



Hon. Governor Doug Burgum  
600 East Boulevard Avenue  
Bismarck, North Dakota 58505  
Sent via email to [doug@nd.gov](mailto:doug@nd.gov)

Director Leann Bertsch  
North Dakota Department of Corrections and Rehabilitation  
3100 Railroad Avenue, P.O. Box 1898  
Bismarck, North Dakota 58502  
Sent via email to [lebertsc@nd.gov](mailto:lebertsc@nd.gov)

April 29, 2020

Dear Governor Burgum and Director Bertsch,

On behalf of the ACLU of North Dakota, under North Dakota Century Code § 44-04-17.1 et seq, I am requesting an opportunity to inspect or obtain copies of the below records regarding COVID-19 infection risk and spread among people living and working in North Dakota Department of Corrections and Rehabilitation facilities.

I request to inspect or obtain all records in the custody and/or control of the Governor's office and/or the North Dakota Department of Corrections and Rehabilitation:

1. Estimating or predicting COVID-19 infection rates and mortality among people living and working in North Dakota Department of Corrections and Rehabilitation facilities, including records identifying any model(s) and/or algorithm(s) used or relied upon by the North Dakota Department of Corrections and Rehabilitation to predict COVID-19 spread.
2. Regarding the risk of spreading COVID-19 to the communities surrounding North Dakota Department of Corrections and Rehabilitation facilities via movement of staff and incarcerated people in and out of, and between, facilities.
3. Regarding actions the Governor or the North Dakota Department of Corrections and Rehabilitation could take to address the risk of COVID-19 for people living and working in North Dakota Department of Corrections and Rehabilitation facilities and the likely outcomes of those actions.
4. Regarding suspected or confirmed COVID-19 related infections and COVID-related deaths among people living and working in North Dakota Department of Corrections and Rehabilitation facilities.



5. Related to COVID-19 related complaints, grievances and/or requests made by people incarcerated and/or detained in North Dakota Department of Corrections and Rehabilitation facilities, including grievances discussing access to hygiene, protective equipment, medical treatment, and/or other risks of exposure to COVID-19 within North Dakota Department of Corrections and Rehabilitation facilities.
6. Related to COVID-19 related communications or complaints between and/or among North Dakota Department of Corrections and Rehabilitation employees, including executive staff, facility supervisors and their staff, regarding employee access to hygiene, protective equipment, and/or other risks of exposure to COVID-19 within North Dakota Department of Corrections and Rehabilitation facilities.
7. Regarding the most recent plan created prior to the COVID-19 pandemic that would be implemented to guide the North Dakota Department of Corrections and Rehabilitation facilities in the event of a statewide infectious disease outbreak.
8. All records in the custody of the Governor's office that identify the model(s) and/or algorithm(s) upon which the Governor has relied upon from January 1, 2020 to estimate and/or predict COVID-19 infection rates and likely mortality throughout the state, including whether such models accounted for COVID-19 spread in and through North Dakota Department of Corrections and Rehabilitation facilities.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$100. Based upon a fuller description of the available records, I may elect to designate only certain records for copying and production.

I request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of North Dakota's response to COVID-19. This information is not being sought for commercial purposes.

If you expect a significant delay in responding to or in fulfilling this request, please contact the below email address with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and the appeal procedures available to me under the law.

I ask that any questions, responses or records produced please be directed to this email address: [COVID\\_FOIA@aclu.org](mailto:COVID_FOIA@aclu.org).

Thank you for considering this request.



Sincerely,

Dane DeKrey  
Advocacy Director  
ACLU of North Dakota  
P.O. Box 1190  
Fargo, North Dakota 58107