



Montana Public Safety Officer Standards & Training Council

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dojmt.gov/post

August 25, 2021

Dana Smith, City Manager
City of Whitefish
418 E. 2nd St.
Whitefish, MT 59937

Re: Allegations of Misconduct regarding Interim Chief Bridger Kelch

Dear Ms. Smith:

I have discovered allegations of misconduct by Whitefish Interim Chief of Police Bridger Kelch. The allegations of misconduct, if true, may be grounds for sanction, suspension or revocation of POST certification. The allegations are as follows:

- I. Assistant Chief of Police for the City of Whitefish, Bridger Kelch engaged in, condoned, and/or failed to disclose to appropriate authorities, acts of corruption in violation of ARM § 23.13.203(3)(f) by:
 - A. Conspiring with Matt Marshall and City of Whitefish Chief of Police Bill Dial to entrap a subordinate and fellow officer, Patrolman Shane Erickson, into committing an apparent ethical violation involving a civilian to exploit leverage over that civilian.
 - i. On September 4, 2018, Matt Marshall and Chief Dial set up a meeting at Matt Marshall's home. Assistant Chief of Police Kelch also attended. The purpose of the meeting was to discuss Matt Marshall's "timeline," after Chief Dial had tried to look up a criminal investigation for Matt Marshall. That particular criminal case involved prostitution and was related to an internal investigation of former Whitefish Police Officer Shane Erickson.
 - ii. After the meeting, Matt Marshall and Chief Dial had the following text message exchange which pertained to their scheme to allow Erickson to participate in a gifted elk hunt which could amount to an ethical violation, compromising both Erickson and the grantor – an individual Marshall hoped to exploit. From the exchange, it is evident Assistant Chief Kelch was complicit and a trusted participant in the scheme.

Marshall: It just dawned on me if you spill the beans to Shane before the hunting trip he won't go. For what it's worth I'd slow roll a bit and not do anything to spook him before the trip. If you are just trying to unscrew Shane and not send the grim reaper for him I have an idea. It's just how I would handle him and of course my opinion means nothing in this scenario because it's your world and I'm just living in it. It really comes down to what you guys want to do for an end result.

Chief Dial: I don't plan on telling him unless I am instructed to by City Mgr and Attorney.
If you look at the statute 2-2-104. We will have to show that he didn't do his job because of the things G has done for him. Preponderance would be sufficient. By PIST Arm's [*sic* So in original should be POST.] he cannot accept gifts. Need to take our time and not fuck this up. Thanks for having confidence in Bridger and me.

iii. Matt Marshall responded that he would trust Chief Dial and Assistant Chief of Police Kelch with his life.

- II. Assistant Chief of Police Kelch willfully falsified information in conjunction with official duties in violation of ARM §§ 23.13.703(3)(a) and 23.13.203(3)(g), by providing false information to the Department of Justice's Division of Criminal Investigation (DCI) during its legally authorized investigation of Chief Dial's conduct.
- A. In July of 2019, DCI interviewed Assistant Chief of Police Kelch regarding allegations that Chief Dial had been inappropriately sharing confidential information regarding a prostitution investigation and the Erickson ethics matters with Matt Marshall.
 - B. Assistant Chief of Police Kelch denied he had shared anything regarding the prostitution investigation or the Shane Erickson ethics issue with anyone other than the Whitefish City Attorney or the Flathead County Attorney.
 - C. In addition to the meeting Assistant Chief of Police Kelch had with Chief Dial and Matt Marshall at Marshall's home, Assistant Chief of Police Kelch had shared the entire prostitution investigation with POST in April of 2019.
 - D. Contrary to his statement he had not shared the Erickson matter with anyone, text message records demonstrate Assistant Chief of Police Kelch informed Matt Marshall in November of 2018 that Erickson resigned as a consequence of the ethical inquiry.

