



## *Stillwater County Attorney's Office*

### **Report Request Form**

Public Information is available to any persons making a written request for information regarding a reported incident. The release of public information is defined by Montana Administrative Rule 23.12.203 as it relates to Initial Offense Reports – general nature of charges against the accused, offense location, name, age and residence of accused, name of victim (unless it is a sex crime), the identity of a witness (unless the witness requests confidentiality). See MCA §44-5-301 which discusses dissemination of public information.

The County Attorney's Office will make every effort to provide the requested report within 30 days from the date of request. However, if the incident/accident is still under investigation and/or the report is not complete, there will be a delay in the dissemination. When a report is disseminated, the County Attorney's Office will provide a copy that has been redacted of personal and confidential information and/or confidential criminal justice information.

The County Attorney's Office reserves the right to deny any request or portions of that request that does not fall within the scope of and pursuant to Montana Administrative Rule 23-12-203, MCA §44-5-103, §44-5-301 or §61-7-114. If the request involves someone that is deceased, the County Attorney's Office will only disseminate certain portions of the reports.

Reason for Request: \_\_\_\_\_

**Item(s) Requested:**

|  |  |  |  |
|--|--|--|--|
| <input type="checkbox"/> Dispatch Log  | <input type="checkbox"/> Incident Report | <input type="checkbox"/> Accident Report | <input type="checkbox"/> Coroner's Report  |
| <input type="checkbox"/> Police Report | <input type="checkbox"/> Crash Report    | <input type="checkbox"/> Autopsy Report  | <input type="checkbox"/> Toxicology Report |
| <input type="checkbox"/> Other: _____  |  |  |  |

Requestor's Name: \_\_\_\_\_

Requestor's Mailing Address: \_\_\_\_\_

Requestor's Phone Number: \_\_\_\_\_

Requestor's Email Address: \_\_\_\_\_

Requestor's Relationship to Party/Parties Named in Report: \_\_\_\_\_

Case Number: \_\_\_\_\_

Named Party in Report: \_\_\_\_\_

Date of Report: \_\_\_\_\_

Other Parties Involved in Report: \_\_\_\_\_

Address of Incident: \_\_\_\_\_

**Signature of Requestor:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Return request to: Stillwater County Attorney's Office, PO Box 179, Columbus, MT 59019 or by email to [scao@stillwatercountymt.gov](mailto:scao@stillwatercountymt.gov)

#### **STILLWATER COUNTY ATTORNEY'S OFFICE USE ONLY**

Date Report Released: \_\_\_\_\_ Date Request Returned: \_\_\_\_\_

**Reason for Returned Request:**

|  |   |
|--|---|
| <input type="checkbox"/> No Report Located | <input type="checkbox"/> Request does not fall within the scope of and pursuant to Montana Administrative Rule 23-12-203, MCA §44-5-103, §44-5-301 or §61-7-114 |
| <input type="checkbox"/> Other: _____      |   |

**Montana Administrative Rule 23.12.203**

- (1) Initial offense reports should contain the following:
  - (a) the general nature of the charges against the accused;
  - (b) the offense location;
  - (c) the name, age, and residence of the accused;
  - (d) the name of the victim, unless the offense charged was a sex crime; and
  - (e) the identity of a witness unless the witness has requested confidentiality.
- (2) Initial offense reports should not contain:
  - (a) driver's license numbers;
  - (b) social security numbers;
  - (c) medical records, including, but not limited to, mental health records and records relating to drug and alcohol addiction or treatment;
  - (d) with respect to the victim of an offense committed under 45-5-502, 45-5-503, 45-5-504, or 45-5-507, MCA, any information other than the offense location that may directly or indirectly identify the victim; and
  - (e) with respect to the victim of any offense other than those described in (2)(b) who requests confidentiality, any information other than the offense location that may directly or indirectly disclose the address, telephone number, or place of employment of the victim or a member of the victim's family.

Authorizing statute(s): 44-5-105, MCA

Implementing statute(s): 44-5-103, 44-5-301, MCA

History: NEW, 2004 MAR p. 1950, Eff. 8/20/04; TRANS, 2008 MAR p. 1803.

