

LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION
Roosevelt Room - The Lodge
Deadwood, SD
April 21, 2021

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order at 9 am on April 21, 2021, in the Roosevelt Room at The Lodge in Deadwood, South Dakota.

Roll call was taken with the following members responding: Matt Burns, Sioux Falls Chief of Police; Gary Gaikowski, Sisseton-Wahpeton Chief of Police; Andy Howe, Clay County Sheriff; Rick Miller, SD Highway Patrol Superintendent; Robert Perry, Special Agent, FBI; Jason Ravensborg, Attorney General; Randall Rosenau, Lawrence County Commissioner; and Tom Wollman, Lincoln County State's Attorney. Others present included Chad Mosteller, Executive Secretary; Kim Knecht, Assistant Training Administrator; and Law Enforcement Training Staff. Commission Member Neil Fulton, USD Dean School of Law, was absent.

Following SDCL1-25(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 and started the order of business with the Commission's approval of the previous minutes on a **motion** by Commission Member Rosenau, **second** by Commission Member Wollman.

Commission Member Allender joined the meeting at 9:30 am.

The commission considered the following grant applications requests:

The Minnehaha County Sheriff's Office is requesting funding to host the following grant. Deputy Joe Bosman is present to answer any questions members may have.

- *Homicide Investigation*. The course provides participants with the knowledge, skills, and abilities required to conduct competent and complete homicide/death investigations. The course is an intensive eighty-hour program delivered over 10 days. The session will be conducted by the Southern Police Institute in October 2021. The sheriff's office is requesting funding of \$10,000. The \$10,000 will be used towards the cost of tuition. The money would be distributed evenly to each student. The lowered cost of tuition would allow agencies with low training budgets to send someone to the training when they normally would not. The Southern Police Institute requires a minimum of 25 students with a maximum of 50 students. If there are less than 25 students, the training will not be held.

Motion by Commission Member Perry to approve the grant request, **second** by Commission Member Rosenau, motion **approved**.

The Sioux Falls Police Department is requesting financial assistance to hold the following grant. Assistant Chief of Police Kyle Hoekstra is present to answer any questions members may have.

- *NASRO Advanced SRO* [National Association of School Resource Officers]. The training will be provided by NASRO and will be conducted in June 2021. The advanced 24-hour block of instruction is for the SRO's that have already attended the basic SRO course and are still working in the school setting. The 24-hour block of instruction focuses on more advanced techniques for the School Resource Officer. The police department is requesting funding of \$7,900 to cover the training. The grant application covers costs for 20 students.

Motion by Commission Member Howe to approve the grant request, **second** by Commission Member Gaikowski, motion **approved**.

The Brookings Police Department is requesting funding to host a five-day PEER Support training in June 2021. Joe Fishbaugher, Brookings Chief of Police, is present to answer any questions the members may have.

- *Basic Peer Training from the Warrior's Rest Foundation*. The training is to prepare participants for a wide variety of crisis interventions. The five-day training consists of three days of Critical Incident Stress Management and Group Crisis Intervention and two days of additional training in Addiction in 1st Responders "Train-the-Trainer", Suicide Prevention/Intervention, First Responder Wellness Course "Train-the-Trainer", and Peer Team Sustainment. The training would accommodate a minimum of 30 individuals and a maximum of 60 individuals. The police department is requesting funding of \$10,000 to host the training session. The funds will be applied equally to each law enforcement officer, correctional staff, and dispatcher who attends the training. The individual departments would be responsible for the remaining balance.

Motion by Commission Member Miller to approve the grant request, **second** by Commission Member Burns, motion **approved**.

The following basic eligibility requests were presented to members:

Cody Jorgensen, Sioux Falls, was dismissed from the 169th basic training session due to the academic failure of participation requirements of the phase three case study. He failed a learning activity packet exercise and failed the retest requirement. He did not pass peer assessments. He was given a remediation assignment and did not meet the criteria and was dismissed. He expressed he did not agree with the assignment. Jorgensen indicated he has no one to blame but himself, he was not a team player and did not take it as seriously as he should have. Over the past two years, he has had to learn how to communicate, how to work with co-workers, and be a team player. If Jorgensen is allowed to be eligible for certification, he would be required to start at the beginning of the basic training course. **Motion** by Commission Member Burns to enter executive session to further discuss their consideration, **second** by Commission Member Rosenau.

Members moved out of executive session and back into regular session on a **motion** by Commission Member Rosenau, **second** by Commission Member Perry. The meeting proceedings resumed.

Motion by Commission Member Rosenau to allow Cody Jorgensen to reapply contingent on being hired by a law enforcement agency, **second** by Commission Member Howe, motion **approved**.

