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**Subject:** Emailing Duran's 5th PRR (9.8.22 & 9.16.22) FOIA Response and Docs.pdf

**From:** Tasheena Duran <tduran2003@gmail.com>

**To:** Jacob Linfesty <jacob@montanatransparencyproject.org>

**Date Sent:** Friday, January 26, 2024 5:09:45 PM GMT-07:00

**Date Received:** Friday, January 26, 2024 5:09:45 PM GMT-07:00

**Attachments:** Duran's 5th PRR (9.8.22 & 9.16.22) FOIA Response and Docs.pdf

<https://adobeacrobat.app.link/Mhhs4GmNsxb>

This is the 5th (received 9.8.22) and the 6th (received 9.16.22) public records request. Duplicative items are noted below with respective response dates. Duplicative information is not being provided again. **GREEN responses are new.**

**Freedom of Information Act Request from the Family of Mr. Cole Stump**

**January 26, 2021**

**Tasheena Duran  
104 Birch Street  
Box Elder, MT 59521**

**Rich St. John  
Police Chief  
City of Billings  
220 North 27<sup>th</sup> St.  
Billings, MT 59101**

**Mike Linder  
Yellowstone County Sherriff  
Yellowstone County Sherriff's Department  
PO Box 35017  
Billings, MT 59107**

**Dear Chief St. John and/or Sherriff Linder:**

**Under the Montana Public Records Act § 2-6-1001 et seq., I am requesting an opportunity to inspect or obtain copies of public information including:**

- 1 - The 9-1-1 call that led officers to the scene immediately preceding Cole Stump's death incident; **PROVIDED IN 4.21.22 RESPONSE****
- 2- Any incident reports, initial offense reports, or arrest records related to Cole Stumps death; **PROVIDED IN 4.21.22 RESPONSE****
- 3- Any and all investigative documents related to Cole Stumps death (including any written or electronic reports, photos, videos, witness and/or officer statements, or e-mails); **PROVIDED IN 4.21.22 RESPONSE****
- 4- Personnel records of all officers on the scene immediately preceding Cole Stump's death; **ADDRESSED IN RESPONSE LETTER****
- 5- Personnel records of all officers involved in the investigation of Cole Stump's death; **ADDRESSED IN RESPONSE LETTER****

- 6- Any and all interoffice and/or interagency communications related to Cole Stump's death; **PROVIDED IN 4.21.22 RESPONSE**
- 7- Any and all ambulance, medical, and hospital information related to Cole Stump's death and; **PREVIOUSLY INFORMED TO REQUEST FROM SPECIFIC AGENCIES**
- 8 - Any diagrams, maps, and communications related to Cole Stump's death. **PROVIDED IN 4.21.22 RESPONSE**
- 9 - Officer Vladic's RATF: How is there no RATF when that's exactly what it is, is Record After The Fact. No matter when the WatchGuard was actually activated, that's what it is there for, is to be able to go back on any previous recording at any point and get that recording. **ANSWERED IN 6.30.22 RESPONSE**
- 10 - Sgt Hoeger & Officer DeNio: Most all officers responded after the incident/shooting occurred and their dash cams are included so wouldn't it be the same as every other officer and be included. If not, why? **ANSWERED IN 6.30.22 RESPONSE**
- 11 - Sgt Hoeger also had contact with Miss Kandi Christophersen with info passed onto detectives. Are those transcripts available? **SEE SUPP FOR ANSWER**
- 12 - Officers on duty for evening and night shift for 12/12/20 **ALL RESPONDING OFFICERS & FLAMMANG**
- 13 - Copy of evidence submission form for DNA evidence. The form I received has no request for DNA, only for the presence of blood and blood spatter. **PLEASE SEE ATTACHMENT**
- 14 - Results from the GSR kit submitted by to the forensic science division by the medical examiner case # B20-255 Item #5 **PROVIDED IN 6.30.22 RESPONSE**
- 15 - FARO DATA #100 and 101 **PROVIDED IN 6.30.22 RESPONSE**
- 16 - 2nd page of Evidence Submission Form item # 12-19 **PLEASE SEE ATTACHMENT**
- 17 - Copy of Officer Nelson's notebook where he wrote down the info for Officer Bickford to run through NCIC **ADDRESSED IN 6.30.22 RESPONSE**
- 18 - NCIC reports **PLEASE SEE ATTACHMENT**
- 19 - DCI agent who reviewed the case's name and report. **CONTACT DCI FOR INFO**
- 20 - Officer Rockwell's reports **PLEASE SEE ATTACHMENT**
- 21 - crime scene pictures of gas can. **PLEASE SEE ATTACHMENT**
- 22- any and all testing did on the needle found in Coles pocket as per officer report. **NONE WAS DONE PER BPD**

