

LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION
MICKELSON CRIMINAL JUSTICE CENTER
Pierre, SD
February 22, 2017

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order by Chairman Gortmaker at the hour of 9:05 a.m. CDT on February 22, 2017, in the Commission Conference Room of the George S. Mickelson Criminal Justice Center, Pierre, South Dakota.

Members present: Robert Perry, Special Agent, FBI; Matt Burns, Sioux Falls Chief of Police; Mike Leidholt, Hughes County Sheriff; Tom Wollman, Lincoln County State's Attorney; Randall Rosenau, Lawrence County Commissioner; Jo Vitek, Lake Area Technical Institute; Marty Jackley, Attorney General; Craig Price, Superintendent, SD Highway Patrol; Bryan Gortmaker, Chairman; Scott Rechtenbaugh, Executive Secretary; and Kim Knecht, Assistant Training Administrator; Commission Members Steve Allender, Rapid City Mayor; John Long, SSA, BIA OJS; and David Lawrence, Chief of Police, Standing Rock Sioux Tribe, were absent.

Members were advised Executive Secretary/Training Administrator Scott Rechtenbaugh will be transitioning to DCI as Assistant Director, Administration, replacing Dan Satterlee. SSA Chad Mosteller, DCI Central Zone Supervisor, will transition to Law Enforcement Training replacing Scott Rechtenbaugh

Chairman Gortmaker declared a quorum present and started the order of business with review of the previous meeting's minutes.

- November 9, 2016 minutes of the South Dakota Law Enforcement Officers Standards and Training Commission were approved on a **motion** by Commission Member Wollman, **second** by Commission Member Rosenau.
- December 2, 2016 teleconference minutes of the South Dakota Law Enforcement Officers Standards and Training Commission were approved on a **motion** by Commission Member Burns, **second** by Commission Member Price.

Chairman Gortmaker was called away on business, Commission Member Leidholt will be standing in for Chairman Gortmaker.

The commission proceeded with the scheduled hearing of **Ken Davis**. Acting Chair Leidholt turned the proceedings over to Hearing Officer Mark Moreno. It was stated for the record this is the time and place for the hearing to determine whether Davis possesses the requisite minimum standards for employment or certification as a South Dakota 911 telecommunicator under SDCL 34-45-26. Davis has been convicted of several misdemeanor offenses and other acts which may constitute felony law violations. Davis may not possess the good moral character required of a 911 telecommunicator.

Davis has the burden to show the commission that he is worthy and of good moral character. Hearing Officer Moreno advised Davis of the hearing procedure and due process or 5th amendment rights. Ken Davis is present without counsel. Kelly Marnette, Assistant Attorney General, is acting legal counsel for the State. Others present include, SSA Chad Mosteller; Moody County Sheriff Troy Wellman; Marty

Skrach, Moody County Commission; and Allan Phillips, Minnehaha County Sheriff's Office, Southeast Tech security. The record will reflect a stenographic recording of the hearing will be made and copies of the recording will be available upon request. See file for exhibits.

Commission members heard the opening and closing statements, witness testimony and considered the evidence and exhibits presented by both parties.

Upon conclusion of testimony, statements by both parties, review of records, questions and discussion, the evidentiary portion of the hearing was concluded.

Members took a short recess and entered into executive session on a **motion** by Commission Member Rosenau, **second** by Commission Member Perry to further discuss their consideration, motion **approved**.

Members moved out of executive session and back into regular session on a **motion** by Commission Member Rosenau, **second** by Commission Member Perry. Proceedings resumed before the commission. **Motion** made by Commission Member Vitek to affirm the decision of Law Enforcement Training to deny the application of Ken Davis as a South Dakota 911 telecommunicator, motion includes approval of Chairman to sign Findings of Facts, Conclusions, and Order for the commission, **second** by Commission Member Perry. Motion **approved**.

Assistant Attorney General Marnette will prepare the Findings of Fact and Conclusions of Law. The hearing proceedings were concluded and the Chair was returned to Leidholt for the conclusion of the meeting's business.

Business continued with the appearance of Dave Erickson, Brookings Assistant Chief of Police, and **Matthew Luebbert**, via telephone, Brookings PD. Assistant Chief of Police Erickson and Officer Luebbert appeared before members at the November 9, 2016 meeting requesting certification reinstatement. Members agreed to defer the request for reinstatement to the next scheduled commission meeting and requested two pieces of information, an alcohol assessment and a psychological evaluation be conducted and the results of the assessment and evaluation be provided to Law Enforcement Training. The assessment and evaluation were submitted to Law Enforcement Training and provided to members for review. Luebbert continues to abstain from alcohol use. **Motion** by Commission Member Perry to approve the request for certification reinstatement contingent upon the completion of the reciprocity training week, **second** by Commission Member Rosenau, motion **approved**.

