

LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION
MICKELSON CRIMINAL JUSTICE CENTER
Commission Conference Room
Pierre, SD
February 27 - 28, 2018

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order by Chairman Gortmaker at the hour of 8:40 a.m. CST on February 27, 2018, in the Commission Conference Room of the George S. Mickelson Criminal Justice Center, Pierre, South Dakota.

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

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

- November 8, 2017 minutes of the South Dakota Law Enforcement Officers Standards and Training Commission were approved on a **motion** by Commission Member Rosenau, **second** by Commission Member Wollman.
- November 28, 2017 teleconference minutes of the South Dakota Law Enforcement Officers Standards and Training Commission were approved on a **motion** by Commission Member Leidholt, **second** by Commission Member Rosenau.
- January 16, 2018 teleconference minutes of the South Dakota Law Enforcement Officers Standards and Training Commission were approved on a **motion** by Commission Member Price, **second** by Commission Member Rosenau.

A Grant request was the next item of business:

Lt. Hunter Summers, **SD DOC Midwest Gang Investigators Association Dakota's Chapter**, has submitted a request to host an *MGIA Dakota's Chapter Gang Conference*. The Association is asking for funding in the amount of \$3,500.00 to cover the cost to bring the key note speaker to the conference. The Midwest Gang Investigators Association is an organization representing 12 states throughout the Midwest. Their goal is to provide officers with the skills, training and knowledge to enable them to protect their communities from the growing dangers associated with outlaw motorcycle gangs.

The one-day, eight-hour presentation has a maximum number of 200 attendees. The speaker for the conference is Jay Dobyns. Dobyns instructs law enforcement officers for the International Association of Undercover Officers, specifically designed for "boots on the ground" street cops educating them about undercover street smarts, violent crime, and officer safety. Dobyns was a federal agent for 27 years with the Bureau of Alcohol Tobacco and Firearms. He worked as an undercover agent and infiltrated the Hells Angels. The conference will be held in Sioux Falls in September, 2018. **Motion** by Commission

Member Price to approve the Midwest Gang Investigators Association grant request, **second** by Commission Member Vitek, motion **approved**.

The following canine teams have met the requirements of certification or recertification:

- Canine Team **Grant Van Voorst and K9 Doerak**, Sioux Falls Police Department, have met the requirements for Drug Dog Detection certification on November 6, 2017.
- Canine Team **Darrell O'Connor and Cooper**, Roberts County Sheriff's Office, have met the requirements for Patrol Dog certification on November 13, 2017.
- Canine Team **Nicholas Stevens and K9 Spike**, Sioux Falls Police Department, have met the requirements for Drug Dog Detection certification on June 22, 2017.
- Canine Team **Kathleen Adams and K9 Kelly**, Spink County Sheriff's Office, have met the requirements for Drug Dog Detection certification on November 17, 2017.
- Canine Team **Derek Layher and K9 Cody**, Huron Police Department, have met the requirements for Drug Dog Detection certification on November 17, 2017.
- Canine Team **Patrick Nolz and K9 Max**, Yankton Police Department, have met the requirements for Patrol Dog certification on November 22, 2017.
- Canine Team **Kyler Pekarek and K9 Reno**, Yankton Police Department, have met the requirements for Patrol Dog certification on November 22, 2017.
- Canine Team **Michael Dale and K9 Raica**, SD Highway Patrol, have met the requirements for Explosive Dog certification on December 20, 2017.
- Canine Team **Stephanie Ryan and K9 Meshach**, Union County Sheriff's Office, have met the requirements for Drug Dog Detection certification on January 10, 2018. [Note: K9 Meshach has been retired due to health issues on 2/2018]
- Canine Team **Mike Jenkins and K9 Bree**, Kingsbury County Sheriff's Office, have met the requirements for Drug Dog Detection certification on January 16, 2018.
- Canine Team **Jared Zaruba and K9 Dex**, Aberdeen Police Department, have met the requirements for Drug Dog Detection certification on February 13, 2018.
- Canine Team **Paul Sheldon and K9 Mack**, Jerauld County Sheriff's Office, have met the requirements for Drug Dog Detection certification on February 13, 2018.
- Canine Team **Grant Lanning and K9 Rocco**, Lake County Sheriff's Office, have met the requirements for Drug Dog Detection certification on February 13, 2018.
- Canine Team **Seth Bonnema and K9 Gina**, Brookings Police Department, have met the requirements for Drug Dog Detection certification on February 13, 2018.

