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By [Myers Reece](#) , 11-23-11

According to a lengthy multi-agency investigation into allegedly pervasive illegal and unethical activities by Lake County law enforcement officers, the sheriff's office is accused of fostering a "culture of corruption" that encourages the motto: "You can't break the law, if you are the law."

State investigation documents obtained by the *Beacon* detail an array of allegations against the Lake County Sheriff's Office spanning over a decade. Dozens of interviews, including sworn statements by current and former officers, describe an atmosphere of "misguided brotherhood" at the sheriff's office in which deputies have allegedly engaged in poaching, assault on fellow officers, falsification of one deputy's military history and a "cover-up" pertaining to a 2004 boating death on Flathead Lake, among other allegations.

The reports also describe the allegedly illegal hunting activities of a Confederated Salish and Kootenai Tribal Law and Order officer, who is accused of using hunting privileges granted to him as a tribal member to help perpetuate the poaching activities of sheriff's deputies, as well as his own, over the course of more than a decade in addition to hunting violations in Oregon.

Multiple investigations into Lake County law enforcement officers have sprouted up since last spring, including two open investigations by Montana Fish, Wildlife and Parks and the Montana Public Safety Officer Standards and Training Council, as well as an investigation that was passed on from the state Department of Justice to the Lake County attorney's office earlier this year.

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In March of 2010, FWP first began investigating possible illegal hunting activities involving Jesse Jacobs, a reserve deputy with the Lake County Sheriff's Office at the time, stemming from a 2005 moose shooting. Jacobs, who is no longer with the department, was charged with two felony counts of unlawful possession of a game animal. The case was later dismissed.

But, as the investigation unfolded, "credible allegations" about other officers within the sheriff's department surfaced, according to a Sept. 20, 2010 letter from FWP Game Warden Frank Bowen to John Strandell, chief of the state Department of Justice's criminal investigation division.

The letter indicated information had turned up implicating law officers in "other serious offenses that are outside the jurisdiction of Montana Fish, Wildlife and Parks," warranting, FWP game wardens believed, consideration from the Department of Justice. The warden wrote that he intended to ask the state Attorney General's Office to "bring various charges against several Lake County area Law Enforcement Officers."



The letter also noted that the Montana Public Safety Officer Standards and Training Council (POST) had passed on information acquired from its own investigation into alleged ethics violations by Deputy Sheriff Dan Duryee.

In POST's investigation report dated June 8, 2010, a compliance officer wrote that the sheriff's department had determined Duryee, despite claims for more than a decade to the contrary, never engaged in military combat operations and in fact never served in the U.S. Marine Corps.

"After his military service was disproven, Duryee continued to make false claims to members of the public," the compliance officer wrote.

The report says Duryee's military claims had earned him respect within the department and possibly led to unwarranted positions and promotions.

"It is evident that Duryee was allowed to be a member of the Special Response Team and a sniper without attending any formal training based on his false claims of military service and combat experience," the POST officer wrote, adding that Duryee was also given command of the Special Response Team.

During an April 2008 standoff, according to an article in the *Missoulian*, Polson police "handed off command of the incident to Sgt. Dan Duryee of the sheriff's office because of Duryee's expertise and training for such situations."

In a sworn statement to POST, one deputy said he began doubting Duryee's military experience after being ordered into an unsafe position during an armed standoff. After he discovered Duryee had no military record, he told the investigator that he approached Duryee and was threatened. The deputy said he was disciplined for using a department computer to gather the information about Duryee's military history.

Lake County Sheriff Jay Doyle said last week Duryee is no longer on the Special Response Team but that the decision was made before he became sheriff after winning last fall's election. It appears all of the allegations made in the POST and FWP documents are from before Doyle took office. The last two sheriffs were Lucky Larson and Bill Barron, currently a Lake County commissioner.

"The reason that (Duryee) was either asked to step down or removed, I couldn't comment on that," Doyle said. "That was under a former administrator's regime."

Other findings in the POST report include a sworn statement by a former deputy that Duryee "tried to get him to poach a deer as an initiation into the 'club'" and assaulted him in an argument over a Taser, an allegation supported by another officer's testimony. The deputy left the force, according to an FWP report, because of "the corrupt nature of several of the Offices, and the unwillingness of the local leadership to deal with the issue."