James Flynn, Rapid City, is requesting eligibility for basic and 911 basic consideration. Flynn resigned in 2017 from the Wagner Police Department due to mental health issues related to his personal life and being assaulted during an attempted arrest, and in 2017, Flynn made suicidal comments, including a statement about committing “suicide by cop.” As a result, law enforcement intervened, and Flynn was placed on an emergency mental health hold. Flynn signed a consent of decertification as a law enforcement officer on January 16, 2018.

A hearing was held in March 2019 to determine whether he possessed the minimum standards required to be employed or certified as a law enforcement officer. Members agreed to allow him to become eligible for certification upon a successful evaluation and favorable recommendation of a mental healthcare professional. If an unfavorable evaluation and recommendation, the matter would be rescheduled for commission review and determination. A June 2019 hearing was held to consider his request for certification. A psychological evaluation was conducted in April 2019, and Flynn was not recommended to be reinstated for a law enforcement position. His request was denied. Flynn has continued to better himself both personally and professionally. He has a family, has joined a volunteer fire department, and is the supervisor of the Animal Control Department through the Humane Society. He has continued to make changes in his life to better himself for his family and hopes of getting another opportunity to prove himself in the law enforcement field.

Motion by Commission Member Perry to request a new evaluation from Dr. Belisle or someone he recommends, bring evaluation back to the commission and the commission will make a decision at that time, **second** by Commission Member Rosenau, motion **approved**.

The following reciprocity eligibility requests were considered:

R Scott Brandt from Colorado and Jim McCormick, Regional Conservation Officer Supervisor Division of Wildlife are present. Brandt along with the SD Department of Game, Fish & Parks has submitted letters requesting reciprocity eligibility in the State of South Dakota. Brandt completed a 341-hour basic training session and received Nebraska officer certification in September 1983. Brandt was employed as a conservation officer with the Nebraska Game & Parks commission from 1982 until his retirement in 2018. His certification is in good standing. There is no disciplinary action or derogatory information concerning the applicant. The SD Department of Game, Fish & Parks hires certified law enforcement officers to fill summer seasonal Parks law enforcement positions. These positions are usually filled by retired officers across the state. It is a challenge to find certified law enforcement officers to fill these positions. Brandt has been offered a conditional appointment to one of the law enforcement park ranger summer seasonal positions with the Department of Game, Fish & Parks. This offer is contingent upon the successful completion of the South Dakota reciprocity process and the completion of a background

investigation. **Motion** by Commission Member Howe to approve Brandt's eligibility for reciprocity upon completion of the reciprocity requirements, **second** by Commission Member Rosenau, motion **approved**.

Doug Catts, Gregory PD Chief of Police, has submitted a letter of request for reciprocity eligibility. Catts attended and completed the 16-week 640-hour Basic Course for police officers at the Camden County Police Academy from May - August 1992. Catts was certified in the State of New Jersey on August 21, 1992. LET was unable to obtain the training records as the Academy no longer retains records dating back to 1992. Catts was employed with Camden Co Sheriff's Office from 1988 - 1993, and the Mount Holly Township Police Department from 1994 until his retirement in 2009. He served as a patrol officer, district school resource officer, and DARE officer. In 2006 he was assigned to the agency's detective bureau until his retirement. After retirement, he was employed with a New Jersey security service until 2012 and the US Marshals Service as a court security officer in Wilmington, Delaware until 2020. **Motion** by Commission Member Perry to approve the reciprocity eligibility pending completion of the reciprocity requirements, **second** by Commission Member Wollman, motion **approved**.

Darren Donnelson, Tripp Police Department, along with the City of Tripp is requesting reciprocity eligibility. Mayor Scott Shelske is present representing Donnelson. Donnelson completed the 425-hour Angelina College Police Academy in June 1994 and received his certification in November 1994. Donnelson passed the Minnesota POST Licensing Eligibility Examination in 1996 and was licensed eligible until 1999. His current license eligibility status is expired. He was employed as a reserve officer from October 1994 to June 1995 and as a peace officer with the Huntington Police Department from June 1995 to April 1996. Donnelson was charged with domestic assault in 2002, the domestic was dismissed and pled to disorderly conduct. LET will not deny reciprocity eligibility on the domestic, is not a certification issue, the issue is the limited time in law enforcement that he worked and has been out of law enforcement since 1996. **Motion** by Commission Member Rosenau to deny reciprocity eligibility, **second** by Commission Member Miller, motion **approved**.

The 10:30 scheduled rules hearing was conducted.

The next items for member consideration are requests for basic reinstatement:

The SD Highway Patrol is requesting Connor Campbell and Matthew Henry be permitted to complete the Basic Law Enforcement Training. The Highway Patrol will stand as the sponsoring agency.