- 23 - dash cam for unit number #1424 PLEASE SEE ATTACHMENT**
- 24 - Incident reports/Supplement Report for Officer Anderson, Cagle, Weston. ANDERSON AND CAGEL'S PROVIDED IN 4.21.22 RESPONSE  
PLEASE SEE ATTACHMENT FOR ANSWER REGARDING WESTON**

**If there are any fees for searching or copying these records, please inform me if the cost will exceed \$ 100. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the death of our loved one Cole Stump. Additionally, being the aggrieved family, and having dealt with other expenses, beginning with funeral costs, family economic reconstitution, etc., we politely ask you to understand, and, if supplying copies of the records and imagery to us directly, or not, asking us to come review all these materials in your offices, we politely ask you to waive all costs. This information is not being sought for commercial purposes.**

**If access to the information I am requesting will take longer than a 'reasonable' amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.**

**If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.**

**Thank you for considering my request.**

**Respectfully Yours,**

**Tasheena Duran, Vina Stump, and Tonya Matias**

**My cell phone number is 406 301 4609, and my email is [tduran2003@gmail.com](mailto:tduran2003@gmail.com)**

**From:** [Lawrence, Neil](#)  
**To:** [Davidson, Vicki](#)  
**Subject:** FOIA request - T. Duran  
**Date:** Tuesday, September 20, 2022 4:56:33 PM

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Vicki,

This email is in response to Tasheena Duran's recent FOIA request. I answered the following questions/requested items:

#13. There was no resubmission or resubmission form submitted. Please see the June 30, 2022 FOIA response regarding the DNA submission.

#20. Ofc Rockwell did not complete any reports & was not required to do so. In 2020 Ofc Rockwell was assigned to the Billings Clinic as the clinic officer. Ofc Rockwell was present when ofc Boeckel & ofc McKnight responded to the clinic. This is common for whoever is working the clinic to respond and assist IF needed.

#23. There is no dash cam for unit number #1424. Unit #1424 is assigned to dayshift & was not associated with this incident in question.

#24. Ofc Weston responded to the scene and was there approx 18 mins. Ofc Weston stood with Ofc Vladic until he/ofc Vladic responded to City Hall for his interview with Detectives. Once ofc Vladic was taken from the scene ofc Weston remained at the scene for scene security.

Neil Lawrence  
Assistant Chief of Police  
Billings Police Department  
lawrencen@billingsmt.gov  
(406)237.6230  
Monday - Thursday 0700-1700

\*\*\*\*\*

PO Box 1554  
Billings, MT 59103

#16

FSD-20-007081



# EVIDENCE SUBMISSION FORM

Montana Department of Justice  
Forensic Science Division  
Mailing - P.O. Box 16170 Missoula, MT 59808  
Physical - 2679 Palmer Street Missoula, MT 59808  
Ph. 406-728-4970 Fax 406-549-1067

Agency: Billings Police Dept.  
Detective/Officer: Raschkow  
Address: 220 N 27th St.  
Phone #: 406-657-3071

Agency Case#: 20-76444  
Offense/Offense Date: Officer Involved Shooting / 10-1  
County of Offense: Yellowstone  
Email - REQUIRED: raschkowd@billingsmt.gov

