



North Dakota Highway Patrol



Colonel Michael T. Gerhart, Jr., Superintendent
State Capitol, 600 E Boulevard Ave. Dept. 504
Bismarck, ND 58505-0240
Telephone: 701-328-2455

Jack Dalrymple
Governor
State of North Dakota

TO: Adam Schwartz – adam@eff.org

FROM: Captain Aaron Hummel

Re: Your request for records

DATE November 17, 2016

You requested records¹:

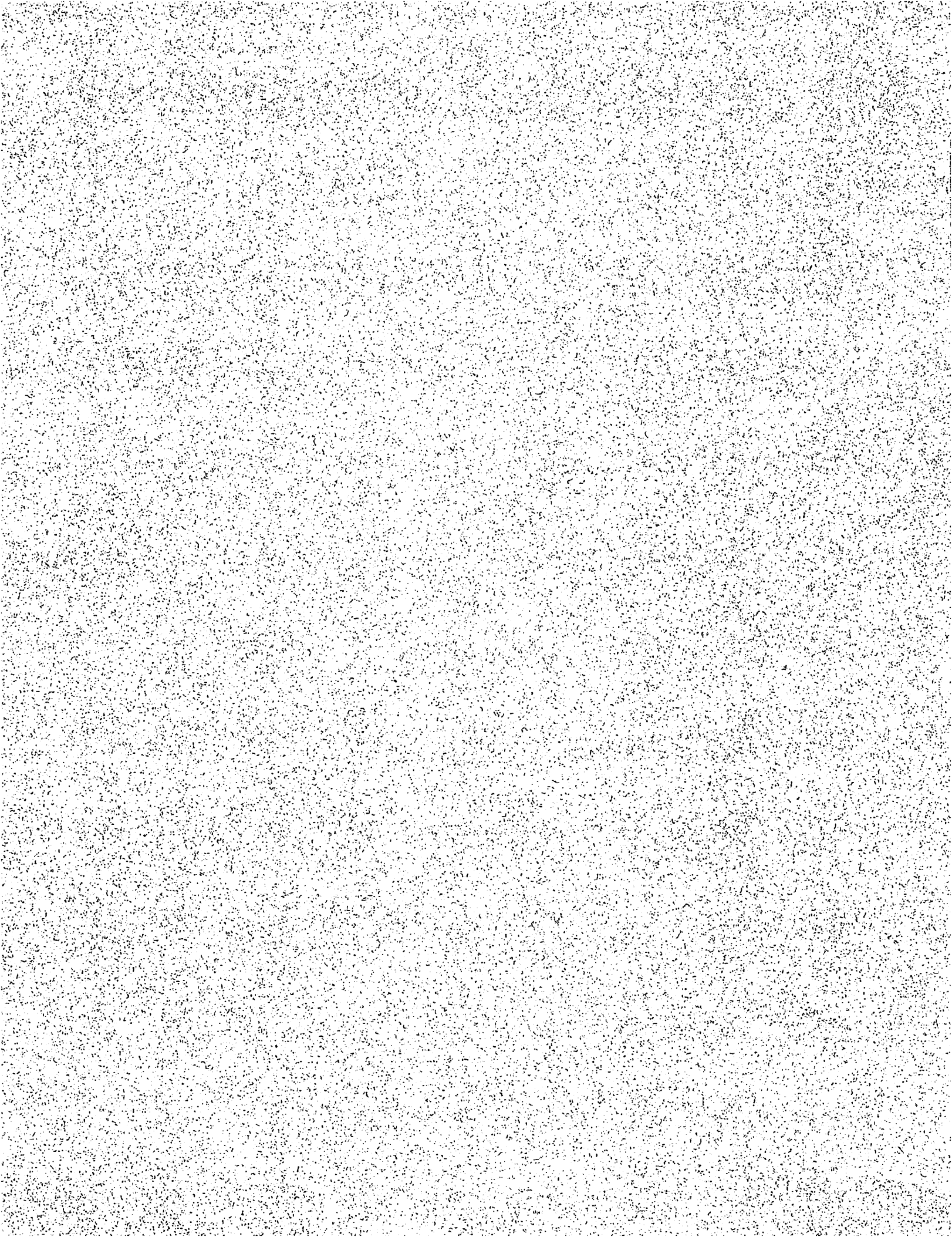
- 1) All records that relate or refer to the use of CSSs at protests against the Dakota Access Pipeline.
- 2) All records that relate or refer to technical specifications about CSSs.
- 3) All policies (including procedures, protocols, guidelines, standards, and practices), legal analysis, and training materials that relate or refer to CSSs.
- 4) All records sent to or from the CSSs' manufacturers and vendors, including but not limited to correspondence, promotional materials, presentations, contracts, memoranda of understanding, service agreements, invoices, purchase orders, loan agreements, non-disclosure agreements, and procurement documents (including but not limited to solicitation documents, notices of proposed contracts, proposed bids, unsolicited proposals, and documents about contracting without open competition).
- 5) All records that relate or refer to grants (including but not limited to proposals and awards) to purchase CSSs.
- 6) All records sent to or from federal, state, and local government agencies about CSSs, including requests to use or borrow CSSs.
- 7) All records sent to or from any wireless service provider concerning CSSs.
- 8) All records that relate or refer to use of CSSs and data collected from CSSs, including but not limited to logs of who, when, and why the devices were used.
- 9) All records that relate or refer to search warrants or orders from federal or state courts pertaining to the use of CSSs in criminal investigations.

