



City of Polson
Chief of Police George Simpson
POLSON POLICE DEPARTMENT

Telephone 406-883-8211
chief@cityofpolson.com

106 1st St. E. Polson, MT 59860

REQUEST FOR RECORDS

Frequently Asked Questions

Who can request a police records?

1. Parties named or involved in the report/incident (drivers, vehicle owners, passengers) and insurance carriers.
2. Legal representatives of parties (attorneys, court-appointed guardians, parents of minors, etc. – **documents must be provided with request**).
3. Victims of a cited offense per Montana Code Annotated (MCA) §44-5-303.
4. Criminal defendants self-representing pursuant to MCA §46-15-322.
5. Media or public at large – Public information is available to any person making a written request for information regarding a reported incident. The release of public information is defined by Montana Administrative Rule (ARM) 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 sex crime) the identity of a witness unless the witness requests confidentiality. MCA §44-5-301 discusses dissemination of public information.
6. Accident (crash) reports are confidential per MCA §61-7-114. This requires signatures as requested on the request form. Insurance carriers must provide the policy number, effective date, and name of their insured.

Records that are typically **NOT** processed by the Polson Police Department.

1. *Felonies* – Contact the Lake County Attorney’s Office at (406) 883-7245
2. *Fatalities* – Contact the Lake County Sheriff / Coroner’s Office (406) 883-7279
3. *Juvenile incidents* – Contact the Lake County Youth Court (406) 883-7264
4. *Tribal Records* – Contact the CSKT Prosecutor’s Office (406) 675-2700
5. *Tribal Investigations* – Contact the Flathead Tribal Police (406) 675-4700
6. *Incidents outside of Polson City limits or created by another agency* – Contact the Lake County Emergency Communications Center at (406) 883-7301, to determine who the primary investigating agency was. Then contact that agency.

What is the process for making a request?

1. Fill out a records request form and submit a fee. A \$10.00 non-refundable fee covers the cost of the search. The \$10 search fee is due at the time the request is made and includes paper copies of five (5) pages or less.
2. Additional materials cost include: \$0.50 per page of paper copies over five (5) pages in length; and/or an additional \$20.00 per CD, DVD, thumb drive or other portable electronic storage format. Additional costs for the police clerk and city attorney’s research hours may be added depending on the nature of the request per MCA §2-6-1006. The police clerk’s research rate is calculated at \$21.00/hour and the city attorney at \$42.00/hour.



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3. The requestor will be notified on estimated cost exceeding \$35.00 before the record request is processed any further per MCA §2-6-1006.
4. A records request form must be notarized.
 - i. The Polson Police Department provides free notary services for records requests made on site. The requestor needs to be prepared at the time of the request. *The notary will request signed and/or pictured, government-issued ID before performing a notarization for someone they do not know well. Acceptable forms of identification include a passport, driver's license or state ID that is current or expired less than three years, a military or student ID, or other government issued ID. Many times, it will be necessary to use more than one piece of identification to conclusively identify a person.*
5. The request form needs to be filled out sufficiently. Request may still be submitted without the incident/case number if enough additional information is provided – specifically name, date, and address of incident.

What happens after the request is made?

1. Request form will be reviewed for sufficiency. Requestors will be notified regarding incomplete forms.
2. The report/casefile will be pulled and processed. The Polson Police Department makes every effort to provide the requested information in a timely fashion. However, there are circumstances that dictate a lengthy release date, for example if the case is still being investigated, or the officer has not completed or compiled the casefile.
3. All requests also go through a prosecutorial review prior to the release of any information. A reasonable expectation for most requests to be thoroughly processed is 1 – 4 weeks.
 - a. Initial search will be conducted. If additional time and materials beyond \$35.00 is needed, the requestor will be notified with an estimate before the request is processed further per MCA §2-6-1006. Estimated cost must be paid to resume the records request per MCA §2-6-1006.
4. Confidential criminal justice information (MCA §44-5-103) and other private information will be redacted if information is released.
5. Once the request is filled you will be contacted via the contact information you provided on the request form.
6. Requested information can be picked up in person by the requestor or mailed to the requestor upon their request. Requested information will not be faxed or emailed.
7. Any requested information to be mailed to the requestor will be delivered in the most economical way as determined by the Polson Police Department.
8. Payment of additional cost if any must be made before any information is released.