**MCA §44-5-103. Definitions.** As used in this chapter, the following definitions apply:

- (1) "Access" means the ability to read, change, copy, use, transfer, or disseminate criminal justice information maintained by criminal justice agencies.
- (2) "Administration of criminal justice" means the performance of any of the following activities: detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. It includes criminal identification activities and the collection, storage, and dissemination of criminal justice information.
- (3) "Confidential criminal justice information" means:
  - (a) criminal investigative information;
  - (b) criminal intelligence information;
  - (c) fingerprints and investigative or intelligence photographs;
  - (d) criminal justice information or records made confidential by law; and
  - (e) any other criminal justice information not clearly defined as public criminal justice information.
- (4) (a) "Criminal history record information" means information about individuals collected by criminal justice agencies consisting of identifiable descriptions and notations of arrests; detentions; the filing of complaints, indictments, or informations and dispositions arising from complaints, indictments, or informations; sentences; correctional status; and release. It includes identification information, such as fingerprint records or photographs, unless the information is obtained for purposes other than the administration of criminal justice.
  - (b) Criminal history record information does not include:
    - (i) records of traffic offenses maintained by the department of justice; or
    - (ii) court records.
- (5) (a) "Criminal intelligence information" means information associated with an identifiable individual, group, organization, or event compiled by a criminal justice agency:

(i) in the course of conducting an investigation relating to a major criminal conspiracy, projecting potential criminal operation, or producing an estimate of future major criminal activities; or

(ii) in relation to the reliability of information, including information derived from reports of informants or investigators or from any type of surveillance.

(b) Criminal intelligence information does not include information relating to political surveillance or criminal investigative information.

(6) (a) "Criminal investigative information" means information associated with an individual, group, organization, or event compiled by a criminal justice agency in the course of conducting an investigation of a crime or crimes. It includes information about a crime or crimes derived from reports of informants or investigators or from any type of surveillance.

(b) The term does not include criminal intelligence information.

(7) "Criminal justice agency" means:

(a) any court with criminal jurisdiction;

(b) any federal, state, or local government agency designated by statute or by a governor's executive order to perform as its principal function the administration of criminal justice, including a governmental fire agency organized under Title 7, chapter 33, or a fire marshal who conducts criminal investigations of fires;

(c) any local government agency not included under subsection (7)(b) that performs as its principal function the administration of criminal justice pursuant to an ordinance or local executive order; or

(d) any agency of a foreign nation that has been designated by that nation's law or chief executive officer to perform as its principal function the administration of criminal justice and that has been approved for the receipt of criminal justice information by the Montana attorney general, who may consult with the United States department of justice.

(8) (a) "Criminal justice information" means information relating to criminal justice collected, processed, or preserved by a criminal justice agency.

(b) The term does not include the administrative records of a criminal justice agency.

(9) "Criminal justice information system" means a system, automated or manual, operated by foreign, federal, regional, state, or local governments or governmental organizations for collecting, processing, preserving, or disseminating criminal justice information. It includes equipment, facilities, procedures, and agreements.

(10) (a) "Disposition" means information disclosing that criminal proceedings against an individual have terminated and describing the nature of the termination or information relating to sentencing, correctional supervision, release from correctional supervision, the outcome of appellate or collateral review of criminal proceedings, or executive clemency. Criminal proceedings have terminated if a decision has been made not to bring charges or if criminal proceedings have been concluded, abandoned, or indefinitely postponed.

(b) Particular dispositions include but are not limited to:

(i) conviction at trial or on a plea of guilty;

(ii) acquittal;

(iii) acquittal by reason of mental disease or disorder;

(iv) acquittal by reason of mental incompetence;

(v) the sentence imposed, including all conditions attached to the sentence by the sentencing judge;

(vi) deferred imposition of sentence with any conditions of deferral;

(vii) nolle prosequi;

(viii) a nolo contendere plea;

- (ix) deferred prosecution or diversion;
- (x) bond forfeiture;
- (xi) death;
- (xii) release as a result of a successful collateral attack;
- (xiii) dismissal of criminal proceedings by the court with or without the commencement of a civil action for determination of mental incompetence or mental illness;
- (xiv) a finding of civil incompetence or mental illness;
- (xv) exercise of executive clemency;
- (xvi) correctional placement on probation or parole or release; or
- (xvii) revocation of probation or parole.

(c) A single arrest of an individual may result in more than one disposition.