Sgt. Joseph Brings Plenty and Officer **Rufus Cook**, Cheyenne River Sioux Tribe, are before members via telephone to request basic reinstatement. Cook attended the 160th basic certification session and was dismissed for academic failure. Cook failed the Phase Three (investigations) exam and retest. Cook struggled academically and did not take advantage of remedial session opportunities. Sgt. Brings Plenty indicated they would adjust shifts and hours so Cook would not have to work on weekends; plan to take time to help Cook go over and review material; and Cook will take advantage of remedial opportunities. **Motion** by Commission Member Perry to reinstate Rufus Cook into the Phase Three portion of the basic training at the discretion of law enforcement training as to dates and time, **second** by Commission Member Burns, motion **approved**.

Members reviewed the request from the SD Highway Patrol to re-instate the law enforcement officer certification of retired Highway Patrol Trooper Michael Thorson. Thorson's certification expired August 2016. Thorson will be a plains clothes armed officer attached to the Capitol Protective Services Division.

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Sole responsibility will be to provide a security presence in the legislative chambers during session. Thorson will be required to pass firearms qualification with assigned weapon, attend the SD Highway Patrol in-house training, and will receive training in the areas covered during the reciprocity training week. **Motion** by Commission Member Wollman to accept the reinstatement request for Michael Thorson, **second** by Commission Member Vitek, motion **approved**.

Grant requests are the next items for member consideration:

The **Sioux Falls Police Department** submitted a request to host a *National Association of School Resource Officers (NASRO) Basic SRO Course* in June 2017. The cost of the five-day, 40-hour class is \$9500.00 for a maximum of 25 attendees. The minimum number is 10 attendees. The contract can be adjusted as to the number of attendees for the session. The training session will prepare officers for working in a school setting. It will provide attendees with a good foundation of working with juveniles on a regular basis and some of the specific issues that come with working in a school environment and with school employees. **Motion** by Commission Member Vitek to approve the Sioux Falls Police Department grant, **second** by Commission Member Rosenau, motion **approved**.

Two grant requests have been submitted by the **Pennington County Sheriff's Office** for commission consideration:

- Requesting financial assistance to host a 40-hour *Basic Field Training Officer* seminar in April 2017. Pennington County is requesting \$8,820.00 to cover the cost of the training. The training will be provided by Kaminsky, Sullenberger & Associates, Inc. The purpose of the training will prepare training officers to provide field training utilizing the San Jose model. Pennington County recently decided to return to the San Jose field training model for Correctional Officers. The PTO model has proven successful in training new Deputies, but did not see the same success with Corrections Officers. It is the agencies intent to provide formal training on the San Jose training model to all of their field trainers at the jail, juvenile services center, and detox facility. Maximum number is 36 attendees; minimum number is 20 attendees. The contract can be prorated according to number of students in the training session. **Motion** by Commission Member Vitek to approve the Basic Field Training Officer (FTO) grant request with a maximum of 18 attendees allotted from Pennington County unless there are vacancies needed to fill the class, **second** by Commission Member Burns, motion **approved**.
- Financial assistance is requested to host a 40-hour *Instructor Development* training in May 2017. Pennington County is requesting \$7,216.54 to cover the cost of the training. Geri Eide of GANE Leadership Consulting will provide the training. The course will be open to all training personnel from regional Sheriffs Offices and Police Departments. Class size will be limited to 20 participants and a full class is expected. **Motion** by Commission Member Vitek to grant the request for the Instructor Development training with a maximum of 10 participants allotted from Pennington County unless there are vacancies that need to be filled, **second** by Commission Member Rosenau, motion **approved**.

Executive Secretary Rechtenbaugh presented the following reciprocity requests for commission consideration:

Brian Gordon, SD Highway Patrol. Gordon successfully completed the requirements of the Professional Peace Officer Program at Hennepin Technical College's Law Enforcement Education Center in October 2015. Gordon passed the Peace Officer Licensing Examination requirements and is eligible for a peace officer license. Gordon's background check revealed no adverse information. Gordon

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successfully completed the reciprocity exam in November 2016 and completed the January 9 - 13, 2017 reciprocity training week. **Motion** by Commission Member Burns to approve the reciprocity request, **second** simultaneously by Commission Members Rosenau and Vitek, motion **approved**.

Jameson Tebben, Sturgis Police Department, completed the Law Enforcement Technology Program at Western Dakota Technical Institute in 2016. His background check revealed no adverse information. Tebben successfully passed the reciprocity exam on November 11, 2016, and successfully completed the skills (Firearms and EVOC) requirements on January 10, 2017. Because of the articulation agreement between the SD Law Enforcement Officers Standards and Training Commission and Dakota Western Technical Institute, Tebben is only required to demonstrate his proficiency in the EVOC and Firearms skills testing. He must demonstrate the same level of skills in EVOC and Firearms as required in the Basic Certification Course. **Motion** by Commission Members Perry to approve the reciprocity request, **second** by Commission Member Rosenau, motion **approved**.

