From:	Jim Nugent
To:	Matts Larson
Cc:	Grp. City Council and City Web Site; Dept. Mayors Office; Dept. Attorney; Jaeson White; Scott Hoffman; Dept. Human Resource; Kathy Crego
Subject:	RE: BuzzFeed News: Georgia sheriff's deputy fired after video shows him repeatedly punching a Black man
Date:	Tuesday, September 15, 2020 2:27:43 PM

MATTS:

Pursuant to Montana state law Montana municipal/city attorneys do not have charge of or supervision over the police department; nor the legislative authority to make rules for the government, direction and discipline of the police force. Montana municipal attorneys also do not review police department reports after they are made and submitted to the police department. In addition, Montana municipal/city attorneys do not have any legal authority to take it upon themselves to access and/or review police department records prior to requesting them pursuant to discovery if a criminal defendant has plead not guilty and requested a trial.

The city police department operating policies that you may access and review on the city web site may provide you with the information you inquire about pertaining to city police department protocols.. Your assertion that city police officers and/or shift commanders "knowingly misreport the subjects race in the use of force report" is a speculative assertion/conclusion on your part for which no actual evidence has been provided. It is entirely possible that unknowingly a human mistake occurred that was also unknowingly then carried forward into another police report.

You have sent your email set forth below to the city council, mayor and city police administration, if any of them provide me with a response for dissemination to you, I will forward their response to you.

JIM NUGENT

From: Matts Larson <mattslarson@icloud.com>
Sent: Monday, September 14, 2020 5:33 PM
To: Jim Nugent <NugentJ@ci.missoula.mt.us>
Cc: Grp. City Council and City Web Site <Council@ci.missoula.mt.us>; Dept. Mayors Office <DeptMayor@ci.missoula.mt.us>; Dept. Attorney <Atty@ci.missoula.mt.us>; Jaeson White <WhiteJ@ci.missoula.mt.us>; Scott Hoffman <HoffmanS@ci.missoula.mt.us>; Dept. Human Resource <Personnel@ci.missoula.mt.us>; Kathy Crego <CregoK@ci.missoula.mt.us>
Subject: Re: BuzzFeed News: Georgia sheriff's deputy fired after video shows him repeatedly punching a Black man

Jim:

I'm looking at the use of force report right now.

Is there a disciplinary protocol at MPD for officer and shift commanders who knowingly misreport the subjects race in the use of force report (as in Mr. Stevens case)?

Maybe someone at MPD would care to reply/speak on this?

He's classified as white by both Corporal Malone and Chris Odlin (active shift commander the night in question - who's job it is to make sure the report is properly filed)

Regards,

-Matts Larson

Sent from my iPhone

On Sep 14, 2020, at 4:07 PM, Jim Nugent <NugentJ@ci.missoula.mt.us> wrote:

MATTS:

Your email disseminates misinformation in several respects. You do not in any way serve the public interest when you disseminate misinformation.

Initially with respect to the offense you reference, Mr. Stevens was held pursuant to police officer affidavit of probable cause for an assault that occurred later than 10:30 P. M. on October 9, 2019. Subsequently, Mr. Stevens was released on his own recognizance the next morning from any Municipal Court detention center hold on the assault charge about 12 hours later on October 10, 2019 during daily prisoner arraignments by the municipal court judge.

However, it is my understanding that because Mr. Stevens had consumed alcohol, he violated his felony probation and parole sentence of 96 months on his felony criminal charges for felony criminal endangerment and felony theft that had occurred on October 14, 2015 and for which he was sentenced by a District Court Judge on April 26, 2017. In order for a criminal offense of theft to be a felony, the monetary amount must exceed $1,500.00 dollars. Therefore, it is possible that Mr. Stevens did not actually get released from the Missoula County Detention center on October 10, 2019; because Missoula Probation and Parole might have had a hold on Mr. Stevens for violating his probation and parole for violating his probation and parole terms by consuming alcohol. It is my understanding that the police video that had been introduced at the municipal court trial and thereby became public record was attached to the Missoulian story and that several times Mr. Stevens can be heard stating that he is in violation of his parole.