Also, according to the list of findings, a sergeant in the sheriff's department gave a sworn statement that he witnessed Duryee bag up skull fragments from a suicide victim who had died from a gunshot to the head. The sergeant said Duryee was collecting the pieces of skull for a female deputy, who wanted them to train her cadaver dog for search and rescue. At the time of the investigation, Duryee and the female deputy were dating, the report stated.

The POST officer recommended revoking Duryee's law enforcement certification, or a secondary recommendation of suspension with psychological evaluation requirements before reinstatement. Duryee was placed on administrative leave in August of last year and then reinstated a couple of weeks later, according to a news report from the *Lake County Leader*.

At the time, POST Executive Director Wayne Ternes was quoted in the *Leader* as saying the sheriff's department had fulfilled its obligations for the deputy's reinstatement. But last week, Ternes told the *Beacon* that his office, noting its responsibility is "policing the police," has since fielded more complaints about Duryee and opened another investigation, which is ongoing.

"It's still open, so I can't go into any detail," Ternes said.

Does WT have subpoena power?

Doyle said he was not aware of a renewed POST investigation or any other ongoing investigation.

"I have not been advised of any new information at all," Doyle said. "Myself and several others traveled to Helena quite some time ago and attempted to speak with POST and they would not discuss the issue with us."

Doyle said "many of these things have been addressed with past administrators," though he said he had "no personal knowledge" of the skull fragment-collecting accusation. A message left for Duryee last week was not returned.

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In a Sept. 29, 2010 summary of FWP's investigation, the warden wrote that through his numerous interviews "one of the issues that continually came up, and seemed to concern all involved, was the alleged cover-up in the boating accident death of Laura Todd" in 2004 on Flathead Lake. A 2004 article from the *Missoulian* describes the boat operator as an unnamed "off-duty Lake County deputy."

The FWP investigator provided a list of reasons "that make me believe this case is worth looking into again," noting that the "investigation that was conducted appeared to be incomplete."

According to the FWP summary, an on-duty Lake County officer "visited the party where Laura Todd was killed, not long before the accident." The officer reported the boat's operator was intoxicated, but the reporting officer was never interviewed. An officer from FWP also visited the party and reported the operator was intoxicated, but the FWP officer was never interviewed either, the report states.

After the accident, the report says that a Lake County law officer "was responding to the accident, and would have been there in a timely manner," but "was called off by Sheriff Bill Barron." By the time the officer did arrive to take statements, the report states that the boat operator and other witnesses were already gone.

A message left at Barron's office was not returned.

The summary says the Flathead County investigator who was called in never took a blood-alcohol content reading from the boat operator and instead the test was taken by his "friends from Lake County SO" – presumably "Sheriff's Office" – two-and-a-half hours after the accident. His BAC was reportedly .055, under the legal limit of .08.

"The Flathead County Investigator concluded that (the operator) was probably legally intoxicated at the time of the accident," the report summary asserts. "(The operator) was not interviewed by the Flathead County Investigator until five hours after the accident."

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In another letter sent on Sept. 20, 2010, FWP's Bowen wrote to Ternes, the POST executive director, notifying him that only 19 of the 23 sworn officers "employed by Lake County have voluntarily come forward to make sworn statements in an effort to assist us in our investigation, which unfortunately implicates some of their co-workers."

One of the four officers who refused to give a statement was an officer who is described at length in investigation records for his alleged involvement in numerous illegal hunting activities. Two of the four non-complying officers, the letter says, requested lawyers but "still refused to make statements in the presence of their lawyers."

Bowen asked Ternes to do "whatever is within your power" to compel the officers to comply, while saying his agency would try to get subpoenas from the state Attorney General's Office.

FWP - NO Sup power?

Then in an undated letter that appears to be from earlier this year, FWP Region 1 Warden Captain Lee Anderson updated Flathead Tribal Police Chief Craig Couture on the status of his agency's investigation, including details of alleged wrongdoings involving tribal officer Jason Nash.

"Investigating a fellow law enforcement officer is difficult and something none of us enjoy," Anderson wrote. "In the course of our investigation we met with varying degrees of resistance making our job even harder. In spite of this, it is critical that we move forward."

"As Peace Officers we take an oath to do what is right and if we are to earn the respect of the citizens for which we work, we must be above reproach."

