Eddy Street  
San Francisco, CA 94109

RE: Open Records Request, Grand Forks County  
SA#141059

Dear Mr. Schwartz:

This letter is written in response to your November 21, 2016, request for open records with regard to cell site simulators and other technologies utilized by the Grand Forks County Sheriff's Department. That request has been forwarded to me for response.

You have specifically requested information with regard to cell site simulators that the Grand Forks Sheriff's Officer utilizes or plans to use, and more detailed questions are delineated at Numbers 1 through 9. I would advise you that Grand Forks County is not in possession of any such technology, and consequently, has no records, policies or communications thereon.

Your inquiry Number 10 relates to installation of mobile cellular towers in the area of Dakota Access Pipeline. Grand Forks County has no such record or involvement.

Inquiry Number 11 relates to records concerning or referring to the chartering of planes, helicopters, or unmanned aerial vehicles in the vicinity of protesters against Dakota Access Pipeline. Please be advised that any such records are exempt from disclosure pursuant to NDCC Section 44-04-18.7 relating to criminal intelligence information and criminal investigative information. You are advised that active criminal intelligence information is not subject to NDCC Section 44-04-18 and Section 6 of Article 11 of the Constitution of the State of North Dakota. Criminal intelligence information means information with respect to identifiable person or group of persons collected by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity. The statute goes on to indicate that this information must be considered "active" as long as it relates to intelligence gathering conducted with a reasonable good faith belief it will lead to detection of ongoing or reasonably anticipated criminal activities.

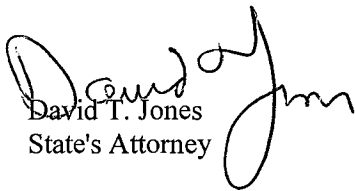
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You had also requested whether Grand Forks County has released to any other requestor open records with regard to cell site simulators, mobile cellular tower installation, or plane, helicopter or UAV used in the vicinity of the Dakota Access Pipeline. I am not aware of any other similar request or release of information or records within the scope of your inquiry.

Please feel free to contact me should you have questions or concerns.

Sincerely,

  
David T. Jones  
State's Attorney

DTJ/dj

cc: Robert Rost, GF Sheriff's Office