Additional  Resubmittal Lab Case # \_\_\_\_\_

### Victim/Suspect/Subject Information (please provide FULL NAME)

<input type="checkbox"/> Vic <input checked="" type="checkbox"/> Sus <input type="checkbox"/> Sub	<u>Stump, Cole</u> LP Cases Only DOB/SID: _____	<input type="checkbox"/> Vic <input type="checkbox"/> Sus <input type="checkbox"/> Sub	_____ LP Cases Only DOB/SID: _____	<input type="checkbox"/> Vic <input type="checkbox"/> Sus <input type="checkbox"/> Sub	_____ LP Cases Only DOB/SID: _____
<input type="checkbox"/> Vic <input type="checkbox"/> Sus <input type="checkbox"/> Sub	_____ LP Cases Only DOB/SID: _____	<input type="checkbox"/> Vic <input type="checkbox"/> Sus <input type="checkbox"/> Sub	_____ LP Cases Only DOB/SID: _____	<input type="checkbox"/> Vic <input type="checkbox"/> Sus <input type="checkbox"/> Sub	_____ LP Cases Only DOB/SID: _____

### Relevant Case Synopsis/ Additional Information

Officers attempted to detain suspect, who physically resisted. Suspect was taken to the ground, and produced a handgun from his waistband. Officers fired into the suspect, who was later pronounced deceased.

All DNA submissions REQUIRE a police report submitted with the evidence.

Lab Item #	Agency Item #	Description of Evidence - REQUIRED	Requested Exam(s) - REQUIRED
002	21	Bickford's firearm	<input type="checkbox"/> BIO <input checked="" type="checkbox"/> FA <input type="checkbox"/> LP <input type="checkbox"/> CHEM <input type="checkbox"/> GSR
003	26	Nelson's Firearm	<input type="checkbox"/> BIO <input checked="" type="checkbox"/> FA <input type="checkbox"/> LP <input type="checkbox"/> CHEM <input type="checkbox"/> GSR
004	62	Taurus Pistol	<input type="checkbox"/> BIO <input checked="" type="checkbox"/> FA <input type="checkbox"/> LP <input type="checkbox"/> CHEM <input type="checkbox"/> GSR
005	33	Shell Casing FC 9mm	<input type="checkbox"/> BIO <input checked="" type="checkbox"/> FA <input type="checkbox"/> LP <input type="checkbox"/> CHEM <input type="checkbox"/> GSR
006	34	Shell Casing FC 9mm	<input type="checkbox"/> BIO <input checked="" type="checkbox"/> FA <input type="checkbox"/> LP <input type="checkbox"/> CHEM <input type="checkbox"/> GSR
007	37	Shell Casing FC 9mm	<input type="checkbox"/> BIO <input checked="" type="checkbox"/> FA <input type="checkbox"/> LP <input type="checkbox"/> CHEM <input type="checkbox"/> GSR
008	41	Shell Casing FC 9mm	<input type="checkbox"/> BIO <input checked="" type="checkbox"/> FA <input type="checkbox"/> LP <input type="checkbox"/> CHEM <input type="checkbox"/> GSR
009	42	Shell Casing FC 9mm	<input type="checkbox"/> BIO <input checked="" type="checkbox"/> FA <input type="checkbox"/> LP <input type="checkbox"/> CHEM <input type="checkbox"/> GSR
010	48	Shell Casing FC 9mm	<input type="checkbox"/> BIO <input checked="" type="checkbox"/> FA <input type="checkbox"/> LP <input type="checkbox"/> CHEM <input type="checkbox"/> GSR
011	49	9mm Shell Casing	<input type="checkbox"/> BIO <input checked="" type="checkbox"/> FA <input type="checkbox"/> LP <input type="checkbox"/> CHEM <input type="checkbox"/> GSR

Chain of Custody			
Received From	Received By	Date	Comments
Internal chain available upon request			

### Requested Exam Codes:

BIO: DNA, Serology  
FA: Firearms, Tool Marks, SN Restoration, Distance, Fracture Match  
LP: Latent Prints, AFIS  
CHEM: Chemical Analysis  
GSR: Gunshot Residue Kit

### INTERNAL CHAIN OF CUSTODY AVAILABLE UPON REQUEST

**\*\*CUSTOMER AGREEMENT/CONTRACT\*\*** By submission of this form and the evidence, the submitting agency acknowledges that (1) the evidence will be examined and analyzed in accordance with established laboratory sampling plans and capabilities; utilizing validated methods, instrumentation, and deviations (when applicable); (2) laboratory reports will be formatted in accordance with the laboratory's policies and information not provided per accreditation requirements, will be retained and available upon request. This information is outlined on the DOJ FSD website under "Simplified Reports". As needed, laboratory personnel will contact the submitting agency to clarify requests or obtain additional information to assist in analysis. Biology sample consumption consent refer to <https://dojmt.gov/crime/forms/>.