Anderson's letter said the investigation focused on alleged violations committed by officers in the Lake County Sheriff's Office, Polson Police Department and Confederated Salish and Kootenai Law and Order. More than 50 interviews were conducted with officers, local residents and people from out of state and Canada, Anderson wrote.

Last week, Anderson confirmed an FWP poaching investigation but said his agency could not comment because the

investigation is ongoing.

"It's still an open case," he said. "Sometimes our cases take a couple years to wrap up."

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In an FWP report summary, Nash of the tribal police and a sheriff's department officer are described as friends who frequently hunt together. Piecing together excerpts from more than 20 interviews, including conversations with game wardens and people who at various times had close relationships with the accused, the summary of FWP's findings outlines 15 years of questionable hunting activities by the two men. One interviewee said "she feared many of the local law enforcement Officers" and "had been warned by Officers not to provide information in this case."

The report also states, based on information received from law enforcement in Oregon, that Nash was convicted of misdemeanor hunting violations in Oregon in 1997, cited for another violation in 2004, failed to pay his fines and was then arrested on two charges of fraud in August of 2005. Nash had moved to Montana from Oregon in 1995.

In an interview with an Oregon police officer, the FWP report says Nash "admitted knowingly violating Oregon law."

"Those violations are part of Nash's permanent criminal record."

As a tribal member, Nash isn't required to purchase hunting tags, the report points out, but questions are raised about the involvement of non-tribal members, including Lake County sheriff's officers, as well as the sheer number of trophy animals harvested and the manner in which they were harvested, including allegations of spotlighting and silencers.

One former Lake County sheriff's deputy told FWP investigators that he was treated belligerently by fellow officers and assaulted by one officer after refusing to shoot an animal from his patrol car. He also said, since animals taken to a taxidermy and meat cutter required identification, "officers would enter their illegal animals into the shop under the name of Jason Nash."

"Everyone believed that because Nash was (a) Tribal Member, and a Tribal Police Officer, no one could, or would do anything about it," the report says.

Investigation findings allege Nash "often traded or sold the animals he shot," while in some incidences he and the officer from the Lake County sheriff's department allegedly removed the heads of animals and left the bodies to rot, the report states. One taxidermist told investigators that Nash "brought in 10 or 12 animals in a single year."

"Jason Nash brought in so much game that he had the combination for the building so that he could drop things off after hours," the summary states.

"From 1996 to 1998," it continues, based off another interview with a taxidermist, "Nash and (the Lake County officer) brought into (redacted) taxidermy shop a total of 16 Trophy deer, 2 Trophy Elk, and 2 bears."

A tribal game warden told investigators he told Nash to stop his behavior, while a retired FWP warden said he started an investigation "but immediately drew heat" and was ordered to drop it, though he said he informed then Sheriff Barron and then Flathead Tribal Police Chief Ron McCrae, according to investigative documents.

When Nash was interviewed by investigators, he reportedly changed his story and allegedly tampered with evidence.

"During his interview, Nash made statements which we believe to be untruthful," the investigators concluded.

Couture, the current tribal police chief, said both the managing tribal attorney and Lake County attorney have ruled there is insufficient evidence to charge Nash with a crime. Unless more evidence comes forward, the chief considers the case closed.

"The county attorney said there are a lot of allegations, but no facts," Couture said, adding that he would treat any crime committed by Nash seriously. "You have to remember that typically a person is considered innocent until proven guilty."

Laurence Ginnings, managing attorney of the prosecutor's office for the Confederated and Salish Kootenai Tribes, said that by the time he received information regarding the investigation, Nash's alleged violations were "way, way beyond the statute of limitations" and therefore not subject to prosecution.

What st. of limits?

"In some ways, that ends the inquiry," Ginnings said in an interview last week.

When informed that FWP has documented allegations as recently as fall of 2010, Ginnings indicated he may have to revisit the investigative information. The 2010 allegations, some of which are accompanied by eyewitness testimony, include three incidents of criminal mischief, two incidents of hunting on private property, shooting from a county road and taking wildlife with the aid of artificial light.

"Because the documentation I've reviewed is fairly extensive in scope, I don't want to say, 'Oh gosh, there's definitely nothing within the statute of limitations,'" Ginnings said. "But to the best of my recollection, from when I looked at this some months ago, I don't recall anything remotely within that time frame."

"Would it interest me?" he added. "Absolutely. We take the matter of public trust seriously. If you have officers not obeying the law, that's a problem, and we would certainly want to deal with that."

