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January 27, 2016

Mayor Ed Williams
City of Red Lodge
P.O. Box 9
Red Lodge, Montana 59068
Sent by first class mail and e-mail

Re: Bearcreek Search

Dear Ed,

I am writing regarding the recent search warrant executed by the Red Lodge Police Department in Bearcreek. First, Sheriff McQuillan and I have serious concerns regarding the application and execution of the search warrant. The warrant appears to be founded on an implicit or intentional misrepresentation to the Justice of the Peace. Absent that misunderstanding the Justice of the Peace, the search warrant would not have been issued.

Sheriff McQuillan and I are at a loss as to why the county was not involved in the application of the warrant. Just one week previously, a Red Lodge Police Department out-of-city search warrant application was denied by Judge Nichols because the City lacked jurisdiction to execute the warrant. Nevertheless, one week later, there was subsequent City application to search the same house. Judge Nichols issued the search warrant based on Officer Srock's representation the application was in his capacity as a Carbon County Sheriff's Reserve Deputy. Simply put, this was not true.

Officer Srock acted as a Red Lodge Police Officer. Srock wore an RLPD uniform, issued citations into Red Lodge City Court, and wrote reports as a Red Lodge Police Officer. All of these actions are counter to the representation made to Justice Nichols necessary to secure the warrant. Based on this apparent misrepresentation, Officer Srock will no longer work as a Carbon County Sheriff's Reserve Deputy effective immediately.

Additionally, Sheriff McQuillan and I have concerns regarding the execution of the search warrant. Since the search took place in an incorporated town outside Red Lodge, the Carbon County Sheriff's Office should have been involved and needed to be involved. In fact, the Sheriff was unaware of the nature of the search, and I was unaware the search took place until

the next day. Sheriff McQuillan was contacted after Srock applied for the out-of-city warrant.

Two Carbon County Reserve Deputies, who also work as a Red Lodge Police Reserve Officers, were asked to participate and were the sole county presence. Accordingly this was not a situation where the County requested mutual aid. Rather, the County seems to have been invited to the execution of an out-of-jurisdiction search as an afterthought.

Worse yet, the Sheriff has received reports from a Reserve Deputy and Montana Highway Patrol Trooper on scene, that, in their opinion, the search was conducted in a haphazard and unprofessional manner, and created a serious liability.

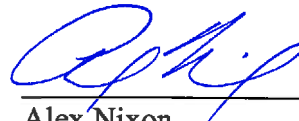
Unfortunately, Sheriff McQuillan and I have also heard that an individual was injured in the execution of the warrant— the second reason for this letter. (At this point in time, Sheriff McQuillan and I are uncertain if this individual's property should have properly been included in the warrant.) Chief Hibler assured Sheriff McQuillan and I that the Red Lodge Police Department takes full responsibility for the injury to the individual. Further, Chief Hibler indicated that he had already approached the injured individual and assured her that Red Lodge's insurance would be responsible for the injury.

Since the County did not request mutual aid and was not substantially involved in the application or execution of the warrant, it seems appropriate that any injury resulting from the execution of the warrant be the City's responsibility. Accordingly, on behalf of the County, I wish to confirm that the City is taking sole responsibility for the apparent injury (as Chief Hibler has assured us.)

Sheriff McQuillan and I have taken steps to clarify administrative steps required for the Red Lodge Police Department to obtain an out-of-city search warrant in the future. Since the warrants are in the Sheriff's Office jurisdiction, the Sheriff's office must meaningfully participate. The Justice of the Peace has also been made aware of the County policy regarding out-of-jurisdiction search warrants.

Sheriff McQuillan and I regret these unfortunate events happened, and hope we can move forward. Without question, the continued cooperation between the Red Lodge Police Department and the Carbon County Sheriff's Office is of the utmost importance. It is Sheriff McQuillan and my sincere hope that by better defining the parameters of our cooperation both agencies will benefit. If you have questions or concerns, please feel free to contact me.

Sincerely,



Alex Nixon
Carbon County Attorney

cc: Chief Steve Hibler
City Attorney Sam Painter