# EVIDENCE SUBMISSION FORM

Montana Department of Justice  
 Forensic Science Division  
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 Physical - 2679 Palmer Street Missoula, MT 59808  
 Ph. 406-728-4970 Fax 406-549-1067

## FSD-20-007081



ZCNN5WB12R950  
 BILLINGS POLICE DEPARTMENT

Agency: Billings Police Dept.  
 Detective/Officer: Raschkow  
 Address: 220 N 27th St.  
 Phone #: 406-657-3071

Agency Case#: 20-76444  
 Offense/Offense Date: Officer Involved Shooting / 10-1  
 County of Offense: Yellowstone  
 Email - REQUIRED: raschkowd@billingsmt.gov

### Victim/Suspect/Subject Information (please provide FULL NAME)

Additional  Resubmittal Lab Case # \_\_\_\_\_

<input type="checkbox"/> Vic <input checked="" type="checkbox"/> Sus <input type="checkbox"/> Sub	<u>Stump, Cole</u> LP Cases Only DOB/SID: _____	<input type="checkbox"/> Vic <input type="checkbox"/> Sus <input type="checkbox"/> Sub	_____ LP Cases Only DOB/SID: _____	<input type="checkbox"/> Vic <input type="checkbox"/> Sus <input type="checkbox"/> Sub	_____ LP Cases Only DOB/SID: _____
<input type="checkbox"/> Vic <input type="checkbox"/> Sus <input type="checkbox"/> Sub	_____ LP Cases Only DOB/SID: _____	<input type="checkbox"/> Vic <input type="checkbox"/> Sus <input type="checkbox"/> Sub	_____ LP Cases Only DOB/SID: _____	<input type="checkbox"/> Vic <input type="checkbox"/> Sus <input type="checkbox"/> Sub	_____ LP Cases Only DOB/SID: _____

### Relevant Case Synopsis/ Additional Information

Officers attempted to detain suspect, who physically resisted. Suspect was taken to the ground, and produced a handgun from his waistband. Officers fired into the suspect, who was later pronounced deceased.

All DNA submissions REQUIRE a police report submitted with the evidence.

Lab Item #	Agency Item #	Description of Evidence - REQUIRED	Requested Exam(s) - REQUIRED
012	55	9mm Shell Casing	<input type="checkbox"/> BIO <input checked="" type="checkbox"/> FA <input type="checkbox"/> LP <input type="checkbox"/> CHEM <input type="checkbox"/> GSR
013	56	9mm Shell Casing	<input type="checkbox"/> BIO <input checked="" type="checkbox"/> FA <input type="checkbox"/> LP <input type="checkbox"/> CHEM <input type="checkbox"/> GSR
014	57	9mm Shell Casing	<input type="checkbox"/> BIO <input checked="" type="checkbox"/> FA <input type="checkbox"/> LP <input type="checkbox"/> CHEM <input type="checkbox"/> GSR
015	88	Shell casing	<input type="checkbox"/> BIO <input checked="" type="checkbox"/> FA <input type="checkbox"/> LP <input type="checkbox"/> CHEM <input type="checkbox"/> GSR
016	89	Shell casing	<input type="checkbox"/> BIO <input checked="" type="checkbox"/> FA <input type="checkbox"/> LP <input type="checkbox"/> CHEM <input type="checkbox"/> GSR
			<input type="checkbox"/> BIO <input type="checkbox"/> FA <input type="checkbox"/> LP <input type="checkbox"/> CHEM <input type="checkbox"/> GSR
			<input type="checkbox"/> BIO <input type="checkbox"/> FA <input type="checkbox"/> LP <input type="checkbox"/> CHEM <input type="checkbox"/> GSR
			<input type="checkbox"/> BIO <input type="checkbox"/> FA <input type="checkbox"/> LP <input type="checkbox"/> CHEM <input type="checkbox"/> GSR
			<input type="checkbox"/> BIO <input type="checkbox"/> FA <input type="checkbox"/> LP <input type="checkbox"/> CHEM <input type="checkbox"/> GSR