No staff at the City of Missoula, whether it be police, judicial or prosecution has any control of what the State of Montana Probation and Parole does with respect to probation and parole violators. Probation and parole are Montana state probation and parole matters and are not city processed matters.

We do know that Mr. Stevens was apparently released from the Missoula County Detention Center on any Missoula Probation and Parole hold well within any seven

month time period; because subsequently on January 14, 2020 Mr. Stevens was arrested and cited for a second offense partner family member assault. Montana state law requires law enforcement arrest of the assailant for partner family member assault offenses. Since it was Mr. Stevens second offense partner family member assault charge a bail bond was set this time by the municipal court. Also, it is again possible that Missoula Probation and Parole might also have placed another hold on Mr. Stevens as a result of his second offense partner family member assault charge, Mr. Stevens subsequent second offense partner family member assault likely also violated conditions of release on his own recognizance that the municipal court would have placed on him when releasing him on his own recognizance on October 10, 2019.

The police report in question that city police had failed to provide the city attorney's office with was not about Mr. Stevens, or Mr. Stevens conduct. The police report was a police department internal review report, reviewing a police officer's conduct.

Our chief prosecutor and office manager have met with the police chief and police administration to inform and discuss the matter in order to ensure that the police department administration understands that the District Court held that their internal use of force review reports must be considered police reports for the purpose of responding to discovery requests about any defendant's case when made by any criminal defendant or their attorney.

JIM NUGENT

From: Matts Larson <mattslarson@icloud.com>
Sent: Monday, September 14, 2020 6:54 AM
To: Grp. City Council and City Web Site <Council@ci.missoula.mt.us>
Cc: Dept. Mayors Office <DeptMayor@ci.missoula.mt.us>; Dept. Attorney <Atty@ci.missoula.mt.us>; Jaeson White <WhiteJ@ci.missoula.mt.us>; Scott Hoffman <HoffmanS@ci.missoula.mt.us>; Dept. Human Resource <Personnel@ci.missoula.mt.us>; Kathy Crego <CregoK@ci.missoula.mt.us>
Subject: BuzzFeed News: Georgia sheriff's deputy fired after video shows him repeatedly punching a Black man

Hi all,

Replace the phrase "Black man" with "Native American."

Now we're talking about right here, right now (in Missoula).

The black man was riding in a Uber as a passenger by the way.

Sounds almost as ridiculous as a 'welfare check' for a drunk guy on a bike (Jesse Stevens) that ended with him spending 7 months in jail for NO REASON.

Remember the ENTIRE community spoke out against continued overfunding of MPD.

That will be very valid when the next police brutality event transpires or fatality happens at the hands of MPD right here in Missoula.

The public is getting pretty unhappy that we're not seeing anyone deal with the issues specifically reprimanding the officers involved in Jesse Stevens case.

Where is the reprimand/punishment for The police officers involved in Jesse Stevens case?

What about the city attorneys office who is to blame as well?

Where are y'all at on this?

Silent?

Complacent?

Checks out all the way around!

Have a great day!

All I see is fake woke pale faces telling myself and my friends that this isn't real.

Again, I'm telling you all this to keep you ahead of the ball here.

Do something NOW!

Regards,

-Matts

Georgia sheriff's deputy fired after video shows him repeatedly punching a Black man
Roderick Walker was heard saying "I'm gonna die," while two sheriff's deputies in Georgia pinned him to the ground and one punched him in the face several times.

Read in BuzzFeed News: https://apple.news/A0QzHm3nsSki6GJT0nVvlTQ

Shared from Apple News

Sent from my iPhone

Messages and attachments sent to or from this e-mail account pertaining to City business may be considered public or private records depending on the message

content. The City is often required by law to provide public records to individuals requesting them. The City is also required by law to protect private, confidential information. This message is intended for the use of the individual or entity named above. If you are not the intended recipient of this transmission, please notify the sender immediately, do not forward the message to anyone, and delete all copies. Thank you