Aaron Lee, Marshall County Sheriff's Office, completed the Law Enforcement Technology Program at Southeast Technical Institute in 2016. His background check revealed no adverse information. Lee successfully passed the reciprocity exam on December 14, 2016, and completed the skills training (Firearms and EVOC) requirements on January 10, 2017. Because of the articulation agreement between the SD Law Enforcement Officers Standards and Training Commission and Southeast Technical Institute, Lee is only required to demonstrate his proficiency in the EVOC, Firearms skills testing. He must demonstrate the same level of skills in EVOC and Firearms as required in the Basic Certification Course. **Motion** by Commission Member Rosenau to approve the reciprocity request, **second** by Commission Member Wollman, motion **approved**.

Jeremy Herrberg, Hot Springs Police Department, completed Wyoming Law Enforcement Academy's 542-hour Peace Officer Basic Course in April 2014. Herrberg holds a Wyoming professional peace officer certification and is in good standing in Wyoming. There have been no disciplinary actions taken against this officer's certification. His background check revealed no adverse information. Herrberg successfully completed the reciprocity exam on January 17, 2017, and is scheduled to attend the April 2017 reciprocity training week. **Motion** by Commission Member Rosenau to approve the reciprocity request contingent upon the successful completion of the reciprocity training week, **second** by Commission Member Perry, motion **approved**.

Kody Needham, Sisseton Police Department, completed the Law Enforcement Program requirements at Alexandria Technical and Community College in May 2016. Needham completed the Minnesota Peace Officer Licensing Exam on August 26, 2016, and is eligible for a peace officer license. Needham's background revealed no adverse information. Needham successfully completed the reciprocity exam on January 27, 2017, and is scheduled to attend the April 2017 reciprocity training week. **Motion** by Commission Member Perry to approve the reciprocity request contingent upon the successful completion of the reciprocity training week, **second** by Commission Member Vitek, motion **approved**.

Ross Wiggin, Minnehaha County Sheriff's Office, completed the Minneapolis Community College law enforcement program in March 1995. Wiggin holds an active peace officer license in the State of Minnesota and records do not show any adverse actions taken on his license. Wiggin's background check revealed no adverse information. Wiggin successfully completed the reciprocity exam on January 17, 2017, and is scheduled to attend the April 2017 reciprocity training week. **Motion** by Commission Member Perry to approve the reciprocity request contingent upon successful completion of the reciprocity training week, **second** by Commission Member Vitek, motion **approved**.

Jeffrey Conrad, SDSU Police Department, completed a 428-hour Law Enforcement Skills program at Alexandria Technical and Community College in July 2015. Conrad completed the Minnesota Peace Officer Licensing exam in September 2015. Conrad is a Minnesota licensed peace officer in an inactive status. There is no record of Board disciplinary action take on this individual's license. Conrad's background check revealed no adverse information. Conrad successfully completed the reciprocity exam on February 7, 2017, and is scheduled to attend the April 2017 reciprocity training week. **Motion** by Commission Member Rosenau to approve the reciprocity request contingent upon successful completion of the reciprocity training week, **second** by Commission Member Burns, motion **approved**.

The following Canine Teams have met certification or recertification requirements:

- Canine Team **Levi Jensen and K9 Bobby**, SD Highway Patrol, have met the requirements for Drug Detection certification on December 14, 2016;
- Canine Team **Michael Dale and K9 Raica**, SD Highway Patrol, have met the requirements for Explosive Dog certification on December 21, 2016;
- Canine Team **Michael Jenkins and K9 Bree**, Kingsbury Co SO, have met the requirements for Drug Detection certification on January 25, 2017;
- Canine Team **Stephanie Ryan and K9 Meshach**, Union Co SO, have met the requirements for Drug Detection certification on January 25, 2017;
- Canine Team **Brian Swets and K9 Rocko**, SD Highway Patrol, have met the requirements for Patrol Dog certification on January 18, 2017; and
- Canine Team **Jordan Anderson and K9 Reggie**, Sully Co SO, have met the requirements for Drug Detection certification on February 17, 2017.

Motion by Commission Member Burns to approve the Canine Team certification list, **second** by Commission Member Rosenau, motion **approved**.

The next item of business was for commission information only and did not require any commission action. Drug Detection/Patrol Dog Canine Team Consent of Decertification was received from Matthew Hower and K9 Xander, Rapid City Police Department. K9 Xander was retired in December 2016. The drug detection/patrol dog Xander is no longer a certified drug detection canine/patrol dog and will no longer be eligible for certification as the same. Xander will be decertified as a drug detection and patrol dog as of December 19, 2016.

There being no further business to come before the meeting body, the meeting was adjourned on a **motion** by Commission Member Rosenau, **second** by Commission Member Perry, motion **carried**. The next meeting is set for April 19, 2017, at the Lodge in Deadwood.