



# Montana Public Safety Officer Standards & Training Council

2260 Sierra Road East  
Helena, MT 59602

Phone: (406) 444-9975

Fax: (406) 444-9978

dojmt.gov/post

## Public Safety Officer Complaint Form

Michael L. Goguen

c/o PO Box 226, Somers, MT 59932

Name of Complainant

Address (Street, Apt.#), City, State, Zip Code

c/o 406-890-4678

Ongoing

Telephone Number(s)

Date and Time of Incident

Chief Bill Dial, Whitefish Police Department

Name and place of employment of the person complained against

### Statement of Complaint:

Please state in exact detail what occurred, names of all witnesses and public safety officers who observed the incident, name(s) of all public safety officers who engaged in the alleged misconduct and what misconduct occurred, what injuries, if any, you suffered and all other facts related to the incident. Do not include unsubstantiated information such as gossip or rumor. Attach any reports or documentation, such as photographs, medical records, etc. which relate to the incident. Continue your statement on additional sheets of paper, if needed, and attach pages to this document.

See Appendix A and Exhibits

I HEREBY REQUEST the Montana Public Safety Officer Standards & Training Council investigate the conduct alleged in this complaint and take appropriate action, as authorized by law. Having been duly sworn, I hereby state under penalty of Perjury (45-7-201, M.C.A.) or False Swearing (45-7-202, M.C.A.) that I am the Complainant in this complaint, that I have prepared, read and fully understand all matters set forth in this complaint, that this investigation, as an official proceeding, is confidential to the degree required by law and that all information provided in this complaint is true and correct to the best of my knowledge.

(Signature of Complainant)

Date

State of Montana

County of Flathead

Signed and sworn to (or affirmed) before me on this 23 day of July, 2019.

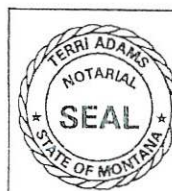
(Signature of Notary)

(Printed Name of Notary Public)

Notary Public for the State of Montana

Residing at: Columbia Falls

(Affix Notarial Seal)



**TERRI ADAMS**  
NOTARY PUBLIC for the  
State of Montana  
Residing at Columbia Falls, Montana  
My Commission Expires  
May 13, 2020



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Helena, MT 59602

Phone: (406) 444-9975

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## Public Safety Officer Complaint Form

Shane Erickson

c/o PO Box 226, Somers, MT 59932

Name of Complainant

c/o 406-890-4678

Address (Street, Apt.#), City, State, Zip Code

Ongoing

Telephone Number(s)

Date and Time of Incident

Chief Bill Dial, Whitefish Police Department

Name and place of employment of the person complained against

### Statement of Complaint:

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Date

State of Montana

County of Flathead

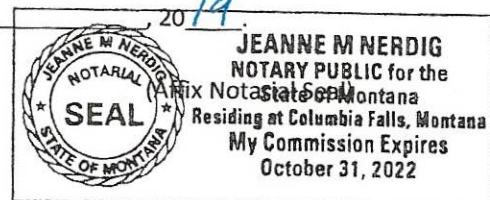
Signed and sworn to (or affirmed) before me on this 22 day of July, 2019

(Signature of Notary)

(Printed Name of Notary Public)

Notary Public for the State of Montana

Residing at: Columbia Falls, MT



## APPENDIX A

NOTE: THE ATTACHED APPENDIX A IS INTENDED SUPPORT BOTH COMPLAINTS. TO THE EXTENT POST CAN CONSIDER THE COMPLAINTS TO BE FILED JOINTLY, THE COMPLAINANTS WOULD LIKE TO BE CONSIDERED AS HAVING FILED A JOINT COMPLAINT.



## APPENDIX A

Chief Dial has violated the following sections of ARM 23.13.702, which are grounds for the revocation of his POST certifications:

1. Engaged in conduct that violates ARM 23.13.702(2)(a); that is, the willful falsification of information in conjunction with official duties, or any single occurrence or pattern of lying, perpetuating falsehoods, or dishonesty which may tend to undermine public confidence in the officer, the officer's employing authority, or the profession.
2. Engaged in conduct that violates ARM 23.13.702(2)(h); that is, the willful violation of the code of ethics set forth in ARM 23.13.203, including ARM 23.13.203(e), (f) and (i) (Code of Ethics).
3. Engaged in conduct that violates ARM 23.13.702(2)(i); that is, other conduct or a pattern of conduct which tends to significantly undermine public confidence in the profession.
4. Engaged in conduct that violates ARM 23.13.702(2)(l); that is, acts that are reasonably identified or regarded as so improper or inappropriate that by their nature and in their context are harmful to the employing authority's or officer's reputations, or to the public's confidence in the profession.