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I am listed in the below mentioned report or am authorized to legally request, and hereby request copies of the following incident report, accident report or casefile in regard to Polson Police Department report number(s) _____. Upon making the request, I must pay a **\$10.00 non-refundable administrative fee** covering the cost of the search. I understand I will not be refunded the fee if it is determined an item does not exist or the report is not within the City Attorney’s Office jurisdiction to release. If an item is designated as confidential criminal information pursuant to MCA §44-5-103, or contains private information, I may not receive the item, or the item may be redacted. In addition to the administrative fee, I will be charged for production of each item (see below). I understand that I will not immediately receive the items requested because of the administrative process in responding to my request. I was provided and have read the informational documents the Polson Police Department published regarding the process of requesting official documents and information.

I am requesting this information for the following reason:

- I am a criminal defendant self-representing under MCA §46-15-322.
- I am an involved party such as a victim, suspect, witness, or additional person listed on the report.
- I am a third party person, association, organization, or representative acting on behalf of an involved party.
- I am requesting information for a civil or public purpose.

Requesting:

- Entire casefile including all paper and electronic media.
- I am requesting a copy of the police report or accident report only.
- Digital media associated with the police report or accident report only.

Fees: The \$10 non-refundable search fee is due at the time the request is made and is all that is required for paper copies of five pages or less. After the search is performed, an additional \$0.50 per page of paper copies over five pages in length; and/or an additional \$20 per CD, DVD, or other portable electronic storage format. Additionally, the cost of research hours may be added depending on the nature of the request. The police clerk’s research rate is calculated at \$21/hr. and the city attorney at \$42/hr. **The requestor will be notified on estimated costs exceeding \$35 before the record request is processed any further per MCA §2-6-1006.**

Party Named in Report: _____ Date: _____

Requestor’s Name & Organization, if not the Party named in the report: _____

Relationship to Party, if applicable: _____ Requestor’s Phone Number: _____
 (Attorney/Insurance Provider, etc.)

Requestor’s mailing address: _____

Incident address: _____ Incident date: _____

Other Involved Parties: _____

Requestor’s Signature: _____
 (By signing this document, I certified that I have read it fully and understand the contents.)

Subscribed and sworn to before this ____ day of _____ 20____.

Notarial Seal

Signature of Notary Public _____

Name of Notary Public: _____



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POLSON POLICE DEPARTMENT USE ONLY

Received by: _____ Date: _____

Received by Police Clerk this date: _____ Received by the City Attorney this date: _____

Estimated cost range: _____ Date Requestor notified of estimated cost: _____
 (See fee scale below)

Requestor: paid terminated no response

Approved for release by the City Attorney.

Denied for release by the City Attorney for the following reason(s):

City Attorney's signature: _____

Received by the Police Clerk from the City Attorney this date: _____

Record requestor total cost due: _____ paid refused waived

Fee scale: \$0.50 per page of paper copies over five (5) pages in length; and/or an additional \$20.00 per CD, DVD, thumb drive or other portable electronic storage format. Additional costs for the police clerk and city attorney's research hours may be added depending on the nature of the request per MCA §2-6-1006. The police clerk's research rate is calculated at \$21.00/hour and the city attorney at \$42.00/hour. **The requestor will be notified on estimated costs exceeding \$35.00 before the record request is processed any further per MCA §2-6-1006.**

Requestor 1st notified via: _____ on this date: _____

Requestor's 2nd notification was via: _____ on this date: _____

Requestor's 3rd notification was via: _____ on this date: _____

Requestors Signature upon receipt: _____ Date: _____