Motion by Commission Member Vitek to approve the Canine Team certification listing as presented by the Executive Secretary, **second** by Commission Member Rosenau, motion **approved**.

Executive Secretary Mosteller presented the following reciprocity requests:

Austin Van Horn, Beresford Police Department, completed the Law Enforcement Technology Program at Southeast Technical Institute in 2017. His background check revealed no adverse information. Van Horn successfully passed the reciprocity exam on November 21, 2017, and has completed the Use of Force, EVOC and Firearms skills training on January 8-9, 2018. Because of the articulation agreement between the SD Law Enforcement Officers Standards and Training Commission and Southeast Technical

Institute, Van Horn is only required to demonstrate his proficiency in EVOC and Firearms skills testing and complete the Use of Force requirement. He must demonstrate the same level of skills in EVOC and Firearms as required in the Basic Certification Course. **Motion** by Commission Member Wollman to approve the reciprocity request, **second** by Commission Member Price, motion **approved**.

Ernest Soole, McCook County Sheriff's Office, completed the Missouri Southern State University Law Enforcement Academy's 600-hour Basic Course in May of 2006. Soole currently holds a valid peace officer license in Missouri. His license is not currently probated or suspended. He was reported in compliance for the last continuing education reporting period. Missouri POST has taken no actions against his peace officer license. Soole's background check was reviewed and LET and the Sheriff's were comfortable with reports received. Soole successfully completed the reciprocity exam on November 27, 2017, and completed the January, 2018 reciprocity training week. **Motion** by Commission Member Leidholt to approve the reciprocity request, **second** by Commission Member Price, motion **approved**.

Bennett Sauve, Beadle County Sheriff's Office, completed the clinical component of the professional peace officer education program for the State of Minnesota at Northland Community and Technical College in May of 2016. Sauve completed the Minnesota Peace Officer Licensing Exam in June of 2016, and is eligible for a peace officer license. Sauve's background revealed no adverse information. Sauve successfully completed the reciprocity exam on January 11, 2018, and is scheduled to attend the April, 2018 reciprocity training week. **Motion** by Commission Member Price to approve the reciprocity request contingent upon the successful completion of reciprocity training week, **second** by Commission Member Vitek, motion **approved**.

Robert Mathies, Rapid City Police Department, completed the Law Enforcement Program requirements at Alexandria Technical and Community College in May of 2016. Mathies completed the Minnesota Peace Officer Licensing Exam in August of 2016, and is eligible for a peace officer license. Mathies' background revealed no adverse information. Mathies successfully completed the reciprocity exam on January 18, 2018, and is scheduled to attend the April, 2018 reciprocity training week. **Motion** by Commission Member Price to approve the reciprocity request contingent upon the successful completion of reciprocity training week, **second** by Commission Member Leidholt, motion **approved**.

Zachary Walsh, Rapid City Police Department, completed the Law Enforcement Program requirements at Alexandria Technical and Community College in May of 2016. Walsh completed the Minnesota Peace Officer Licensing Exam in July of 2016, and is eligible for a peace officer license. Walsh's background revealed no adverse information. Walsh successfully completed the reciprocity exam on January 18, 2018, and is scheduled to attend the April, 2018 reciprocity training week. **Motion** by Commission Member Leidholt to approve the reciprocity request contingent upon the successful completion of reciprocity training week, **second** by Commission Member Vitek, motion **approved**.

Law Enforcement held a staff problem solving discussion on how to relieve the pressure of getting officers into the basic training sessions within the one-year requirement and the pressure from tribal agencies to place their officers in the basic certification courses. We are at a constant 48 students in each class. Lesley is already booking agency slots into next March [2019]. The 2018 August and November training sessions are already full. Law Enforcement Training has a cadre of instructors that give a ton and it would be a burden to go to a fourth training session plus Law Enforcement Training does not have the staff to do a fourth class. One of the options discussed was individuals eligible for reciprocity. Discussion resulted in the decision that if hires are eligible for reciprocity and past the reciprocity exam, they will attend the reciprocity training week and not the basic certification training sessions; and if individuals have attended a Vo-Tech and are eligible for reciprocity, we will ask the individuals to take the reciprocity exam, if they pass the exam, LET will not allow in academy, they will be asked to attend

the reciprocity training. This will be an instant help but not a long term solution. Several options/possibilities were discussed.