### A. False statements made in Chief Dial's official capacity that violate ARM 23.13.702:

1. Chief Dial states in writing: "[T]he Flathead County Sheriff and the FBI and are investigating... [X]." This statement is made in the official capacity of Chief Dial in a November 16, 2018 email (the "Email") *to a person (Bryan Nash) that was arrested under an FBI complaint (the "Complaint") for the extortion and stalking of the very same person that Chief Dial is providing false information about ([X])*. The November 16 email is attached as Exhibit A. The Complaint is attached as Exhibit B. The Email is then forwarded on to Matthew Marshall with the comment "Having a little fun with Mr. Nash." The Email is either an aiding of criminal acts (knowingly or unknowingly) or, even with the most favorable interpretation, improper conduct of the most extreme nature.

Chief Dial knows that Nash is on a vendetta against [X] and knows he is providing Nash with false information that will be used by Nash in his vendetta against [X] (Chief Dial has had several communications with Nash and knows the nature of Nash's actions against [X]). *In fact, the vendetta is criminal*, as documented in the Complaint as extortion and stalking. It is not certain whether Chief Dial actually knows that the Nash vendetta constitutes criminal extortion and stalking, but as a Chief of Police *he should be cognizant of the possibility that he is aiding potentially criminal acts*. At a minimum, his communication with Nash is grossly improper and inappropriate. The statements are false and constitute libel (the statement that [X] is under investigation by the FBI and County Sheriff cause tangible harm to the business and personal life of [X]). Even if the statement was true, Chief Dial would be providing Confidential Criminal Justice Information ("CCJI"), which would also violate ARM 23.13.702. Consequently, in either instance Chief Dial has committed substantial violations of ARM 23.13.702.



Chief Dial's communications with Nash are made with malicious intent. He is on the record as stating that there are people out to "have [X]'s ass." See Interview of Shane Erickson attached as Exhibit C. Chief Dial knows that Nash is out to "have [X]'s ass" and his Email provides ammunition for Nash's stalking and extortion campaign which ultimately becomes subject to a criminal complaint by the FBI.

Chief Dial compounds this malicious intent with his forwarding of the Email to his close friend, Matthew Marshall, with the statement "Having a little fun with Mr. Nash."<sup>1</sup> Chief Dial knows his close friend Marshall is also a person out to "have [X]'s ass" as [X] has filed a report with the FBI which describes in detail certain frauds committed by Marshall and [X] is cooperating with the FBI's investigation of Marshall. *In fact, the Complaint outlines in detail the alleged facts that a "Former Security Manager" is collaborating with Nash in his extortion and stalking of [X] at the same time that Chief Dial is sending the Email to Marshall stating he is having "fun" providing inflammatory false information regarding [X] to the person (Nash) who is charged with the attempted extortion and stalking of [X] with the collaboration of the "Former Security Manager."* See Paragraphs 18 and 19 of the Complaint (POST can verify with the FBI the identity of the "Former Security Manager," but it is believed to be Marshall). Consequently, either Chief Dial is complicit in Marshall's collaboration with Nash or he is an unwitting participant in a manner completely inappropriate and improper for a Chief of Police.

His communication with Nash is "fun" for Chief Dial because he knows that his close friend Marshall will appreciate that Chief Dial is providing this egregiously inflammatory (but false) information to Nash, which advances the actions of Nash that are now revealed to be criminal. All of Chief Dial's "fun" *is at the expense of the victim in an FBI criminal complaint* [X]. It is not known whether Chief Dial is aware that the "Former Security Manager" is collaborating with Nash in his criminal acts at the same time that Chief Dial is sending these communications to Nash and Marshall. However, from the perspective of ARM 23.13.702, that is irrelevant.

