

LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION
MICKELSON CRIMINAL JUSTICE CENTER
Pierre, SD
June 21, 2016

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order by Chairman Gortmaker at the hour of 9:20 a.m. CDT on June 21, 2016, in the Commission Conference Room of the George S. Mickelson Criminal Justice Center, Pierre, South Dakota.

Chairman Gortmaker asked for the roll call. The following Commissioners were present and responded to roll call: Robert Perry, Special Agent, FBI; Matt Burns, Sioux Falls Chief of Police; Mike Leidholt, Hughes County Sheriff; Tom Wollman, Lincoln County State's Attorney; John Long, SSA BIA OJS; Lt. Randi Erickson, SD Highway Patrol, representing Craig Price, Superintendent, SD Highway Patrol; Bryan Gortmaker, Chairman; Scott Rechtenbaugh, Executive Secretary; Kim Knecht, Assistant Training Administrator; Lesley Farmen, Basic Coordinator, and Diana Tibbs, 911 Coordinator. Commission Members Steve Allender, Rapid City Mayor; Randall Rosenau, Lawrence County Commissioner; Marty Jackley, Attorney General; and Craig Price, Superintendent, SD Highway Patrol were absent.

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

- April 20, 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 Burns.

The commission proceeded with the scheduled hearing of **Michael Eisenbarth**. Chairman Gortmaker turned the proceedings over to Hearing Officer Paul Bachand. It was stated for the record this is the time and place for the hearing to determine whether Eisenbarth possesses the requisite minimum standards required to be employed or certified as a law enforcement officer. SDCL 23-3-42 requires that any certified law enforcement officer be of good moral character. A complaint was filed with Law Enforcement Training alleging that Eisenbarth's prior conduct, while acting as a South Dakota law enforcement officer, shows that Eisenbarth lacks the good moral character necessary for certification. The complaint serves as a notice of the specific issues to be addressed at the hearing. The Hearing Officer provided a summary of each of the five complaints for members.

Michael Eisenbarth is present without counsel. Kelly Marnette, Assistant Attorney General, is acting legal counsel for the State. Others present include, SA Guy Di Benedetto; newly appointed DCI agent Buckley Wright; Moody County Sheriff Troy Wellman; and Dave Ahlers, Flandreau, SD. 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.

Members recessed at 10:20 a.m. and reconvened at 10:30 a.m. with a quorum present and continued the hearing process.

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

Members entered into executive session on a **motion** by Commission Member Liedholt, **second** simultaneously by Commission Members Long and Wollman to further discuss their consideration, motion **approved**.

Members moved out of executive session and back into regular session at 1:15 p.m. Proceedings resumed before the commission. **Motion** made by Commission Member Burns to deny certification reinstatement based upon lack of good moral character and to allow the chairman to sign any Findings, Facts, and Conclusions without review by the commission, **second** by Commission Member Long. Motion **approved** by verbal response in the affirmative by all members. **Action: 6-0 Yes** (Perry, Wollman, Burns, Leidholt, Long, and Gortmaker). The record will reflect a roll call vote was taken.

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 Gortmaker for the conclusion of the meeting's business.

Business continued with the appearance, via telephone, of **Marsha Gilpin**, communications officer, and Marlin Enno, Chief Administrator, Rosebud Sioux Tribe Law Enforcement Services. Rosebud Sioux Tribe Law Enforcement Services is seeking 911 telecommunicators certification reinstatement for Gilpin. Gilpin attended the two-week 911 Basic and Emergency Medical Dispatch in December 2004. Gilpin was employed with the OST department of public safety until 2007. Gilpin's telecommunicator certification expired in 2009. Gilpin has completed an 80-hour basic communications training program in Artesia, New Mexico. Staff recommendation, Gilpin would be required to complete the NCIC full access and the Ethics/Liability portions of the two-week telecommunicator course to be held in September 2016 for certification reinstatement. **Motion** by Commission Member Liedholt to approve the certification reinstatement request based on those specifications, **second** by Commission Member Perry, motion **approved**.

The next appearance is by **Allie Hilgemann**, Walworth County Sheriff's Office. Hilgemann along with Walworth County Sheriff Josh Boll are asking members for another opportunity for firearms qualification. Hilgemann is a Lake Area Tech graduate. Hilgemann successfully passed the reciprocity exam, successfully demonstrated proficiency in EVOC, but did not successfully demonstrate proficiency in firearms during the April skills testing. Hilgemann failed the final firearms qualification in May with a score of 36. Per the articulation agreement, a graduate must demonstrate in the skills test the same level of skills in the areas of firearms and EVOC (emergency vehicle operations course) as are required in the Basic Certification Course. Hilgemann has been practicing mostly on her own. She is currently using a 9mm but will need to switch to a .40 caliber as this is the duty weapon carried by the Walworth County Sheriff's Office. Sheriff Boll has a firearms instructor available to assist Hilgemann. Law Enforcement Training will make accommodations for remedial training upon request by the agency. **Motion** made by Commission Member Long to grant one more opportunity to qualify, **second** by Commission Member Burns, motion **approved**.