The following consents of decertification have been received:

- James Flynn, Wagner Police Department, January 18, 2018.
- Ryan Knutson, Turner County Sheriff's Office, January 16, 2018.
- Drug Detection Canine Team received from Casey Urrutia and K9 Cali, McCook County Sheriff's Office, January 17, 2018.
- Drug Detection Canine Team received from Stephanie Ryan and K9 Meshach, Union County Sheriff's Office. K9 Meshach will retire on February 28, 2018.

For commission information only and did not require any commission action.

Chairman Gortmaker called a brief recess and members returned to session at 9:20 a.m. with a quorum present.

Acting Chief of Police Matthew Schackow, Faith Police Department, and **Jack Valentine** are present requesting reciprocity eligibility. The City of Faith is asking Valentine be allowed to take the exam and complete the necessary reciprocity requirements. Valentine has completed the 26-Week, 585-Hour, Aurora Police Training Academy and all POST certification requirements in the State of Colorado in 2003. Valentine has also completed numerous hours of additional training and has received several commendations. Valentine is past the two-year reciprocity requirement for South Dakota. **Motion** by Commission Member Leidholt to allow Jack Valentine to take the reciprocity exam and complete the reciprocity training requirements, **second** by Commission Member Rosenau, motion **approved**.

Brad Howell, Codington County Sheriff, is present to request authorization to establish a reserve unit for the **Codington County Sheriff's Office**. Howell started his career as a reserve officer and sees the value of having a program like this. The reserve officers will be able to assist with the varying needs of the Sheriff's Office and be available to assist in large events and natural disasters. Sheriff Howell will work with the Watertown Police Department with the reserve training program. **Motion** by Commission Member Leidholt to approve the request for the reserve unit, **second** by Commission Member Vitek, motion **approved**.

The commission proceeded with the scheduled hearing of **Derrick DeNoyer**. Chairman Gortmaker turned the proceedings over to Hearing Officer Tom Lee. It was stated for the record this is the time and place for the hearing to determine whether grounds exist for the revocation or suspension of DeNoyer's law enforcement certification. The allegations contained in the notice of hearing were read by hearing officer Lee. The complainant charged DeNoyer engaged in conduct unbecoming of a law enforcement officer when he was intoxicated, drove and crashed his vehicle, falsely reported to law enforcement on three separate occasions that he has been assaulted, and falsely reported on one occasion that his vehicle had been stolen. DeNoyer was terminated for cause from his employment with the Rosebud Police Department, in violation of § 23-3-35(3) and ARS 2:01:11:01. DeNoyer admitted to complaint.

Derrick DeNoyer is present without counsel. Kelly Marnette, Assistant Attorney General, is acting legal counsel for the State. Hearing Officer Lee advised DeNoyer of the hearing procedure and due process. The record will reflect a stenographic transcription of the hearing will be made and copies of the transcription will be available upon request and tender of the cost thereof. 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, arguments by both parties, review of records, questions and discussion, the evidentiary portion of the hearing concluded.

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

Members moved out of executive session and back into regular session on a **motion** by Commission Member Price, **second** by Commission Member Wollman. Proceedings resumed before the commission. **Motion** made by Commission Member Leidholt to revoke the certification of Derrick DeNoyer based on information set forth during the hearing and he engaged in conduct unbecoming of a law enforcement officer, and motion to include approval of the Chairman to sign Findings of Facts, Conclusions, and Order for the commission, **second** by Commission Member Vitek. Motion **approved** by verbal response in the affirmative by all members. **Action: 6-0 Aye** (Wollman, Rosenau, Leidholt, Vitek, Lawrence, and Price).

Assistant Attorney General Marnette will prepare the Findings of Fact and Conclusions of Law. The hearing proceedings were concluded.

Hearing Officer Lee proceeded with the scheduled hearing in the matter of the certification of **Evan Spindler** as a South Dakota law enforcement officer. Spindler's application for certification was denied as criminal history review revealed he received a suspended imposition of sentence for drug distribution which is a class B felony.

The hearing is held to determine whether Spindler possesses the requisite minimum standards required to be employed or certified as a law enforcement officer, to wit: good moral character and/or has not pled guilty to a felony, because Spindler distributed marijuana to a minor, pursuant to SDCI 23-3-42 and ARSD 2:01:02:04(4) and 2:01:02:02.