There is no excuse for Chief Dial's malicious and libelous action toward [X] and either witting or unwitting complicity with the documented criminal actions of Nash and collaboration of the "Former Security Manager" with Nash's criminal conduct. These statements (i) violate the prohibition on the falsification of information in ARM 23.13.702(2)(a), (ii) violate the confidentiality requirements of ARM 23.13.203, (iii) significantly undermine public confidence in the profession as specified in ARM 23.13.702(2)(i), and (iv) are so improper or inappropriate that by their nature and in their context are harmful to the employing authority's and the officer's reputations and to the public's confidence in the profession, all as specified in ARM 23.13.702(2)(l).

2. Chief Dial states in writing: "[X] contacts Chief Dial to inform him of an alleged black mail/extortion that he is a victim of and asks if Whitefish Police has been contacted by Amber Baptiste or FNU Nash. Dial refers [X] to Erickson." "Erickson interviews [X] at the police department in his office and discloses to [X] that Baptiste has sent numerous emails to him and has implicated [X] in deviant sexual acts." These statements are made by Chief Dial in a

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<sup>1</sup> The violations concerning Marshall and Chief Dial's inappropriate relationship with Marshall is outlined in Section B below.



Memorandum from Chief Dial to Adam Hammatt (City Manager), dated October 25, 2018 (the "Dial Memorandum"), which was official action taken to terminate an officer at the Whitefish Police Department ("WPD"). See Exhibit D. The statements are made to support Chief Dial's accusations against Detective Erickson, including accusations that Detective Erickson was guilty of corruption and favoritism toward [X]. *In fact, it is Chief Dial who contacts [X] first to seek a donation and then offers on his own to show to [X] the Baptiste emails.* See Exhibit E. Chief Dial has intentionally made these statements to impugn Detective Erickson and exculpate himself from responsibility in connection with the WPD actions taken on the Baptiste emails. In addition, *this is done after Chief Dial solicits and then accepts a donation from [X] to Chief Dial's charity. Chief Dial essentially is trading the donation for access to the Baptiste emails, which is a gross violation of the Code of Ethics. If the Baptiste emails are CCJI, this compounds the violation.* Chief Dial also repeats this willful falsification when he verbally states in the October 24, 2018 disciplinary hearing of Detective Erickson that he never made contact with [X] about the Baptiste emails and that it was [X] that initiated contact (see lines 732 and 736 of the October 24, 2018 disciplinary interview transcript attached as Exhibit F and the audio recording).<sup>2</sup> *One misstatement of critical facts in an investigation could be excused as unintentional; emphatically repeating the falsification shows an intent to deceive.* Consequently, these statements are a willful falsification in violation of ARM 23.13.702(2)(a) are so improper or inappropriate that by their nature and in their context are harmful to the employing authority's reputation as specified in ARM 23.13.702(2)(l). In addition, Chief Dial's solicitations of [X] in return for providing information violate the prohibition on accepting gifts or favors that could be interpreted as favor or cause the officer to refrain from performing their official duties specified in ARM 23.13.203.

3. Chief Dial states in writing: "Erickson then told Jacobs that [X] had admitted paying [Z] for sex." "[X] admitted to Erickson that he had paid \$1200 to [Z] for sex and Erickson did not include it in his report." These statements are made by Chief Dial in the Dial Memorandum, again as official action taken to terminate a WPD officer (see Exhibit D). Chief Dial has *fabricated* these statements in order to prove that Detective Erickson lied and failed to write a report stating these fabricated facts in order to have him terminated and have his POST certifications revoked. The statement to Jacobs is alleged to have occurred at a meeting at City Hall on October 24, 2018 to discipline Detective Erickson. *In fact, the statement is a complete fabrication.* The transcript (and recording) of the October 24 disciplinary interview (Exhibit F) confirms that, at line 810 the question was, "Um, when you spoke to [X] about this email, he admitted to having sex with [Z]?" The question *was not*, "did [X] admit paying [Z] for sex." Consequently, the affirmative answer by Detective Erickson is in response to the *actual* question (which does not involve a crime), and the statement fabricated by Chief Dial is for the sole purpose of *making it look like [X] admitted to a crime and Erickson covered up that crime and failed to write a report documenting this fabricated "admission of a crime."*<sup>3</sup> This statement (i)

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<sup>2</sup> In the October 24, 2018 disciplinary meeting, Chief Dial, in response to Detective Erickson's statement that Chief Dial had read all of the Baptiste correspondence and called [X] to come in and read them (see Lines 725 and 726), states "I didn't call [X]." "[X] called me." (see Lines 732 and 736).

