



## *East Helena Police Department Use*

Date Report Released: \_\_\_\_\_

Date Requested Returned: \_\_\_\_\_

### *Reason for returned request:*

\_\_\_\_\_ No fee enclosed

\_\_\_\_\_ Illegible

\_\_\_\_\_ Signature Unauthorized or Missing

\_\_\_\_\_ **NO REPORT LOCATED**

\_\_\_\_\_ Other \_\_\_\_\_

**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.

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

(2) 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.

### Administrative Rules of Montana

#### **23.12.203 INITIAL OFFENSE REPORTS**

(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 (*definition: a person who has been arrested and brought before a magistrate or who has been formally charged with a crime*);

(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)(d) 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.