

LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION
MICKELSON CRIMINAL JUSTICE CENTER
PIERRE, SD
Conference Call
April 7, 2020

The South Dakota Law Enforcement Officers Standards and Training Commission conference call was called to order by Chairman Natvig on April 7, 2020, at the hour of 10 a.m. in the Commission Conference Room of the George Mickelson Criminal Justice Center in Pierre, South Dakota.

Roll call was taken with the following members responding: Andy Howe, Clay County Sheriff; Gary Gaikowski, Sisseton-Wahpeton Chief of Police; Jason Ravnsborg, Attorney General; Randall Rosenau, Lawrence County Commissioner; Jo Vitek, Lake Area Technical Institute; Tom Wollman, Lincoln County State's Attorney; Steve Allender, Rapid City Mayor; Matt Burns, Sioux Falls Chief of Police; and Rick Miller, SD Highway Patrol Superintendent. Others present included David Natvig, Chairman, and Chad Mosteller, Executive Secretary. Robert Perry, FBI Special Agent, was absent.

In accordance with SDCL 1-25(1), official meetings open to the public, time was allowed by Chairman Natvig for public comments. The floor was open for public comments of which there were none.

Chairman Natvig declared a quorum present and started the order of business with the presentation of emergency rules.

Paul Bachand, counsel for the Standards and Training Commission, is unable to present the emergency rules for the commission due to a skiing accident. Executive Secretary, Mosteller, will present the rules. Bachand will handle the emergency rules through LRC.

Notice is hereby given that the Law Enforcement Officers Standards and Training Commission, pursuant to the authority vested by SDCL chapters 1-26 and 23-3, intends to adopt emergency rules to permit the commission to extend expiration dates for canine teams and to permit the executive secretary to authorize compensation for reserve officers in emergency situations.

The Law Enforcement Officers Standards and Training Commission proposes emergency rules 2:01:13:20.01 and 2:01:07:03.02 as a result of the Covid-19 pandemic.

Due to this pandemic, canine teams are unable to complete recertification prior to the expiration of certification. Certain recertification classes are cancelled due to this pandemic.

2:01:13:20.01. Certification expiration extension.

Effect: The emergency rule would authorize the commission to extend the expiration dates for

canine teams.

Reason: Canine team expiration dates will lapse due to the inability of canine teams to obtain recertification. Canine teams are unable to complete recertification prior to the expiration of certification. Certain recertification classes are cancelled due to this pandemic.

2:01:13:20.01. [Emergency Rule] Certification expiration extension. The commission may extend the certification dates in §2:01:13:04, 2:01:13:07, and 2:01:13:09 upon formal application of a canine team requesting the extension and upon a showing that good cause exists for an extension. Good cause for an extension may include travel restrictions, state or government shutdowns, state or national emergencies, state or national disasters, epidemics or pandemics.

Motion by Commission Member Rosenau to approve waiver on this period. Motion **amended** to proceed with the rule as written, **second** by Commission Member Vitek. Motion **approved** by verbal response in the affirmative by all members. **Action 9-0 Aye** (Burns, Wollman, Howe, Ravensborg, Vitek, Miller, Gaikowski, Rosenau and Allender).

2:01:07:03.02. Compensation of reserve law enforcement officers to respond to emergencies.

Effect: The emergency rule would permit the executive secretary to authorize compensation for reserve officers when it is necessary to utilize reserve officers due to emergency declarations.

Reason: Currently reserve officers are not permitted to receive compensation when addressing emergency declarations.

Currently, reserve law enforcement officers are not entitled to compensation when responding to emergencies. In order to ensure continuity of law enforcement responsibilities as a result of the pandemic, reserve officers will be needed to address emergency declarations and cover assigned duties when other officers become ill or unable to work. Due to the occurrence of this unforeseen pandemic, the adoption of a rule in response to such event by the emergency procedure is required to secure or protect the best interests of the state or its residents.

2:01:07:03.02. [Emergency Rule] Compensation of reserve law enforcement officers to respond to emergencies. The executive secretary may authorize a law enforcement agency to pay compensation to a reserve officer when the reserve officer is assigned duties in order to address an emergency declaration made by the state, a county or a municipality. The law enforcement agency shall submit any request for the authority to pay compensation to the executive secretary in advance of the performance of the duties for which compensation is being requested.

Motion by Commission Member Rosenau to proceed with the rule, during emergency, **second** by Commission Member Vitek. Motion **approved** by verbal response in the affirmative by all members. **Action 9-0 Aye** (Burns, Wollman, Howe, Ravensborg, Vitek, Miller, Gaikowski, Rosenau and Allender).

Executive Secretary updated the status of the 173rd Basic Certification Training Session. Due to this pandemic, the 173rd session, the LET staff is converting the traditional academy classroom to

on-line training. Testing can be handled on-line. Some of the training cannot be handled on-line. Some areas of training will need to have hands on training, i.e. EVOC, Use of Force, Firearms, and Defensive Tactics. These training areas need to be done in a traditional hands on training. The 173rd session is scheduled to graduate on June 5th. At this time, it will not happen on the scheduled date. LET staff will try to graduate students as quickly as possible.

There being no further business to come before the meeting body, the meeting adjourned on a **motion** by Commission Member Miller, **second** by Commission Member Gaikowski, motion **approved**.