Additionally, please provide the following:

- 10) All records that relate or refer to the installation or use of a mobile cellular tower (including but not limited to a portable or temporary tower) in the vicinity of protesters against the Dakota Access Pipeline, including but not limited to any correspondence or contract with any wireless service provider.
- 11) All records that relate or refer to the use or chartering of planes, helicopters, or unmanned aerial vehicles (UAVs) in the vicinity of protesters against the Dakota Access Pipeline, including but not limited to any logs of deployments.
- 12) All records that your agency has released to any other requester under the North Dakota open records statute (a) about CSSs, (b) about mobile cellular towers installed or used in the vicinity of the protesters against the Dakota Access Pipeline, and (c) about planes, helicopters, or UAVs used in the vicinity of those protesters.

- The records you requested cannot be provided because no such records exist OR the requested records are not records of this agency. #2- #10,
- Attached are the records you requested. #1 (Your request), #12
- Some information is redacted because it is exempt and/or confidential pursuant to N.D.C.C. §§ 44-04-18.21, 44-04-18.3
- To the extent [requested] [other records] may exist, the records [are] [would be] confidential or exempt in entirety, under N.D.C.C. §§. 44-04-24, 44-04-25 #11

¹ A public entity does not have to convert its records to another format, create or compile records that do not exist, or obtain records originating from another public entity that it does not have in its possession. A public entity has no obligation to respond to questions about its duties and functions or to explain the content of its records.



- The estimated cost for the requested records is \$_____, calculated as follows:
- _____ pages @ 25¢ per page \$_____
- _____ other copies @ \$_____ each \$_____
- _____ hours for locating the records @ \$25/hr each [after the first hour] \$_____
- _____ hours for redacting the records @ \$25/hr each [after the first hour] \$_____

Estimated costs are payable *in advance*. We do not waive estimated costs. When we receive a cashier's check/money order to "North Dakota State Patrol," we will begin work on your request.

- We estimate it will take _____ days to complete your request, *after* we receive full payment.
- Your request did not provide sufficient information for us to identify specific records. We cannot comply with your request without clarification. Please call me at (701) 328-2455.
- If we do not [receive payment] [hear from you] within ten (10) days from today's date, we will assume you have withdrawn your request.
- Your request does not reasonably identify specific records.