

Policy Number: 800 – Records Maintenance and Release

Effective Date: February 15, 2021

Revision Date: February 15, 2021

Approved By:

7. Victim information as provided in § 44-5-311, MCA.
8. Certain juvenile related information (§ 41-5-216, MCA).
9. Child abuse information and reports (§ 41-3-205, MCA).
10. Adult abuse information and reports (§ 52-3-813, MCA).
11. Any other information that may be properly denied by Montana law.

800.6 SUBPOENAS AND DISCOVERY REQUESTS

Any Department member who receives a subpoena duces tecum, or discovery request for records, should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the Court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the County Attorney, City Attorney, or the Courts.

All questions regarding compliance with any subpoena duces tecum, or discovery requests, shall be referred to University legal counsel so that a timely response can be prepared.

800.7 RELEASED RECORDS TO BE MARKED

Each page of any record released pursuant to this policy should be stamped in a colored ink, or otherwise marked, to indicate the Department name and to whom the record was released.

800.8 EXPUNGEMENT/SEALED RECORDS

Expungement or sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge or seal such records as ordered by the Court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once a record is expunged, Department members shall respond to any inquiry as though the record did not exist. A sealed record is confidential and access is not permitted unless allowed by law or Court order.