Spindler is present with counsel Sabrina Saylor. Kelly Marnette, Assistant Attorney General, is acting legal counsel for the State. Hearing Officer Lee advised Spindler of the hearing procedure and due process. The record will reflect a stenographic transcription of the hearing will be made and copies of the transcription will be available upon request and tender of the cost thereof. 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, arguments by both parties, review of records, questions and discussion, the evidentiary portion of the hearing concluded.

Members entered into executive session on a **motion** by Commission Member Leidholt, **second** by Commission Member Lawrence to further discuss their consideration, motion **approved**.

Members moved out of executive session and back into regular session on a **motion** by Commission Member Leidholt, **second** by Commission Member Rosenau. Proceedings resumed before the commission. **Motion** made by Commission Member Wollman to allow Mr. Spindler the opportunity to become eligible to apply for certification and attend if accepted, and to allow the Chairman to sign Findings of Facts, Conclusions, and Order for the commission, **second** by Commission Member Vitek. Motion **approved** by verbal response in the affirmative by all members. **Action: 6-0 Aye** (Wollman, Rosenau, Leidholt, Vitek, Lawrence, and Price).

Assistant Attorney General Marnette will prepare the necessary documentation. The hearing proceedings were concluded.

The next item on the agenda was the scheduled hearing for **Alex Tilberg**. Hearing Officer Lee proceeded with the hearing. The allegations contained in the notice of hearing were read by hearing officer Lee. Tilberg's application to attend the Basic Officer Certification Course was denied because he failed to meet the minimum requirement for certification per administrative rule 2:01:02:01(4) *Is of good moral character*. Tilberg committed criminal acts that showed he lacks the good moral character required to be certified as a law enforcement officer. Tilberg was involved in several burglaries and was convicted for Burglary in the 1st degree, a felony in 2003 and received a suspended sentence. In December 2010, Tilberg received a Governor's pardon. The pardon was not granted based upon proof of actual innocence.

Tilberg is present without counsel. Kelly Marnette, Assistant Attorney General, is acting legal counsel for the State. Hearing Officer Lee advised Tilberg of the hearing procedure and due process. The record will reflect a stenographic transcription of the hearing will be made and copies of the transcription will be available upon request and tender of the cost thereof. 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, arguments by both parties, review of records, questions and discussion, the evidentiary portion of the hearing concluded.

Members entered into executive session on a **motion** by Commission Member Rosenau, **second** by Commission Member Price to further discuss their consideration, motion **approved**.

Members moved out of executive session and back into regular session on a **motion** by Commission Member Price **second** by Commission Member Rosenau. Proceedings resumed before the commission. **Motion** made by Commission Member Vitek to deny the request based on the facts set forth during hearing and failure to meet good moral character, motion to include approval of the Chairman to sign Findings of Facts, Conclusions, and Order for the commission, **second** by Commission Member Price. Motion **approved** by verbal response in the affirmative by all members. **Action: 6-0 Aye** (Wollman, Rosenau, Leidholt, Vitek, Lawrence, and Price).

Assistant Attorney General Marnette will prepare the Findings of Fact and Conclusions of Law. The hearing proceedings were concluded.

The next item for consideration was the appearance and hearing for **Brion Kimball**. Kimball had received the February 27th notice of hearing. A hearing was scheduled on November 8, 2017, at which time he requested an attorney. The hearing was rescheduled on February 27, 2018. Notice was received that Kimball is withdrawing his request to reconsider his officer certification. There is no action for the commission to consider regarding Kimball. Hearing proceedings were concluded.

Meeting adjourned until 8:30 am on February 28, 2018.

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order by Chairman Gortmaker at the hour of 8:30 a.m. CST on February 28, 2018, in the Commission Conference Room of the George S. Mickelson Criminal Justice Center, Pierre, South Dakota.

Chairman Gortmaker declared a quorum present and started the order of business with the scheduled hearing of **Bradley Saltsman**. Chairman Gortmaker turned the proceedings over to Hearing Officer Tom Lee. It was stated for the record this is the time and place for the hearing to determine whether grounds exist for the revocation or suspension of Saltsman's law enforcement certification. The allegations contained in the notice of hearing were read by hearing officer Lee. The complaint charged Saltsman engaged in conduct unbecoming of a law enforcement officer while on duty as a SD Game, Fish

and Parks conversation officer, intentionally falsified information on three citations to reflect the charged trespass violations occurred in a different county than where they actually occurred. Saltsman was terminated for cause from his employment with the SD Game, Fish and Parks Department in violation of SDC § 23-3-35(3) and ARSD 2:01:11:01. Saltsman admitted to the complaint with the stipulation that he is still going through the appeals process.

