



PO Box 1968
Missoula, Montana 59806
406-204-0287
www.aclumontana.org

April 22, 2020

Montana Department of Corrections
ATTN: Public Records Officer
P.O. Box 201301
Helena, MT 59620

Office of the Governor
ATTN: Public Records Officer
PO Box 200801
Helena, MT 59620-0801

Montana Board of Pardons and Parole
ATTN: Public Records Officer
1002 N Main St
Deer Lodge, MT 59722

Re: ACLU Request for Public Records Regarding COVID-19 Response in Correctional Facilities

To whom it may concern:

Pursuant to Mont. Code Ann. § 2-6-1003, the ACLU of Montana respectfully requests the following records from the entities provided below, in electronic format unless only available in paper. Note that this request does not seek information protected by HIPAA or otherwise containing personally identifying information.

1. The current population of incarcerated individuals in every facility operated by DOC, including, but not limited to, the most recent “daily operation report.”¹
2. The current capacity of every facility operated by DOC.
3. The number of cells currently occupied by more than one incarcerated individual, sorted by facility.
4. All documents reflecting the number of COVID-19 tests to incarcerated individuals or staff in any DOC facilities, including the date administered and the result.

¹ For purposes of this public records request, “facilities” includes both state-operated and state-contracted facilities.

5. All documents reflecting the number of COVID-19 tests to individuals subject to a DOC sentence, including the date administered and the result.
6. All documents reflecting any measures undertaken by DOC to prevent the spread of COVID-19 in any of its facilities.
7. Any documents reflecting the Board of Pardons and Parole's consideration of early release for certain prisoners (*see*, April 1, 2020 Directive from Governor Steve Bullock) and any early release that has been effectuated.
8. Any documents reflecting DOC's attempts to "Minimiz[e] crowding, which may include scheduling additional mealtimes and recreational times, as staffing allows, to provide for increased social distancing." (*see*, April 1, 2020 Directive from Governor Steve Bullock)
9. Any document reflecting changes to policy or procedures adopted by DOC to address COVID-19 (*see*, DOC Brief, Case No. OP-20-0189 – "prisons and jails have drastically changed their procedures to mitigate the risk to inmates and staff.").
10. All communications between or among the Governor's office, the Department of Corrections (DOC), and any other state agency or official, estimating or predicting COVID-19 infection rates and mortality among people living and working in DOC facilities.
11. All communications between or among the Governor's office, DOC, and any other state agency or official, discussing or recommending any possible actions the Governor or DOC might take to address the risk of COVID-19 for people living and working in DOC facilities and the likely outcomes of those actions.
12. All communications between or among the Governor's office, DOC, and any other state agency or official, regarding confirmed COVID-related infections and COVID-related deaths among people living and working in DOC facilities.
13. All COVID-related grievances or KITES filed by people incarcerated in DOC facilities including grievances discussing access to hygiene, protective equipment, or other risks of exposure to COVID within DOC facilities.
14. All COVID-related communications between or among DOC facility supervisors and their staff regarding staff's access to hygiene, protective equipment, or other risks of exposure to COVID within DOC facilities.
15. All records reviewed or created by the Governor or ODC, preceding the outbreak of COVID-19, that evaluated possible outcomes or recommended actions in the event of an potential infectious disease outbreak within DOC facilities.

16. Records that identify the model(s) or algorithm(s) upon which the Governor or DOC has relied upon from January 1, 2020, through the time of the response to this request, to estimate or predict COVID-19 infection rates and likely mortality throughout the state.

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.

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. We ask that any questions, responses or records produced please be directed to this email address: XXXXXXXXXXXXXXXXXXXX

The ACLU of Montana was founded in 1972 and is a nonprofit and nonpartisan organization dedicated to protecting civil rights in Montana. The ACLU of Montana also engages with Montanans to educate and help communities organize when dealing with issues of equality, racial justice, and civil rights. The ACLU of Montana provides newsletters, news briefings, and other materials that are widely disseminated to the Montana public. These materials are made available via website (<https://www.aclumontana.org>) to everyone—including tax-exempt organizations, non-profit groups, students and faculty.

Please contact me should you have any questions regarding this request. Please provide your responses as soon as possible, but in any event no later than 14 days following receipt of this request. We look forward to your response and thank you for your prompt attention to this matter.

/s/ Alex Rate
Alex Rate
Legal Director
ACLU-MT