- E. When POST requested the prostitution information, along with other information regarding the Erickson allegations, Assistant Chief of Police Kelch continued to repeat his opinion that Erickson had done wrong and that Erickson was corrupt.
- III. Assistant Chief of Police Kelch willfully violated orders or policies, procedures rules, and/or criminal law which reflects adversely on his honesty, integrity, and/or fitness as an officer or which is prejudicial to the administration of justice in violation of ARM § 23.13.203(3)(f) by allowing, facilitating, and/or tolerating an unvetted civilian, holding no POST certification or law enforcement credentials, to have physical access to Whitefish Police Department (WPD), access to information on confidential and ongoing police investigations and access to confidential criminal justice information (CCJI). Specifically, Assistant Chief Kelch provided Matt Marshall with:
- A. A key card permitting 24-hour access to WPD building facilities;
 - B. A radio open to WPD police band transmissions;
 - i. In text messages between Chief Dial and Matt Marshall, both parties make reference to Assistant Chief of Police Kelch being the person to program Marshall's key card and provide a police radio/radios to Marshall. In September of 2018, Matt Marshall indicated that his police radio was "tits up" and that "Bridger was going to get me a different one a couple weeks ago but we both forgot."
 - ii. Later in September of 2018, in a text to Chief Dial, Matt Marshall stated that he was going to use his access card to enter the department to "put these radios inside for Bridger. He said he needed them by 10 am."
 - iii. When Matt Marshall arrived at WPF to deliver the malfunctioning radios, he was unable to access the department with his card, but was let in by another individual with access. Chief Dial assured Matt Marshall he would get the access card issue "straightened out," and Marshall replied he "slid the access cards in an envelope under Bridger's door" so they would be available to Assistant Chief Kelch to reprogram.
 - C. Information regarding the suspects in a disorderly conduct or assault committed by a third party and involving members of Matt Marshall's family so Matt Marshall and Marshall's "guys" could personally search for and "make contact" with the suspects outside of law enforcement's participation.
 - i. In March of 2018, Whitefish Police Department received a complaint regarding an alleged incident of disorderly conduct victimizing members of Matt Marshall's family.
 - ii. On March 16, 2018, Matt Marshall sent Chief Dial a text request for the "mugshot of shit head 1 & 2." Matt Marshall requested this information "so the guys can see a clear photo for ID'ing them in case they make

contact.” Chief Dial responded, “Yes, I’m skiing give Bridger a call he can send it to u.”

- iii. On April 6, 2018, Matt Marshall indicated in a text to Chief Dial that, “Me and all the boys were out last night hitting all the hot spots,” indicating that Matt Marshall had, in fact, received the photographs and shared them with “all the boys.”

The procedure which POST must follow for making and receiving allegations of officer misconduct is outlined in ARM 23.13.703. This rule provides that allegations must be presented initially to the employing authority for review.

When you have completed your review and inquiry into these allegations, please provide me with the results of your investigation and any employment action that your agency applies. This request comports with ARM 23.13.703(4) which states:

Within 30 days of being notified of the allegation, or in making its own allegation of misconduct, the employing authority must give POST a notice of the employing authority’s investigation, action, ruling, finding, or response to the allegation, in writing, which must include a description of any remedial or disciplinary action pending or already taken against the officer regarding the allegation in question, and which may contain a recommendation from the employing authority regarding whether POST should impose a sanction. If the employing authority recommends POST impose a sanction, the employing authority must state what sanction the employing authority deems reasonable. POST shall consider but is not bound by the recommendation of the employing authority. If available, a copy of the initial allegation made to the employing authority and the employing authority’s written response must be forwarded to the director. The employing authority may make a written request to the director for additional time to respond. Such a request must provide good cause as to the reason more time is required. The director may grant or deny requests for additional time at the director’s discretion.

Please let me know if you have questions or if we can be of any assistance to you. Thank you for your assistance in this matter.

Sincerely,



Perry Johnson, Bureau Chief
Montana POST Bureau