(11) "Dissemination" means the communication or transfer of criminal justice information to individuals or agencies other than the criminal justice agency that maintains the information. It includes confirmation of the existence or nonexistence of criminal justice information.

(12) "Fingerprints" means the recorded friction ridge skin of the fingers, palms, or soles of the feet.

(13) "Public criminal justice information" means:

- (a) information made public by law;
- (b) information of court records and proceedings;
- (c) information of convictions, deferred sentences, and deferred prosecutions;
- (d) information of postconviction proceedings and status;
- (e) information originated by a criminal justice agency, including:
  - (i) initial offense reports;
  - (ii) initial arrest records, including booking photographs;
  - (iii) bail records; and
  - (iv) daily jail occupancy rosters;
- (f) information considered necessary by a criminal justice agency to secure public assistance in the apprehension of a suspect; or
- (g) statistical information.

(14) "State repository" means the recordkeeping systems maintained by the department of justice pursuant to **44-2-201** in which criminal history record information is collected, processed, preserved, and disseminated.

(15) "Statistical information" means data derived from records in which individuals are not identified or identification is deleted and from which neither individual identity nor any other unique characteristic that could identify an individual is ascertainable.

**History:** En. Sec. 3, Ch. 525, L. 1979; amd. Sec. 1, Ch. 804, L. 1991; amd. Sec. 1, Ch. 431, L. 1993; amd. Sec. 1, Ch. 147, L. 1999; amd. Sec. 1, Ch. 253, L. 2003; amd. Sec. 9, Ch. 449, L. 2007; amd. Sec. 5, Ch. 161, L. 2015; amd. Sec. 1, Ch. 369, L. 2021.

**MCA §44-5-301. Dissemination of public criminal justice information.** (1) There are no restrictions on the dissemination of public criminal justice information.

(2) (a) All public criminal justice information is available from the department or the agency that is the source of the original documents and that is authorized to maintain the documents according to applicable law. These documents must be open, subject to the restrictions in this section, during the normal business hours of the agency. A reasonable charge may be made by a criminal justice agency for providing a copy of public criminal justice information.

(b) (i) A criminal justice agency shall charge a clerking fee of \$100 for the release of a booking photograph prior to the termination of criminal proceedings against the individual depicted in the photograph. This fee may be waived in the case of extenuating circumstances.

(ii) If a person is convicted of an offense related to the arrest for which the booking photograph was taken, the criminal justice agency may not charge a clerking fee for the release of the booking photograph.

**History:** En. Sec. 10, Ch. 525, L. 1979; amd. Sec. 12, Ch. 416, L. 1999; amd. Sec. 2, Ch. 369, L. 2021.

**MCA §61-7-114. Accident reports confidential.** (1) All required accident reports and supplemental reports must be without prejudice to the individual reporting and must be for the confidential use of the department or other governmental agencies for accident prevention, roadway design, motor carrier safety monitoring purposes, or for the administration of the laws of this state relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles. The department may disclose the identity of a person involved in an accident when the identity is not otherwise known or when the person denies being present at the accident.

(2) Except as provided in this section, all accident reports and supplemental information filed as required by this part are confidential and not open to general public inspection. Except as provided in subsection (2)(e), copying of lists of reports is not permitted. The report and supplemental information, including witness statements, filed by law enforcement personnel, as required by this part, may be examined and copied, without obtaining a court order, by:

(a) a person named in the report or involved in the accident;

(b) the representative of the person referred to in subsection (2)(a), designated in writing, or the insurance carrier of that person;

(c) a party to a civil action arising from the accident;

(d) the executor, the administrator, or the attorney representing the executor or administrator if the person is deceased; or

(e) the general public, including commercial entities, for purposes of research into the history of vehicles, but the department may not disclose the name, address, or telephone number of, or other information allowing the identification of, any reporting person, accident victim, peace officer, or other person or any insurer named in a report or supplemental information, including witness statements.

**History:** En. Sec. 14, Ch. 210, L. 1939; amd. Sec. 9, Ch. 256, L. 1959; amd. Sec. 1, Ch. 142, L. 1973; R.C.M. 1947, 32-1213; amd. Sec. 1, Ch. 503, L. 1985; amd. Sec. 2, Ch. 486, L. 1989; amd. Sec. 4, Ch. 105, L. 1997; amd. Sec. 1, Ch. 296, L. 2001.