



U.S. Department of Justice

*950 Pennsylvania Ave, NW
Washington, DC 20530*

February 26, 2014

Sent Care of Natasha Prinzing Jones, Boone Karlberg, P.C.

Honorable Jean Curtiss, Bill Carey, and Michele Landquist
Missoula County, Board of County Commissioners
200 West Broadway
Missoula, MT 59802

In re: Missoula County Attorney's Office

Dear Commissioners Curtiss, Carey, and Landquist:

We are writing regarding the U.S. Department of Justice's investigation of the Missoula County Attorney's Office's handling of cases of sexual assault, and the related letter of findings issued on February 14, 2014. Throughout this investigation we have attempted to work collaboratively with the County Attorney and months ago provided him with a framework for an amicable resolution. We continue to believe that we can accomplish more by working together on cost effective, commonsense reform measures rather than engaging in expensive and time consuming litigation. We would like to make ourselves available to you to discuss a resolution of this matter.

The Department of Justice completed its investigations of the University of Montana at Missoula Office of Public Safety and the Missoula Police Department in May 2013. The Department of Justice routinely releases letters or reports outlining the findings of our investigations. Because of the Missoula Police Department's and University of Montana's cooperation and engagement, we were able to release reform agreements alongside these letters. This allowed the University of Montana and the Missoula Police Department to immediately begin to implement important remedial measures. According to the October 2013 report of the Independent Reviewer assessing this implementation, already "much progress has been made" in the University's and City's handling of sexual assault cases.

In contrast, the County Attorney has refused to cooperate with our investigation from the outset. We have met with the County Attorney several times and taken measures to address his expressed concerns regarding our investigation, including entering into an agreement with the Montana Attorney General to refer cases of sexual assault in which we identified new evidence to the Montana Attorney General, and notifying the County Attorney of our intention to enter into such an agreement. The County Attorney refused to provide us any information during our investigation, and refused to discuss the set of remedies we proposed to address the problems our investigation found. Instead, the County Attorney chose to pursue litigation, the cost of which

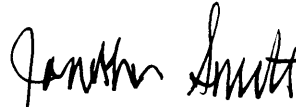
may ultimately far outstrip the cost of reform. Nonetheless, because we believe that the quickest and most effective way to protect women and improve the County Attorney's handling of sexual assault is a cooperative agreement, we remain open to discussing a negotiated settlement of this matter. We believe that it is time to look forward and find a way to work together to improve the justice system in Missoula.

We appreciate your expressed commitment to the safety of women in Missoula and your interest in seeking the best resolution of these important issues. We will look forward to hearing from you shortly about our proposal to meet. U.S. Attorney Cotter can be reached at (406) 457-5120.

Sincerely,



Michael W. Cotter
United States Attorney
District of Montana



Jonathan Smith
Section Chief
Special Litigation Section

cc: Honorable Tim Fox
Attorney General
Montana Department of Justice

Fred Van Valkenburg
Missoula County Attorney