Chain of Custody			
Received From	Received By	Date	Comments
<b>Internal chain available upon request</b>			

**Requested Exam Codes:**  
 BIO: DNA, Serology  
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### INTERNAL CHAIN OF CUSTODY AVAILABLE UPON REQUEST

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 EVIDENCE SUBMISSION FORM. Revised September 16, 2020



## Montana Department of Justice

### Forensic Science Division

2679 Palmer Street, Missoula, MT 59808  
Ph. 406-728-4970 Fax 406-549-1067



DAVID RASCHKOW  
BILLINGS POLICE DEPARTMENT  
220 NORTH 27TH  
BILLINGS, MT 59101

Agency Case #: 2076444  
Lab Case #: FSD-20-007081  
SUSPECT: STUMP, COLE F

## FIREARM AND TOOLMARK REPORT

### EVIDENCE:

#### Item

002	BICKFORD'S FIREARM
003	NELSON'S FIREARM
004	TAURUS PISTOL
005	SHELL CASING FC 9MM
006	SHELL CASING FC 9MM
007	SHELL CASING FC 9MM
008	SHELL CASING FC 9MM
009	SHELL CASING FC 9MM
010	SHELL CASING FC 9MM
011	9MM SHELL CASING
012	9MM SHELL CASING
013	9MM SHELL CASING
014	9MM SHELL CASING
015	SHELL CASING
016	SHELL CASING
* 017	Test fired bullets and cartridge cases from Item 2
* 018	Test fired bullets and cartridge cases from Item 3
* 019	Test fired bullets and cartridge cases from Item 4

### RESULTS AND CONCLUSIONS:

Item 2 is a Glock brand 9mm Luger pistol, model 17Gen4, serial number BERM519. It is a mechanically functional firearm as received in the laboratory. It was test fired using ammunition from the laboratory supply. The test fired bullets and cartridge cases will be returned with the other items of evidence. It was received with no magazine.

Item 3 is a Glock brand 9mm Luger pistol with an aftermarket Agency Arms brand slide, serial number BHBM312. It is a mechanically functional firearm as received in the laboratory. It was test fired using ammunition from the laboratory supply. The test fired bullets and cartridge cases will be returned with the other items of evidence. It was received with no magazine.

Item 4 is a Taurus brand 9mm Luger pistol, model G2c, serial number TLY19108. It is a mechanically functional firearm as received in the laboratory. It was test fired using ammunition from the laboratory supply. The test fired bullets and cartridge cases will be returned with the other items of evidence. It was received with no magazine.

Items 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 are ten fired Federal brand 9mm Luger cartridge cases, one fired Sellier & Bellot brand 9mm Luger cartridge case and one fired Focchi brand 9mm Luger cartridge case. They were all compared to each other and to the test fired cartridge cases from Items 2, 3, and 4 (pistols).

Based on agreement of all discernible class characteristics and corresponding individual detail in the firing pin aperture shear marks and firing pin marks, Items 5, 6, 7, 8, 9 and 10 were identified as having been fired by Item 3 (pistol).

Based on agreement of all discernible class characteristics and corresponding individual detail in the firing pin

aperture shear marks, Items 11, 12, 13 and 14 were identified as having been fired by Item 2 (pistol).

Based on agreement of all discernible class characteristics and a disagreement of individual detail in the firing pin aperture shear marks (Items 2 and 3) along with a disagreement of all discernible class characteristics (Items 4 and 16), Item 15 can be eliminated as having been fired by Items 2, 3, and 4 or having been fired by the same firearm that fired Item 16.

Based on agreement of all discernible class characteristics and a disagreement of individual detail in the firing pin aperture shear marks (Item 4) along with a disagreement of all discernible class characteristics (Items 2, 3 and 15), Item 16 can be eliminated as having been fired by Items 2, 3, and 4 or having been fired by the same firearm that fired Item 15.

