

Subject: Fwd: RE: Open records request to Grand Forks Police Department

From: Adam Schwartz <adam@eff.org>

Date: 12/8/16, 1:52 PM

To: Madeleine Mulkern <madeleine@eff.org>, stephanie <stephanie@eff.org>, David Greene <davidg@eff.org>

fyi

----- Forwarded Message -----

Subject: RE: Open records request to Grand Forks Police Department

Date: Thu, 8 Dec 2016 21:34:12 +0000

From: Zimmer, Derik <DZimmer@grandforksgov.com>

To: Adam Schwartz <adam@eff.org>

Mr. Schwartz;

I received word back from our IT folks today regarding this search. Actually, they had replied earlier in the week, but I was out of the office on Monday, and we have been dealing with a blizzard the past couple of days, so the discussion was had today. Long story short, we have four records produced by the parameters you provided. Those records are the e-mail exchange between the two of us. No records outside of our discussion were produced. I take it you do not need me to provide that exchange, as you likely already have it?

As I explained previously, we do not employ or utilize CSS technologies. Please let me know if I can be of further assistance.

All the best...

Lt. Derik J. Zimmer
Office of Professional Standards
Grand Forks Police Department
Office: 701-787-8184
Cell: 701-740-0763
dzimmer@grandforksgov.com

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-----Original Message-----

From: Adam Schwartz [<mailto:adam@eff.org>] Sent: Monday, November 28, 2016 11:38 AM

To: Zimmer, Derik; madeleine@eff.org

Cc: Nelson, Mark

Subject: Re: Open records request to Grand Forks Police Department

Dear Lt. Zimmer:

Thanks for your answers to my questions. At this point, EFF requests that your agency query your email server to identify all emails that contain:

(a) the word "simulator" or "IMSI" or "stingray" or "CSS"; and also

(b) the word "drone" or "UAV" or "UAS" or "unmanned"; and also

(c) the word "protest" or "standing rock" or "pipeline" or "water protector" or "DAPL".

To be clear, EFF seeks only those emails that contain at least one key word from all three of these categories of key words(A through C). For example, an email containing the words "simulator" and "drone" and "protest" would be responsive to EFF's request, but an email containing only the words "simulator" and "drone" would not.

Per our email correspondence yesterday and earlier today: after your agency identifies responsive records (through this key word query), but before your agency processes those records (through screening for confidential information), please advise EFF (a) how many responsive records there are, and (b) how long you anticipate it will take for your agency to process that many records. That way, if the search yields too many records, EFF can narrow the search before processing. I appreciate that your agency will do its best in making this estimate of processing time.

Sincerely,

Adam

On 11/28/16 8:38 AM, Zimmer, Derik wrote:

Mr. Schwartz;

In response to the below questions:

#1. The system may be queried, and records extracted, within the hour allotted for no cost. Subsequent searches, however, will likely exceed that allotted hour. I would suggest narrowly refining your search as much as possible from the very beginning for this reason. The search may be refined by personnel, time, keywords, and the like.

#2. I will certainly advise EFF regarding the number of records retrieved. I will do my best to estimate processing. The fewer the records, the more likely my estimate will have some validity. The difficult aspect of processing such records is that they need to be redacted word by word, and any record requiring redaction needs to be reformatted, redacted, and re-introduced into the database. It is a cumbersome process, and is entirely dependent on the number of records requiring redacting, which I will not know until I get into processing the records themselves. As such, accurate estimations will be difficult, but we will do our best.

I hope that answers your questions. Please advise if you have further questions or require further clarification.

Lt. Derik J. Zimmer
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-----Original Message-----

From: Adam Schwartz [<mailto:adam@eff.org>]
Sent: Sunday, November 27, 2016 11:37 AM
To: Zimmel, Derik; madeleine@eff.org
Cc: Nelson, Mark
Subject: Re: Open records request to Grand Forks Police Department

Dear Lt. Zimmel:

Thank you for your email of November 16. Thank you in particular for your suggestions regarding how EFF should frame its request for email that may be responsive to item #11. In that regard, I have two follow-up questions:

1. How long do you anticipate it might take for your agency to query your email server for key words and extract any emails containing those key words?
2. After your agency identifies responsive records (through this key word query), but before your agency processes those records (through screening for confidential information), would you be willing to advise EFF (a) how many responsive records there are, and (b) how long you anticipate it would take for your agency to process that many records?
That way, if the search yields too many records, EFF could narrow the search before processing.