Saltsman is present with counsel Reed Rasmussen. Kelly Marnette, Assistant Attorney General, is acting legal counsel for the State. Hearing Officer Lee advised Saltsman of the hearing procedure and due process. The record will reflect a stenographic transcription of the hearing will be made and copies of the transcription will be available upon request and tender of the cost thereof. 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, arguments by both parties, review of records, questions and discussion, the evidentiary portion of the hearing concluded. The record will reflect Commission Members Jackley and Leidholt were called away on other obligations. A quorum is still present.

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

Members moved out of executive session and back into regular session on a **motion** by Commission Member Wollman **second** by Commission Member Perry. Proceedings resumed before the commission. **Motion** made by Commission Member Perry that on or about November 19th, Mr. Saltsman engaged in conduct unbecoming of a law enforcement officer and was fired for cause, terminated for cause, and the motion is to suspend your (Saltsman's) law enforcement certification until December 15, 2018. Included in the motion is the authorization for the chairman to sign, on behalf of the commission, the Findings of Fact and Conclusions of Law consistent with our findings, **second** by Commission Member Burns. Motion **approved** by verbal response in the affirmative by all members. **Action: 6-0 Aye** (Wollman, Rosenau, Leidholt, Vitek, Lawrence, Burns and Perry).

The hearing proceedings were concluded and the Chair was returned to Gortmaker for the conclusion of the meeting's business.

Members continued with the appearance of **Troy Rempfer**, McCook County Sheriff's Office. Rempfer and McCook County Sheriff Mark Norris are before members requesting consideration for reinstatement of Rempfer's SD Law Enforcement Certification. Rempfer completed the SD Highway Patrol training and received SD law enforcement certification in 1997. Rempfer was employed with the SD Highway Patrol from 1996 to 2007, and the Minnehaha County Sheriff's Office from 2007 to 2015. Rempfer's certification expired in February 2017. Rempfer was hired by the McCook Sheriff's Office in December of 2017. LET staff recommendation is to attend and complete all requirements of the one-week reciprocity training week to be conducted in April.

Motion by Commission Member Perry to reinstate Mr. Rempfer's certification upon successful completion of the reciprocity training week, **second** simultaneously by Commission Members Lawrence and Rosenau, motion **approved**.

Chairman Gortmaker reviewed the LET staff discussion, for members not present at the February 27th meeting, on how to relieve the pressure of getting officers into the basic training sessions within the one-year requirement of employment and the pressure from tribal agencies to place their officers in the basic certification courses. Lesley was able to accommodate tribal agencies in the March basic certification session, but the 2018 August and November training session are already full and she is scheduling

agencies into the next March 2019 session. Several options were discussed. One of the options was individuals eligible for reciprocity. If individuals hired are eligible for reciprocity and pass the reciprocity exam, they will attend the reciprocity training week and not the basic certification training sessions. LET will not allow in the academy, they will be asked to attend the reciprocity training. This will be an instant help but not a long term solution. LET received great support from Chief Enno, Rosebud Agency, regarding tribal agency officers attending the basic training sessions. Chief Enno indicated FLETC is the tribal training facility and LET is extending a courtesy to place tribal officers in the academy whenever possible. The welcome mat is always open. Several options were discussed.

Members discussed an agency hiring a part-time officer; the officer resigns prior to the end of his probationary employment year, then is hired by another agency as a part-time officer, resigns at the end of his probationary year, etc. Nothing prohibits an agency from hiring, firing, and rehiring. Members reviewed SDCL 23-3-41. Probationary appointment of officers until training completed.... *No law enforcement who lacks the education and training qualifications required by the commission may have his temporary or probationary employment extended beyond one year by renewal of appointment or otherwise.* Executive secretary Mosteller will research the statute.

There being no further business to come before the meeting body, the meeting was adjourned on a **motion** by Commission Member Lawrence, **second** by Commission Member Leidholt, motion **approved**. The next meeting is scheduled for April 25, 2018.