The following reciprocity eligibility requests were considered:

Cole Kissner, Aberdeen Police Department, and Tony Bisbee, Administrative Sgt., are requesting Officer Kissner be allowed to take the reciprocity exam and complete the reciprocity training week. Kissner completed the Alexandria Tech and Community College Law Enforcement Program, passed the Minnesota POST Board's exam requirements in 2013, and is eligible for a peace officer license. Kissner is beyond the two years for South Dakota certification. Kissner has completed 137 hours of law enforcement related training as a Brown County correctional officer, completed the reserve officer training program, six-weeks of in-service training and is currently in field training with the Aberdeen

Police Department. **Motion** by Commission Member Leidholt to approve the request to take the reciprocity exam, **second** by Commission Member Wollman, motion **approved**.

Sanborn County Deputy **Naif Alatta**, and Sanborn County Sheriff Tom Fridley are present seeking approval to take the reciprocity exam. Alatta completed the 1560-hour cadet training program at the West Virginia State Police Academy and was certified as a law enforcement officer in April 2010. Alatta was employed by the West Virginia State Police from 2009 - 2013. Alatta is still considered a certified officer, but in an inactive status as to his certification. Alatta became inactive due to his resignation from the West Virginia State Police. Alatta has been out of law enforcement for over two years. **Motion** by Commission Member Perry to approve eligibility to take the reciprocity and attend the one-week of training, **second** by Commission Member Leidholt, motion **approved**.

The order of business continued with the appearance, via telephone, of **Daniel Freemark**, Tea Police Department. Freemark along with Jessica Quigley, Tea Chief of Police, are requesting commission consideration for certification reinstatement. Freemark was employed with the Minnehaha County Sheriff's Office from 2006 – 2010 and the Sioux Falls Police Department from February 2013 - July 2013. Freemark was allowed to resign from the Sioux Falls Police Department as he did not meet the PTO program training standards. Freemark's certification expired in July 2015. Staff recommendation is to attend the reciprocity week of training, if the request for reinstatement is granted. **Motion** by Commission Member Wollman to approve the reinstatement request and attend the reciprocity week of training, **second** by Commission Member Long, motion **approved**.

Executive Secretary presented the following reciprocity requests:

Amy Misar, McCook County Sheriff's Office, completed the Law Enforcement Technology Program at Southeast Technical Institute in 2015. Misar's background check revealed no adverse information. Misar successfully passed the reciprocity exam on May 2, 2016. Because of the articulation agreement between the SD Law Enforcement Officers Standards and Training Commission and Southeast Technical Institute, Misar is only required to demonstrate her proficiency in the EVOC, Firearms, and Response to Resistance Performance skills test. She must demonstrate the same level of skills in each as required in the Basic Certification Course. Misar is scheduled to attend the necessary reciprocity requirements in September 2016. **Motion** made by Commission Member Leidholt to approve the reciprocity certification for Amy Misar pending successful completion of the reciprocity skills testing, **second** by Commission Member Burns, motion **approved**.

Mitchell Police Department Officer **Brad Buysse** attended and successfully completed a 736-hour academy training and met Arizona peace officer standards in 2007. Buysse was employed by the Pinal County Sheriff's Office from 2007 until 2015. There was no misconduct or complaints regarding Detective Buysse. Buysse's background revealed no adverse information. He successfully passed the reciprocity exam on May 10, 2016. He is scheduled to attend the one-week reciprocity training in September 2016. **Motion** by Commission Member Perry to approve reciprocity for Brad Buysse pending completion of the one-week reciprocity class, **second** by Commission Member Leidholt, motion **approved**.

The following Canine Teams have met certification or recertification requirements:

- Canine Team **Marcos Glass and K9 Jackson**, Rapid City Police Department, have met the requirements for Patrol Dog certification on April 13, 2016;
- Canine Team **Sean Doyle and K9 Stryker**, Rapid City Police Department, have met the requirements for Patrol Dog certification on April 13, 2016;

- Canine Team Michael Dale and K9 Raica, SD Highway Patrol, have met the requirements for Patrol Dog certification on May 27, 2016;
- Canine Team Manuel Langstraat and K9 Buddy, Brookings County Sheriffs Office, have met the requirements for Drug Dog Detection certification on May 18, 2016;
- Canine Team Nicholas Butler and K9 Doerak, Sioux Falls Police Department, have met the requirements for Patrol Dog certification on June 7, 2016;
- Canine Team Shannon Irish and K9 Rio, Sioux Falls Police Department, have met the requirements for Patrol Dog certification on June 7, 2016;
- Canine Team Kyler Pekarek and K9 Reno, Yankton Police Department, have met the requirements for Drug Dog Detection certification on May 18, 2016;
- Canine Team John Badker and K9 Shadow, Mitchell Police Department, have met the requirements for Drug Dog Detection certification on June 10, 2016; and
- Canine Team Nathan Bowden and K9 Tusox, Flandreau Police Department, have met the requirements for Drug Dog Detection certification on June 10, 2016;

Motion by Commission Member Perry to approve the Canine Team certification listed by the Executive Secretary, **second** by Commission Member Burns, motion **approved**. Three canine teams are pending certification based on outcome of PSP Judge Certification.

There being no further business to come before the meeting body, the meeting was adjourned on a **motion** by Commission Member Perry, **second** by Commission Member Long, motion **approved**. The next meeting will be on the call of the Chair.