Connor Campbell and **Matthew Henry**, along with Lt. Maunu are present. Campbell was dismissed from the 174th basic session for failure to pass scenario test evals and retest evaluations. Campbell has worked as security at the Capital, has been a role player in the academy scenarios, and has been on remedial type training. Campbell would need to return to be successful with two scenario evaluations. **Motion** by Commission Member Allender to approve basic reinstatement, **second** by Commission Member Rosenau, motion **approved**. The record will reflect Commission Member Miller was recused.

Henry was dismissed from the 174th basic session for academic failure. He failed the final and retest exams. Henry struggled academically throughout the academy, failed each exam but passed the retake exams. The patrol is asking for basic reinstatement and to attend the full 13-week training session. **Motion** by Commission Member Perry to approved basic reinstatement and to attend the full 13-weeks of training, **second** by Commission Member Burns. The **motion** was **approved** by a verbal response in the affirmative by all members. **Action 8-0 Aye** (Allender, Burns, Gaikowski, Howe, Perry, Ravensborg, Rosenau, and Wollman). The record will reflect Commission Miller was recused.

The Lawrence County Sheriff's Office and Alexandra Lux have submitted letters requesting Lux's certification as a 911 Telecommunicator be reinstated. Lawrence County Sheriff Dean and Lux are present. Lux attended and completed the 39th 911 Two-Week Telecommunicator Basic Training and received certification in February 2012. Her certification expired in May 2014. She attended the 151st 520-hour basic training session and was certified as a police officer in 2013. She was employed as a police officer with the Spearfish Police Department until 2019. She filled shifts and worked in the dispatch center in 2014 and 2017. Lux would need to complete NCIC full access and Career Survival portions of the 911 basic session. **Motion** by Commission Member Howe to approve 911 certification reinstatement, **second** by Commission Member Perry. The **motion** was **approved** by a verbal response in the affirmative by all members. **Action 8-0 Aye** (Allender, Burns, Gaikowski, Howe, Miller, Perry, Ravensborg, and Wollman). The record will reflect Commission Member Rosenau was recused.

Chairman Natvig called a brief recess and members returned to regular session with a quorum present.

The commission proceeded with the scheduled hearing of Michael Gibbs. Chairman Natvig turned the proceedings over to Hearing Officer Paul Bachand. It was stated for the record this is the time and place for the adversarial hearing to consider the results of Gibbs' "fit or duty" examination and whether his law enforcement certification may be reinstated. The January hearing was continued as records were not received prior to the hearing or provided to the psychologist for the fit-for-duty evaluation. All documents and records have been provided.

Gibbs is present without counsel. Kelly Marnette, Assistant Attorney General, is acting counsel for the State. The record will reflect a stenographic transcription of the hearing will be made and copies of the transcript will be available upon request and tender of the cost thereof. See files for exhibits.

The hearing commenced with opening statements by both parties, continued with the presentation of exhibits, witness testimony, questions by commission members, and the hearing officer.

Members recessed for lunch at noon and reconvened at 12:30 pm with a quorum present.

The hearing continued with witness testimony. At the end of testimony, review of documents, questions, and discussion, the evidentiary portion of the hearing concluded.

Members entered executive session on a **motion** by Commission Member Ravensborg, **second** by Commission Member Rosenau, motion **approved**.

Member moved out of executive session on a **motion** by Commission Member Miller, **second** by Commission Member Burns. Proceedings resumed before the commission.

Motion by Commission Member Miller, we uphold the Training Administrators decision that Gibbs has not received a satisfactory fit-for-duty evaluation and therefore his certification cannot be reinstated, and authorize the Chairman to sign the Findings of Fact and Conclusions of Law, **second** by Commission Member Rosenau. The **motion** was **approved** by a verbal response in the affirmative by all members. **Action 9-0 Aye** (Allender, Burns, Gaikowski, Howe, Miller, Perry, Ravensborg, Rosenau, and Wollman). The hearing was concluded. Gibbs' previous suspension of his law enforcement certification is now a revocation of his law enforcement certification.

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

The business session of the meeting continued with the following reciprocity applications:

Marcus Van Lingen, Canton City Police Department, completed the law enforcement program at Southeast Technical College. A background check revealed no adverse information. Van Lingen completed the reciprocity exam in October 2020. Van Lingen completed EVOC and Use of Force skills requirements but did not successfully demonstrate proficiency in firearms. Van Lingen completed firearms qualification in February 2021. **Motion** by Commission Member Ravensborg to approve the reciprocity request for Marcus Van Lingen, **second** by Commission Member Perry, motion **approved**.

