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ALERT FEATURED

Policing the police

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When it comes to policing the police, things can get more than a little murky.

The Sidney Herald has printed the “Police Beat” for many years now. Although it is not always viewed favorably, it is almost always viewed. The key to printing current arrest records, like anything, is total transparency and accuracy. This key point may be where the newspaper’s interests end and the police department interests begin.

It has been brought to the table many times to varying degrees here at the Herald. Readers want to know why so-and-so was left out of the police beat? Why wasn’t this certain case written about, but this one was? Is the Sidney Police Department being honest about their public records?

In most other newspapers, sheriff’s reports or city police reports are emailed to the newspaper. For whatever reason, the Sidney Police Department (SPD) required a reporter to physically go to the police department every Thursday at 11 a.m., sit in a chair and take notes while being read the arrest report of the previous week. The reporter was not given any hard documentation. Such a process leaves too much room for questions, such as, “Why can’t we just see the report?”

When asked why they can’t electronically send the Sidney Herald a copy of the original report, the answer from Capt. Mark Kraft was he didn’t know, this was “just the way we do it.” Essentially, he passed the buck to his leadership. So let’s ask Chief of Police Frank DiFonzo.

His response? “That’s just the way we do it.”

DiFonzo presented his monthly police report to Sidney City Council on Monday, June 3. In the document, 47 arrests were reported. For the month of May, the police department reported only 25 of those arrests to the Sidney Herald.

When asked about the discrepancies, DiFonzo refused specifics and told the Herald, "That's just the way things work." But that's not the way things work. There are open records laws for a reason.

After discovering the police department was in violation of open records laws for the state of Montana, a written request was made for a complete hard copy of the arrest reports for the month of May. Approximately 20 hours after the request was made, Capt. Kraft called the Herald to request a quick meeting.

Kraft escorted the editor into an interrogation room (instead of the normal meeting place: his office) to explain why discrepancies were occurring in the arrests reported to city council and arrests given as public record. He said historically, the department has always given the newspaper the people who were arrested and incarcerated, who they required to be bonded out of jail. Kraft said the state of Montana has altered the way they categorize arrests, meaning people who get a citation and a court date are technically counted as "arrests," although there is no incarceration.

Within the walls of the police department, it was decided to filter the information given to the newspaper instead of providing the full account of what the state considers "arrests." Kraft said he didn't feel it was the department's responsibility to inform the Sidney Herald of those discrepancies.

"I decided that. I decided this is what we're going to give to the Sidney Herald," he said in the interrogation room Wednesday.

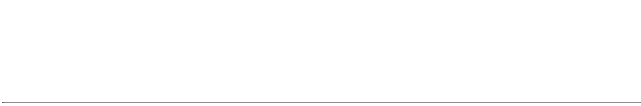
While there were shreds of truth to what he explained, his story didn't quite match up to what House Bill 47 states, which covers criminal records laws. The changes within the bill will effect when a person is photographed and fingerprinted, but it absolutely does not alter what is considered to be public record. The bill has been signed by the governor, with an anticipated effective date of July 1 of this year.

The Sidney Police Department wants to explain away their violation of public records laws with the notion that "this is the way it was always done" and finger-pointing at the state level reporting requirements. That doesn't change the fact that they were knowingly not providing

full arrest reports as requested on a weekly basis.

This Thursday, during the standard meeting time for "Police Beat" information, Kraft opened the door to the law enforcement hallway, handed out a stack of papers and refused to answer any more questions. Apparently a new standard has indeed been set.

Along with open records concerns, many other accusations of official misconduct have been brought to the Sidney Herald. DiFonzo has been asked about the stories. He denies any of them happened. With the questionable behavior surrounding their handling of other public records, a request has been made by the Herald to view internal investigation reports as well. It is pending review of the city attorney.



The Sidney Herald believes a violation of public records laws is serious. We hope Sidney City Council agrees and takes a hard look at this. As a police department well knows, ignorance of the law is not an acceptable excuse for not following the law.

It should be reasonable for citizens to expect more from their police department. The number of citizens suspicious of local law enforcement shouldn't outnumber the force itself. Questions about discrepancies shouldn't be met with contention or aggression.

Answers are not difficult to provide when asked for them directly. A police department cannot operate in secrecy - at least not in the United States. They don't get to decide what information the public is privy to. A city should be able to have a more respectful relationship with its protecting officers. Current police leadership is making sure that doesn't happen.