

MISSOULA POLICE DEPARTMENT POLICY MANUAL



Subject: INFORMATION DISSEMINATION		
<i>Effective Date:</i> 6/8/2017	<i>Original Date:</i> 12/1/2008	<i>Next Review:</i> 6/8/2019
<i>Chapter:</i>	<i>Policy #</i> 12.11	<i>Distribution:</i>
<i>References:</i> 12.10 Records, MCA 41-5-206 and 216, MCA Title 44, Chapter 5 – Criminal Justice Information ARM 23.12.201, ARM 23.12.202, ARM 23.12.203		

I. Purpose

The purpose of this policy is to establish guidelines to ensure security, privacy and proper dissemination of adult and juvenile incident, offense and arrest record information by all personnel of the Missoula Police Department.

II. Policy

Using MCA, Title 44, Chapter 5 Criminal Justice Information as a model, the Missoula Police Department shall not disseminate confidential criminal justice information unless the person or agency requesting the information meets all criteria for release of information as listed in MCA, Title 44, Chapter 5. Information contained in association to case file information that is designated as public criminal justice information may be disseminated without restriction to the person or agency requesting such information.

III. Definitions

For terms used in this policy, refer to Policy #12.10 Records.

IV. Procedures

Montana Code Annotated and Montana State Constitution make certain information public and failing to release that information is punishable by state law. The Missoula City or County Attorney must be consulted prior to release of any report involving pending prosecution to determine if the release would impair the prosecution or civil proceeding in cases involving City or County of Missoula interests, real or implied.

A. Inspection and copying of incident, arrest, or accident reports

1. Case Reports (Offense, Incident, Arrest)

a. Requests from CITIZEN or INVOLVED PARTY

1) **Involved party** – Any victim, suspect, witness and business, additional person having a vested interest in the incident or accident. Involved parties are entitled to public information and any information they have stated to or provided a responding officer. If they are requesting additional confidential criminal justice information, they

will be referred to the City Attorney's Office for review of their request. The City Attorney's Office will provide guidance on what information can be released to an involved party.

- 2) **Third Party** – Any person, association, organization or representative acting on behalf of an involved party or represents a financial interest in person or property, with written authorization or consent of involved party. Third parties with consent are entitled to public information and any information the involved party stated to or provided a responding officer.
- 3) Public information is available to any person, at large, making a request for information regarding a reported incident. Public information will be available at the police department. The release of public information is limited to the following information:
 - Incident case number
 - Initial complaint description
 - Time of initial complaint received, dispatched and resolved
 - General location of incident – with the exception of possible victim identity

Initial Arrest records may be released with the name of the arrested; time and place of arrest; location of the arrested; charges files against arrested and bail and court information, if available.

b. Report requests from other criminal justice agencies

All requests for reports must be in writing received on the agency's letterhead or via use of CJIN/NLETS telex. The request should indicate the name, address and contact information of the requestor and must state their involvement.

2. Accident/Crash Reports (MCA 61-7-114)

a. All accident reports and supplemental information filed as required by law are confidential and not open to general public inspection, except as provided in MCA 61-7-114 subsection (2)(e) defining the following parties as entitled to information, inspection, and copying:

- 1) A person named in the report or involved in the accident.
- 2) The representative of the person referred to in subsection (2)(a), designated in writing, or the insurance carrier of that person.
- 3) A party to a civil action arising from the accident.
- 4) The executor, the administrator, or the attorney representing the executor or administrator if the person is deceased.

B. Criminal History Record Information

1. The Missoula Police department disseminates only our agency's criminal history record information. (This includes contacts shown in RMS as originated by the Missoula County Sheriff's Office.) It must be clearly expressed to citizens wanting their own criminal record that we can check and respond on our records only. Whenever possible, it is best to refer the citizen to the Montana Department of Justice to obtain their complete criminal history record. The MTDOJ will report any convicted misdemeanors and felonies reported throughout the state of Montana. Our record check will reveal Missoula Police Department originated convictions only.
2. All Requests for Criminal History Record Checks MUST be received in writing and will include the following:
 - a) Date of request
 - b) Reason for request (law enforcement, employment, visa)
 - c) Last, First, Middle, maiden names and known alias of subject
 - d) Subject's date of birth and/or social security number (at least one)
 - e) Agency identification including return phone number and mailing address.