

A G E N D A R E P O R T

DATE July 5, 2005

ITEM Res. #9503 to Establish a fee schedule for case report requests in the City Attorney's Office.

INITIATED BY Kory Larsen, Assistant City Attorney

ACTION REQUESTED Adopt Res. #9503 on Final Reading.

PREPARED AND PRESENTED BY Kory Larsen, Assistant City Attorney.

RECOMMENDATION:

It is recommended the City Commission approve the establishment of a fee schedule for case report requests made in the City Attorney's Office.

MOTION:

I move the City Commission adopt Resolution No. 9503.

SYNOPSIS:

Resolution No. 9503 would set a fee schedule for case report requests made in the City Attorney's Office based on the reasonable fees outlined in the Montana Code for Medical Providers.

BACKGROUND:

The City Attorney's Office took over the task of releasing case reports when a party requests the release in April of 2005. Previously this task was handled by records clerks in the Police Department.

The reason for the switch was twofold; one in most circumstances the information requested is defined as Confidential Criminal Justice Act information and in order to assure compliance with the Act, the Prosecutor must review the report prior to release. Secondly, it resolves a potential liability issue relating to either the improper release of information by the Police Department or the improper withholding of information. With City Attorney staff review, both issues are resolved.

As a result of the change, City Attorney staff is now spending a greater amount of time reviewing, copying and delivering case reports and related information. The fees requested will assist us in serving the seemingly ever increasing workload related to the release of information.

This matter was pulled off the agenda for the June 21, 2005 Commission meeting due to some concerns by local media. As a result changes were made to the original resolution to emphasize these fees apply specifically to information defined as confidential criminal justice information

as defined in MCA section 44-5-103(3) and providing for a procedure to allow indigent applicants access.

Our office has established a procedure to ensure access for those who are indigent. The requesting party will fill in a form similar to the request for a public defender and a prosecutor will review it to determine if they qualify for a no fee release. If the public defender has already been appointed, the reports will be provided to the public defender without fee. Further there will be no charge to other law enforcement agencies, nor would we charge the District Court for copies in a case involving a hearing for dissemination filed under the Confidential Criminal Justice Act.

These changes guarantee access to everyone and should resolve the concerns of the media.