Sincerely,

Adam

--

Adam Schwartz | Senior Staff Attorney
Electronic Frontier Foundation
815 Eddy St. | San Francisco, CA 94109 adam@eff.org | 415.436.9333
x176

On 11/16/16 8:01 AM, Zimmel, Derik wrote:

Ms. Mulkern and Mr. Schwartz;

Regarding to your Open Records Request dated 11/11/2016, attached to the original e-mail sent by you, we have no such records for all but one item. That final item may benefit from some refinement, per the following discussion.

Pertaining to points #1-#9, we do not employ cell site simulators.

Pertaining to point #10, we have not provided temporary infrastructure support to the event in question, including but not limited to any mobile cellular tower. We have no knowledge of any such device being employed in the field.

Pertaining to point #12, we have not released any such records listed.

Pertaining to point #11, our agency does not possess any records documenting UAV logs and the like. With that said, we do have

several officers on a regional UAS team. That team operates under the leadership of the Grand Forks County Sheriff's Office, and team activity records are maintained by that office. The only possible records we would possess, given the potentially broad net cast with the wording of #11, would be e-mail exchanges; a vast majority of which would simply be notifying of service requests, arranging logistics of who is going when, etc. The process of extracting such records would be to query our e-mail server for key words, and extract those e-mails containing those key words. Those e-mails would then have to be individually screened for information considered Confidential or Closed under North Dakota Century Code. Those items would have to be redacted prior to release of said records. Depending on the scope of the search, it could end up being a substantial time commitment, so I would encourage you to bear that in mind if and when you wish us to undertake such a search. I have not conducted such a search due to the wording of #11 itself. It would be a very broad inquiry, and I didn't know if you wished to refine it in any way via key words to limit the number of records that would have to be processed. For reference purposes, a recent inquiry using certain limiting key words not addressed in your inquiry resulted in 3700+ records. Fees for processing such a request would likely exceed \$1500. I provide that example simply to illustrate the benefit of targeted searches in a day and age of e-mail lists with dozens and dozens of names involved.

As a matter of practice, we do not waive fees associated with Open Records Requests, and we will not do so in this case. The fee schedule is set within North Dakota Century Code. The first hour of locating/processing records is free. Any subsequent hours are billed at \$25 per hour. If electronic storage media is required for storage and transfer of such records, additional fees would apply.

Please advise if/how you wish to proceed with this request.

Thank you...

Lt. Derik J. Zimmel
Office of Professional Standards
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From: Nelson, Mark
Sent: Friday, November 11, 2016 8:51 PM
To: Zimmel, Derik
Subject: Fwd: Open records request to Grand Forks Police Department

Please handle. Thank you.

Sent from my iPhone

Begin forwarded message:

From: "Madeleine Mulkern" <madeleine@eff.org
<<mailto:madeleine@eff.org>>>
To: "Nelson, Mark" <MNelson@grandforksgov.com
<<mailto:MNelson@grandforksgov.com>>>
Cc: "Adam Schwartz" <adam@eff.org <<mailto:adam@eff.org>>>
Subject: *Open records request to Grand Forks Police

Department*

Dear Chief Nelson,

Attached please find an open records request from Adam Schwartz of the Electronic Frontier Foundation to the Grand Forks Police Department.

Let me know if you have difficulty opening the attachment.

Thank you for your attention to this matter.

Madeleine Mulkern

--

Madeleine Mulkern
Legal Secretary
Electronic Frontier Foundation
815 Eddy Street
San Francisco, CA 94109
(415)436-9333 x 153

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Adam Schwartz | Senior Staff Attorney
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