But Ginnings wanted to make clear he is not "in any way investigating Nash." Nor does he believe the Lake County attorney's office intends to file charges.

"I have been told that (the county attorney) has been supplied with the same reports as I was supplied with," Ginnings said.

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Judy Beck, communications officer for the state Department of Justice, said her agency's division of criminal investigation conducted an inquiry into the Lake County Sheriff's Office but couldn't go into details.

"We did investigate some allegations and referred the results of that investigation to the Lake County attorney three or four months ago," Beck said, adding that it's "up to the county attorney to bring charges forth, and we would help with that decision."

Lake County Attorney Mitch Young, reached by phone on Nov. 18, did not acknowledge an investigation.

"Everyone keeps talking about an investigation going on – what does that mean?" Young said. "What does that mean? An investigation into what?"

When asked about the two ongoing investigations by FWP and POST, Young said allegations about wrongdoings by Lake County law enforcement are "a bunch of crap and rumors."

"The Department of Justice has been called in on several different matters and they have concluded none of them have been valid," he said. "What's happening is a group of malcontents is trying to stir up trouble and bring up these issues. Frankly, I'm tired of talking about it."

In referencing the "group of malcontents," Young said he is talking about a number of local residents including former sheriff's deputy Terry Leonard, who made headlines during the 2010 sheriff's election when he raised some of the same allegations put forth in the state investigation documents. Leonard, who had been fired as deputy earlier in the year, actively campaigned against Doyle, then the undersheriff.

On Sept. 30, 2010, the Lake County's Sheriff's Office conducted a search and seizure on Leonard's home through a warrant obtained by Young through District Judge C.B. McNeil, according to news reports. The Lake County Leader reported that computers, electronic storage devices and printed emails were confiscated.

When the property was returned to Leonard in February, Young told the Leader that the raid was part of an ongoing investigation for "violations against the election campaign laws" and added that "there are no charges at this point." At the time, Leonard was the subject of an inquiry by the Montana Commissioner of Political Practices, but an investigator with the commissioner's office told the Leader that "we had nothing to do with the search and seizure."

On Nov. 10 of this year, the state commissioner of political practices dismissed the complaint against Leonard, which had been filed by the secretary-treasurer of Doyle's election, Lanny Van Meter. David Gallik, the state commissioner of political practices, ruled "there is insufficient evidence to find Leonard violated Montana's statute prohibiting anonymous election material based on his First Amendment right to anonymous political speech."

Young said allegations made by Leonard and others have been "baseless" and "unsubstantiated other than (Deputy) Duryee making claims to be a military officer and that was dealt with." Young said he hasn't seen anything incriminating in FWP's investigation either.

"I've asked Fish and Game to send me any documents," he said. "They've sent me nothing that would constitute probable

cause to file charges against anybody."

Is this statutory?

Doyle said his policy "is that if I believe there's criminal activity by one of my employees, I'm going to have an outside agency investigate." Doyle said he has "never heard anybody" use the phrase alleged in investigative documents: "You can't break the law, if you are the law."

"If there were criminal activities going on, I would believe that the statute of limitations is up," Doyle said. "And as far as it being an accepted practice to violate the law, I would absolutely disagree with that."

On 12-05-11, kneedeep commented....

This is an interesting news story, lots of comments and lots of thought given by most writers. I was wondering why it has taken this long for the story to "break", why have no local papers in Lake county made the effort to pursue the truth ?. Sounds like many...

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Native said: "Unfortunately, there is no proof of fraud or unlawful activity because it was not illigal. Most all this stuff was illigal before the repeal of..."

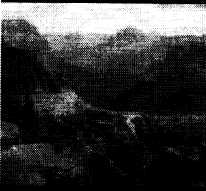
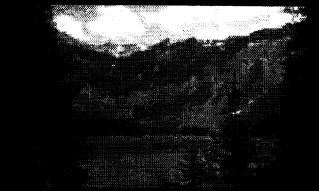
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ArDot said: "Impressive. Wish he would teach the high school kids some of these moves, and restraint. A lot of us would have solved it with a..."

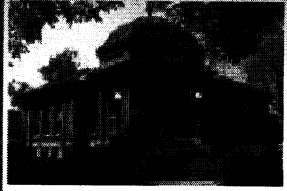
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