<sup>3</sup> Detective Erickson also is interviewed on September 28, 2018, in which he repeatedly declines to accede to Chief Dial's attempts to have him say that [X] admitted to a crime. He then is admonished again on October 1 and October 4 by Chief Dial and Assistant Chief Kelch for not writing a report that includes this "admission" that never occurred. In essence, Chief Dial and Assistant Chief Kelch repeatedly are asking Detective Erickson to lie in order to build a record that [X] admitted to the commission of a crime, all based upon the "volunteer's" statements.



is a willful falsification in violation of ARM 23.13.702(2)(a) and (ii) is so improper or inappropriate that by its nature and in its context is harmful to the employing authority's reputation as specified in ARM 23.13.702(2)(l).

B. Conduct by Chief Dial that violates ARM 23.13.702:

Chief Dial did great damage to the public's confidence in the City of Whitefish and the WPD, as well as create potential legal liability, by making a friend of his a "volunteer" who had access to CCJI (with an access card and police radio) and putting him in an important role at WPD that caused WPD to be used in a personal vendetta of the "volunteer" against a Whitefish area resident [X] and another WPD officer.<sup>4</sup> The "volunteer" was brought into WPD without Chief Dial conducting any background check or fingerprinting of the individual in accordance with required procedures, which would have revealed that the experience of such individual was fabricated. According to the City Attorney of Whitefish, Chief Dial was notified that the "volunteer" was under investigation by federal authorities. The inappropriate conduct of Chief Dial to protect his good friend continued after such notification.

The "volunteer" was issued an access card to WPD and a police radio and was included in several investigations and operations in which CCJI was shared. All of these actions were taken without having the "volunteer" fingerprinted or subject to a background check, both of which are required under applicable regulations governing access to CCJI. After Chief Dial was informed by federal authorities regarding an active investigation of the "volunteer," Chief Dial continued to put his friendship with the "volunteer" above the interests of WPD and the City of Whitefish, including allowing the "volunteer" to park a vehicle at WPD with the keys in the custody of Chief Dial *in order to prevent that vehicle from being returned to the title owner [X]* (who is the same person Chief Dial contends has people out to 'have his ass.' In effect, Chief Dial provided aid and assistance to the "volunteer" against the legal rights of the title owner of the vehicle [X], which is a grossly inappropriate use of Chief Dial's position and which was done *after* Chief Dial was warned by federal authorities regarding the "volunteer" and *after* Chief Dial had knowledge of the "volunteer's" illegal retention of the vehicle.

The "volunteer" and Chief Dial had a close personal relationship. Upon information and belief, they often golfed together and may even have gone out of state together to golf. Chief Dial was a frequent visitor at the residence of the "volunteer" and vice versa. Chief Dial included the "volunteer" in several investigations/operations and the "volunteer" provided ammunition to WPD (at the expense of [X], who funded the company that purchased the ammunition).<sup>5</sup> This personal relationship ultimately prejudiced the official actions of Chief Dial. Even after Chief Dial had official notice of a search and seizure conducted on the residence of the "volunteer" by federal authorities, he sent the "volunteer" an email reaffirming their friendship. See Exhibit G. Even after federal authorities warned Chief Dial regarding an active investigation of the "volunteer," Chief Dial assisted the "volunteer" in protecting a vehicle from being recovered by

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<sup>4</sup> POST should verify with the FBI the identity of the "Former Security Manager" referenced above and its relevancy to this section of the complaint.

<sup>5</sup> Attached is the check cashed by the "volunteer" for a payment made by WPD for the ammunition. On information and belief, the "volunteer" simply cashed the check and did not deposit the funds into the company account, which would be embezzlement.



the person holding title to the vehicle (*and who is the victim in the criminal investigation*). The “volunteer’s” access card and police radio were not taken away until well after the search and seizure on the “volunteer’s” residence, and this apparently was done by the City Attorney and not the Chief.

