

How do I get a law enforcement report?

Reports compiled by the Lewistown Police Department, the Fergus County Sheriff's Office, the Montana Highway Patrol, or other law enforcement agencies are "confidential criminal justice information" under Montana law. See Montana Code Annotated § 44-5-103(6), and -103(3).

Confidential criminal justice information may be released three ways.

If you are a defendant in the case:

The Fergus County Attorney's Office will provide the report to your attorney in a process called "discovery." If you are representing yourself, the Fergus County Attorney's Office will provide the report to you after you have been charged in court.

If you are a victim in the case:

You must request that the Fergus County Attorney's Office provide you with a copy of the report. See Montana Code Annotated § 44-5-303(2). This request must be made in writing.

If you are not a defendant or a victim in the case:

You must file a *Petition for Release of Confidential Criminal Justice Information* in the District Court. See Montana Code Annotated § 44-5-303(1). You must notify anyone whose privacy could be affected so that they may object to release of the report. The County Attorney's Office cannot represent you in this process.

The Judge may order a report to be released if "the demands of individual privacy do not clearly exceed the merits of public disclosure." That means the Judge will weigh the privacy rights of anyone named in the report against the reason why you need the report and decide if it can be released. This process can take several weeks.

Motor vehicle crash reports may be obtained from the investigating agency by (1) a person involved the crash, (2) a representative of the person designated in writing, (3) the person's insurance carrier, or (4) an executor or attorney for the estate if the person is deceased.