

LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION
MICKELSON CRIMINAL JUSTICE CENTER
PIERRE, SD
Conference Call
April 28, 2020

The South Dakota Law Enforcement Officers Standards and Training Commission conference call was called to order by Chairman Natvig on April 28, 2020, at the hour of 11 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; 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; Rick Miller, SD Highway Patrol Superintendent; and Robert Perry, FBI Special Agent. Others present included David Natvig, Chairman, and Chad Mosteller, Executive Secretary. Randall Rosenau, Lawrence County Commissioner, was absent.

In accordance with SDCL 1-25(1), official meetings open to the public, time was allowed by Chairman Natvig for public comments on agenda and specifically regarding rule status. The floor was open for public comments of which there were none. Note [the Law Enforcement Training website was down, therefore the agenda could not be posted. The agenda was posted on the Governors Board website along with posting within the Criminal Justice Training Center].

Chairman Natvig declared a quorum present and started the order of business with approval of the meeting agenda as posted on a **motion** by Commission Member Ravnsborg, **second** by Commission Member Miller, motion **approved**.

Paul Bachand, legal counsel, addressed the emergency rule status. The process was followed permitting the emergency rules to be instantly effective upon filing. The emergency rules are effective for 90 days. For information only, no action required by the commission.

Executive Secretary Mosteller presented the proposal for statutory and administrative rule suspension. Citation of SDCL 23-4-41, 34-45-24 and ARSD 2:05:02:02. Reason for recommended suspension:

SDCL 23-3-41 requires that individuals appointed on a temporary or probationary basis as law enforcement officers are to complete the law enforcement training program within one year of such appointment. There is no provision to grant an extension. The Commission can only rule on a probationary extension in municipalities of the third class, which is 500 or less in population. Agencies are concerned as they may not be able to comply with the one-year requirements due to the result of the Covid-19 pandemic. Officers currently in training and officers scheduled for upcoming training sessions, probationary period is coming or will be coming to an end. Agencies will have to suspend the probationary officers or move them into another capacity within the

agency.

This also applies for SDCL 34-45-24. Training required for employment for person appointed as a 911 telecommunicator, and ARSD 2:05:02:02. Temporary or probationary appointment as a noncertified 911 telecommunicator for a period not to exceed one year.

House Bill [HB} 1296, passed on veto day, basically permits the Governor to suspend any rules of a state agency, or the enforcement of a state agency of any provision of the statute, order, or rules that may prevent, hinder or delay necessary action in a disaster, war, act of terrorism or emergency, including a pandemic.

The compliance with the statutory requirements of:

- SDCL 23-3-41 governing the limit of temporary or probationary status for law enforcement officers;
- the statutory requirement of SDCL 34-45-24 and ARSD 2:05:02:02 governing the limit of temporary or probationary status for 911 telecommunicators;

will prevent, hinder, or delay necessary action to cope with this emergency in all counties of our state.

A commission motion will be needed to authorize the Chairman or Law Enforcement Training to submit the request for statutory and administrative rule suspension.

- **Section 1 Probationary Period.** I temporarily suspend the statutory requirement of SDCL 23-3-41 requiring temporary or probationary law enforcement officers to complete all required training within one year for 180 days following termination of the COVID-19 State of Emergency. The department employing such officer must submit to the training administrator a notification of such request to extend the probationary time period.
- **Section 2 Probationary Period.** I temporarily suspend the statutory requirement of SDCL 34-45-24 and the regulatory requirement of ARSD 2:05:02:02 requiring temporary or probationary 911 telecommunicators to complete all required training within one year for 180 days following termination of the COVID-19 State of Emergency. The department employing such telecommunicator must submit to the training administrator a notification of such request to extend the probationary time period.

Motion by Commission Member Ravensborg to make statement to the Governor, **second** by Commission Member Howe, motion **approved** by verbal response in the affirmative by all members. **Action 9-0 Aye** (Ravnsborg, Wollman, Burns, Miller, Allender, Howe, Vitek, Gaikowski, and Perry).

Law Enforcement Training may need to make future requests to the Governor for authorization for temporary suspension of any other statutes and administrative rules not aware of at this time. The commission would need to give permission to go directly to the Governor if needed for a quick

or emergency timetable. If training sees there may be an issue upcoming, the commission would be asked to review and make a motion.

Motion by Commission Member Ravensborg to approve, LET will approach the Governor for any additional requests, when notice is made to the Governor, the commission will be informed, **second** by Commission Member Burns, motion **approved** by verbal response in the affirmative by all members. **Action 9-0 Aye** (Ravnsborg, Wollman, Burns, Miller, Allender, Howe, Vitek, Gaikowski, and Perry).

Academy update provided by Executive Secretary Mosteller. Staff is continuing to convert classes to on-line training. Planning and working on skills training portions of the basic session continues. Firearms training materials have been submitted to agencies for training. Once agencies have completed the firearms on-lining training, officers will need to do their final qualification at the training center. Agencies that do not have the ability to complete the required training, Law Enforcement Training will send out instructors to those agencies. If LET can return to training the 173rd session at the Training Center on June 1st, the session will graduate in three weeks. LET is working with officers, the Commission approved for reinstatement, to return to complete Phase III of the basic course. It will be an altered Phase III administered differently at this time, and will not look like a traditional Phase III completion.

LET is planning to start the August Basic Certification Session at the scheduled time.

Discussions continue on a blended academy. This is how the training sessions maybe administered in the future. Proposals and academy changes will be brought before the Commission.

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