Comments: The identification of a cartridge(s) and/or bullet(s) is made to a practical, not absolute, exclusion of all other firearms. It is not possible to examine all firearms which is a prerequisite for absolute certainty. Sufficient agreement for an identification exists between firearm produced toolmarks when the likelihood another firearm could have fired the cartridge case(s) and or bullet(s) is so remote as to be considered a practical impossibility.

Date of Report: 12/16/2020



TRAVIS SPINDER  
FORENSIC SCIENCE SUPERVISOR



# **Criminal Justice Information Services (CJIS) Security Policy**

Version 5.9  
06/01/2020

CJISD-ITS-DOC-08140-5.9



Prepared by:  
CJIS Information Security Officer

Approved by:  
CJIS Advisory Policy Board

## 4 CRIMINAL JUSTICE INFORMATION AND PERSONALLY IDENTIFIABLE INFORMATION

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### 4.1 Criminal Justice Information (CJI)

Criminal Justice Information is the term used to refer to all of the FBI CJIS provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to biometric, identity history, biographic, property, and case/incident history data. The following categories of CJI describe the various data sets housed by the FBI CJIS architecture:

1. Biometric Data—data derived from one or more intrinsic physical or behavioral traits of humans typically for the purpose of uniquely identifying individuals from within a population. Used to identify individuals, to include: fingerprints, palm prints, iris scans, and facial recognition data.
2. Identity History Data—textual data that corresponds with an individual’s biometric data, providing a history of criminal and/or civil events for the identified individual.
3. Biographic Data—information about individuals associated with a unique case, and not necessarily connected to identity data. Biographic data does not provide a history of an individual, only information related to a unique case.
4. Property Data—information about vehicles and property associated with crime when accompanied by any personally identifiable information (PII).
5. Case/Incident History—information about the history of criminal incidents.

The following type of data are exempt from the protection levels required for CJI: transaction control type numbers (e.g., ORI, NIC, UCN, etc.) when not accompanied by information that reveals CJI or PII.

The intent of the CJIS Security Policy is to ensure the protection of the aforementioned CJI until the information is: released to the public via authorized dissemination (e.g. within a court system; presented in crime reports data; released in the interest of public safety); purged or destroyed in accordance with applicable record retention rules. CJI introduced into the court system pursuant to a judicial proceeding that can be released to the public via a public records request is not subject to the CJIS Security Policy.

#### 4.1.1 Criminal History Record Information (CHRI)

Criminal History Record Information (CHRI), sometimes informally referred to as “restricted data”, is a subset of CJI. Due to its comparatively sensitive nature, additional controls are required for the access, use and dissemination of CHRI. In addition to the dissemination restrictions outlined below, Title 28, Part 20, Code of Federal Regulations (CFR), defines CHRI and provides the regulatory guidance for dissemination of CHRI. While the CJIS Security Policy attempts to be architecturally independent, the III and the NCIC are specifically identified in Title 28, Part 20, CFR, and the NCIC Operating Manual, as associated with CHRI.

## **4.2 Access, Use and Dissemination of Criminal History Record Information (CHRI), NCIC Restricted Files Information, and NCIC Non-Restricted Files Information**

This section describes the requirements for the access, use and dissemination of CHRI, NCIC restricted files information, and NCIC non-restricted files information.

### **4.2.1 Proper Access, Use, and Dissemination of CHRI**

Information obtained from the III is considered CHRI. Rules governing the access, use, and dissemination of CHRI are found in Title 28, Part 20, CFR. The III shall be accessed only for an authorized purpose. Further, CHRI shall only be used for an authorized purpose consistent with the purpose for which III was accessed. Dissemination to another agency is authorized if (a) the other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or (b) the other agency is performing personnel and appointment functions for criminal justice employment applicants.

### **4.2.2 Proper Access, Use, and Dissemination of NCIC Restricted Files Information**

The NCIC hosts restricted files and non-restricted files. NCIC restricted files are distinguished from NCIC non-restricted files by the policies governing their access and use. Proper access to, use, and dissemination of data from restricted files shall be consistent with the access, use, and dissemination policies concerning the III described in Title 28, Part 20, CFR, and the NCIC Operating Manual. The restricted files, which shall be protected as CHRI, are as follows:

1. Gang Files
2. Known or Appropriately Suspected Terrorist Files
3. Supervised Release Files
4. National Sex Offender Registry Files
5. Historical Protection Order Files of the NCIC
6. Identity Theft Files
7. Protective Interest Files
8. Person With Information (PWI) data in the Missing Person Files
9. Violent Person File
10. NICS Denied Transactions File

The remaining NCIC files are considered non-restricted files.