Karen Bieskei, Rapid City Police Department, completed 1,006 hours of training approved by the California POST at Golden West College Criminal Justice Training Center in September 2018. Bieskei received her California POST Basic Certificate upon completing the employing agency's probationary period in March 2020. A background check revealed no adverse information. Bieskei completed the reciprocity exam in November 2021 and the February reciprocity classroom and skills requirements. **Motion** by Commission Member Miller to approve the reciprocity application for Karen Bieskei, **second** by Commission Member Wollman, motion **approved**.

Scott Lindner, Marshall Co Sheriff's Office, completed the Law Enforcement Program requirements at Normandale Community College in December 2019. Lindner pass the PPOE [professional peace officer education] exam and completed the POST Board's examination requirements in February 2020 and is eligible for a peace officer license. There was no disciplinary action taken against Lindner by the POST Board. A background check revealed no adverse information. Lindner completed the reciprocity exam in December 2020 and the February reciprocity classroom and skills requirements. **Motion** by Commission Member Perry to approve the reciprocity application for Scott Lindner, **second** by Commission Member Gaikowski, motion **approved**.

Gregri DeGrange, Lincoln Co Sheriff's Office, completed an 880-hour Basic Police Academy at Napa Valley College in May 2016. DeGrange received his California POST Basic Certificate upon completing the employing agency's probationary period in December 2017. DeGrange was employed by the Benicia Police Department from 2016 - 2021. A background check revealed no adverse information. DeGrange completed the reciprocity exam in January 2021 and the February reciprocity classroom and skills requirements. **Motion** by Commission Member Burns to approve the reciprocity application for Gregri DeGrange, **second** by Commission Member Miller, motion **approved**.

Curtis French, Mitchell Police Department, has completed 760 hours of training in the Law Enforcement Basic Recruit Training Program at Chipola College. French was employed with the Chipley Police Department in January 2008 and was officially issued his Florida Basic Certification. French resigned in March 2015 to work in a nonrelated law enforcement field but continued part-time with the Holmes County Sheriff's Office. French was employed with the Washington County Florida Sheriff's Office from August 2016 - March 2020. A background check revealed no adverse information. French completed the reciprocity exam in January 2021 and the February reciprocity classroom and skills requirements. **Motion** by Commission Member Rosenau to approve the reciprocity application for Curtis French, **second** by Commission Member Miller, motion **approved**.

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

- Canine Team **Shannon Irish and K9 Bram**, Sioux Falls PD, have met the requirements for Patrol Dog certification on January 20, 2021;
- Canine Team **Paul Sheldon and K9 Mack**, Jerauld County SO have met the requirements for Drug Detection certification on February 22, 2021;
- Canine Team **Grant Van Voorst and K9 Hugo**, Sioux Falls PD, have met the requirements for Drug Detection certification on March 3, 2021;
- Canine Team **Ramon Marrufo and K9 Iwan**, CRST, have met the requirements for Drug Detection certification on April 6, 2021;
- Canine Team **Roan Reiman and K9 Max**, Rapid City PD, have met the requirements for Drug Detection certification on April 6, 2021;
- Canine Team **Garrett Mastin and K9 Vito**, Rapid City PD, have met the requirements for Drug Detection certification on April 6, 2021;
- Canine Team **Brandon Thompson and K9 Jary**, Rapid City PD, have met the requirements for Drug Detection certification on April 6, 2021;
- Canine Team **Thomas Barstad and K9 Neko**, Aberdeen PD, have met the requirements for Drug Detection certification on April 6, 2021;
- Canine Team **Joshua Lee and K9 Hari**, Spink County SO, have met the requirements for Drug Detection certification on April 8, 2021;
- Canine Team **Damon Griffith and K9 Diesel**, Charles Mix County SO, have met the requirements for Drug Detection certification on April 8, 2021;

- Canine Team Michael Varilek and K9 Taz, Corson County SO, have met the requirements for Drug Detection certification on October 29, 2021;
- Canine Team Bill Berry and K9 Loki, SD Highway Patrol, have met the requirements for Drug Detection certification on April 6, 2021;
- Canine Team Stuart Griffith and K9 Sem, SD Highway Patrol, have met the requirements for Drug Detection certification on April 6, 2021; and
- Canine Team Dennis Mez and K9 Doc, SD Highway Patrol, have met the requirements for Drug Detection certification on April 6, 2021.

Motion by Commission Member Rosenau to approve the canine certification listing as presented, **second** by Commission Member Wollman, motion **approved**.

The following is commission information only and does not require any commission action by members:

A voluntary consent of decertification has been received from William Winter formally with the Lincoln County Sheriff's Office.

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