Chief Dial solicited a written statement by the “volunteer” to implicate [X] in crimes and support the termination of Detective Erickson, who Chief Dial accused of corruption in respect to his interactions with [X]. The “volunteer” had ample motives for making false statements incriminating [X] in crimes and thus implicating Detective Erickson in the matters subject to his disciplinary proceedings and to potential criminal liability. *Chief Dial was well aware of these motives and bias*, and still sought the “volunteer’s” help in terminating Detective Erickson and having his POST certifications revoked. At the same time that Chief Dial was seeking this written statement from the “volunteer,” Chief Dials knew that: (a) the “volunteer” was being evicted from a house provided rent-free to him by [X], (b) the “volunteer” had refused to return vehicles that were owned by [X], (c) the sole source of income to the “volunteer” through a company funded by [X] and managed by the “volunteer” had been taken away by [X] due to mismanagement and questions of legal impropriety, and (d) the “volunteer’s” unexplainable status as an important WPD “volunteer” and recipient of an access card, police radio and CCJI had all been granted to the friend of Chief Dial without following any of the normal procedures for obtaining a background check and fingerprints. In addition, [X] had reported crimes of fraud by the “volunteer” to the FBI and was cooperating with the FBI’s investigation of the “volunteer.” Chief Dial may not have known about this investigation prior to the federal search warrant executed on the “volunteer’s” residence, but even then Chief Dial did not modify the favoritism shown the “volunteer” and reaffirmed in writing his friendship with the “volunteer” (see Exhibit G).

Chief Dial effectively acknowledges his knowledge of the “volunteer’s” vendetta when he tells Detective Erickson in a September 28, 2018 interview of Detective Erickson that there are people out to “have [X’s] ass.” Chief Dial knows that the “volunteer” is certainly a person out to “have [X’s] ass.” Chief Dial willfully and knowingly allows WPD and the City of Whitefish to be used to advance the biased and illegal motives of the “volunteer” due to his close friendship with the “volunteer.” *As explained above, this improper conduct is egregiously exacerbated by the revelations in the Complaint that the “Former Security Manager” is collaborating with the criminal actions of Nash against [X] at the same time that Chief Dial is seeking Marshall’s statements regarding [X], is forwarding his “fun” correspondence with Nash regarding [X] to Marshall and is protecting Marshall’s status as a “volunteer” (with access to CCJI).*<sup>6</sup>

The “volunteer” has fabricated his education and his experience in the military, law enforcement and national intelligence operations, which Chief Dial accepted as true without any verification. This easily could have been verified as false with a background check. Had Chief Dial done a background check on the “volunteer” (which should have been done for anyone given an access card to WPD, a police radio and access to CCJI), Chief Dial would have known that (1) he

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<sup>6</sup> For some reason, Chief Dial thinks he has an obligation to keep the “volunteer” informed of any communications with Nash (who the “Former Security Manager” is collaborating with, according to the Complaint). Attached as Exhibit H is an email from Chief Dial to Marshall in which he apologizes to Marshall because he “Forgot to forward this to you.”



couldn't provide the "volunteer" an access card and police radio, (2) he couldn't provide him access to CCJI, and (3) he couldn't include him in the investigation of Detective Erickson. Instead, Chief Dial puts his friendship with the "volunteer" above any consideration of propriety, the reputation of WPD and the City of Whitefish and the public's confidence in the profession.

Chief Dial's inappropriate relationship with his friend the "volunteer" has brought tremendous disrepute to WPD, seriously undermining the public's confidence in WPD in violation of multiple sections of ARM 23.13.702.

SUMMARY: The multiple *false statements* and instances of inappropriate *conduct* by Chief Dial *each* are egregious violations of multiple sections of ARM 23.13.702. These include (1) false, malicious and libelous statements made in writing that aid the criminal conduct of a person arrested for stalking and extortion and that are made to amuse a "volunteer" friend who is collaborating with the criminal conduct, (2) re-writings and intentional fabrications of the facts of an investigation, (3) a solicitation of a favor for the disclosure of information (or possibly CCJI) combined with lies intended to "cover up" of that solicitation and disclosure, (4) completely inappropriate favoritism shown to a friend who is made a "volunteer" with a total disregard for procedures required to issue that person an access card or police radio at the same time the friend is collaborating with an individual arrested for extortion and stalking, and (5) grossly unacceptable conduct in participating wittingly or unwittingly in the actions of two individuals (one arrested on a criminal complaint and the other named as a collaborator) to falsely accuse a police officer and cause harm to a citizen who is the victim of the criminal complaint. While each could be considered as actionable, taken together they are the definition of statements and conduct "so improper or inappropriate that by their nature and in their context are harmful to the employing authority's or officer's reputations, or to the public's confidence in the profession." For these reasons, Chief Dial's POST certifications should be revoked.