### **4.2.3 Proper Access, Use, and Dissemination of NCIC Non-Restricted Files Information**

#### **4.2.3.1 For Official Purposes**

NCIC non-restricted files are those not listed as restricted files in Section 4.2.2. NCIC non-restricted files information may be accessed and used for any authorized purpose consistent with

the inquiring agency's responsibility. Information obtained may be disseminated to (a) other government agencies or (b) private entities authorized by law to receive such information for any purpose consistent with their responsibilities.

#### **4.2.3.2 For Other Authorized Purposes**

NCIC non-restricted files may be accessed for other purposes consistent with the resources of the inquiring agency; however, requests for bulk data are discouraged. Information derived from NCIC non-restricted files for other than law enforcement purposes can be used by authorized criminal justice personnel only to confirm the status of a person or property (i.e., wanted or stolen). An inquiring agency is authorized to charge a nominal administrative fee for such service. Non-restricted files information shall not be disseminated commercially.

A response to a NCIC person inquiry may include NCIC restricted files information as well as NCIC non-restricted files information. Agencies shall not disseminate restricted files information for purposes other than law enforcement.

#### **4.2.3.3 CSO Authority in Other Circumstances**

If no federal, state or local law or policy prohibition exists, the CSO may exercise discretion to approve or deny dissemination of NCIC non-restricted file information.

#### **4.2.4 Storage**

When CHRI is stored, agencies shall establish appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of the information. These records shall be stored for extended periods only when they are key elements for the integrity and/or utility of case files and/or criminal record files. See Section 5.9 for physical security controls.

#### **4.2.5 Justification and Penalties**

##### **4.2.5.1 Justification**

In addition to the use of purpose codes and logging information, all users shall provide a reason for all III inquiries whenever requested by NCIC System Managers, CSAs, local agency administrators, or their representatives.

##### **4.2.5.2 Penalties**

Improper access, use or dissemination of CHRI and NCIC Non-Restricted Files information is serious and may result in administrative sanctions including, but not limited to, termination of services and state and federal criminal penalties.

### **4.3 Personally Identifiable Information (PII)**

For the purposes of this document, PII is information which can be used to distinguish or trace an individual's identity, such as name, social security number, or biometric records, alone or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, or mother's maiden name. Any FBI CJIS provided data maintained by an agency, including but not limited to, education, financial transactions, medical history, and criminal or employment history may include PII. A criminal history record for

example inherently contains PII as would a Law Enforcement National Data Exchange (N-DEx) case file.

PII shall be extracted from CJI for the purpose of official business only. Agencies shall develop policies, based on state and local privacy rules, to ensure appropriate controls are applied when handling PII extracted from CJI. Due to the expansive nature of PII, this Policy does not specify auditing, logging, or personnel security requirements associated with the life cycle of PII.

**Figure 2 – Dissemination of restricted and non-restricted NCIC data**

A citizen of Springfield went to the Springfield Police Department to request whether his new neighbor, who had been acting suspiciously, had an outstanding warrant. The Springfield Police Department ran an NCIC persons inquiry, which produced a response that included a Wanted Person File (non-restricted file) record and a Known or Appropriately Suspected Terrorist File (restricted file) record. The Springfield Police Department advised the citizen of the outstanding warrant, but did not disclose any information concerning the subject being a known or appropriately suspected terrorist.



# CJIN Users Guide

## Administrative Policies

### December 2021

### *CJIN is Montana's Criminal Justice Information Network.*

CJIN provides Montana's law enforcement community with rapid, secure access to state and national criminal justice information. It also facilitates confidential communication among participating agencies.

CJIN is a powerful resource.

When used effectively, CJIN can assist law enforcement with saving lives, furthering justice, and protecting property.

The CJIN Users Guide documents the policies and procedures governing CJIN, and the national systems its connected with, to ensure effective, legal use of these systems. To ensure CJIN continues to be an available public safety system and honors public trust, every agency must comply with the administrative policies covered in this document, and any additional referenced laws and policies.

For CJIN assistance, agencies can contact:

CJIN Services  
2225 11<sup>th</sup> Avenue  
Helena, MT 59601  
Phone 406.444.2800 | Fax 406.444.4453 | E-mail [dojdcicjinservices@mt.gov](mailto:dojdcicjinservices@mt.gov)



# Administrative Policies for General Users

## 1.1 Access & Dissemination

Access and dissemination of CJIN information is restricted to authorized individuals for criminal justice or public safety purposes.

The information available through CJIN is documented criminal justice information and must be protected to ensure correct, legal, and efficient dissemination and use.

Montana law defines criminal justice purposes as related to any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders (44-5-103 MCA).

Agencies are responsible for the security of their CJIN terminals and data, as well as, the actions of their employees. CJIN users may not query themselves, co-workers, family members, friends, ex-friends, or friends of ex-friends, for any personal purposes. Curiosity seeking is not tolerated. When making system testing or training transactions, use test or training records. Test records are available in the Montana "RECORDS" helpfile.

The following questions can assist users with determining appropriate use of the CJIN system:

- Does the agency employing the person requesting CJIN information have an active ORI number?
- Does the person's position authorize access to CJIN data (i.e. Judge, prosecutor, officer, etc.)?
- Is the information being requested for a criminal justice or public safety purpose?

Some data available through CJIN is public information. However, CJIN is only granted access to that data for criminal justice purposes. If an individual needs data for a civil matter or a personal purpose, contact the agency that owns the data for assistance.

Criminal history information is the most confidential information available through CJIN. This information is protected by state and federal law and closely audited. All users accessing criminal history information are required to use the appropriate purpose code, to adequately complete the attention and reason fields for each transaction, and to maintain a criminal history dissemination log for one year. Refer to the Criminal History chapter of the CJIN Users Guide for more information on criminal history requirements.

Any suspected misuse of CJIN must be immediately reported to an agency's Terminal Agency Coordinator (TAC) and/or Agency Administrator, and CJIN Services 406.444.2800.

## Definitions

### CJIN – Montana’s Criminal Justice Information Network

Through CJIN, Montana’s terminal agencies can quickly communicate with each other and access a variety of Montana databases:

- Vehicle & Commercial Vehicle Registration
- Drivers’ License, History, & Photos
- Criminal History Records
- Sex & Violent Offender Registry
- Correctional Data & Photos
- FWP Hunting & Fishing Licenses
- Concealed Weapon Permits
- Montana Wanted Persons

CJIN uses the Omnixx Enterprise Platform (OEP) hosted by Datamaxx in a secure cloud in Tallahassee, Florida. This system includes a central message switch, the Omnixx Force client, and hosted message logs. OEP also communicates with local agency CAD, RMS and mobile systems using the secure Omnixx Gateway. To expand access to information nationwide, CJIN OEP is linked to NCIC and Nlets.

### NCIC – National Crime Information Center

NCIC is the FBI’s CJIS database for accurate, complete, and timely records entered by local, state, and federal criminal justice agencies into a variety of files.

**NCIC Person Files:**

Foreign Fugitives  
 Gangs  
 Identity Theft  
 Immigration Violators  
 Known or Suspected Terrorists  
 Missing Persons  
 National Sex Offender Registry  
 Protection Orders  
 Protective Interest  
 Unidentified Persons & Body Parts  
 Violent Persons  
 Wanted Persons

**NCIC Property Files:**

Stolen & Lost Articles  
 Stolen Boats  
 Stolen, Lost, Felony & Recovered Guns  
 Stolen License Plates  
 Stolen Securities  
 Stolen & Felony Vehicles  
 Stolen Vehicle & Boat Parts

The FBI also provides the Interstate Identification Index (III) for federal and state criminal history records and an on-line Originating Agency Identifier (ORI) Directory.

NCIC is managed by the FBI’s Criminal Justice Information Services (CJIS) Division in Clarksburg, WV and operates under a shared management concept with states.











