

**LAW ENFORCEMENT OFFICERS  
STANDARDS AND TRAINING COMMISSION  
MICKELSON CRIMINAL JUSTICE CENTER  
Pierre, SD  
April 8, 2015**

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order by Chairman Gortmaker at the hour of 9:00 a.m. on April 8, 2015, in the Commission Conference Room at the George S. Mickelson Criminal Justice Center.

Roll call of members present included Bryan Gortmaker, Chairman; Marty Jackley, Attorney General; Tom Wollman, Lincoln County State's Attorney; Ken Tracy, Mayor, City of Mitchell; John Long, SSA BIA OJS; Robert Perry, Special Agent, FBI; Doug Barthel, Sioux Falls Chief of Police; Jeff Holcomb, President, Southeast Technical Institute; Mike Leidholt, Hughes County Sheriff; Col. Craig Price, Superintendent, SD Highway Patrol; and Randall Rosenau, Lawrence County Commissioner. Others present included Scott Rechtenbaugh, Executive Secretary; Kim Knecht, Assistant Training Administrator, Greg Williams, Basic Training Coordinator, and Diana Tibbs, 911 Coordinator.

Introductions were made of newly appointed Commission Member Randall Rosenau. Rosenau, Lawrence County Commissioner, represents the South Dakota County Commissioners Association. Rosenau is a former law enforcement officer with the Lawrence County Sheriff's Office and the Spearfish Police Department. Rosenau replaces Dennis Falken. Bob Perry was welcomed back to the commission. Perry represents the Special Agent in Charge, Federal Bureau of Investigation, who is in charge of the district in which South Dakota is located. FBI SA, Joe Weir, is on special assignment.

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

- January 28, 2015 minutes of the South Dakota Law Enforcement Officers Standards and Training Commission were approved on a **motion** by Commission Member Barthel, **second** by Commission Member Tracy, motion **approved**.

The commission proceeded with the scheduled hearing of **Michael Blom**. 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 Blom possesses the requisite minimum standards for employment or certification as a South Dakota law enforcement officer. Mr. Blom submitted an application to become a certified officer in May 2014. A background check revealed Blom was arrested and charged with driving under the influence, possession of loaded firearm while intoxicated, and plead guilty to a reduced charge of reckless driving.

Michael Blom is present with counsel, Alvin Pahlke. Kelly Marnette, Assistant Attorney General, is acting legal counsel for the State. Zach Pahlke, Mellette County States Attorney, is also present. 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. Upon conclusion of testimony, arguments by both parties, review of records, questions and discussion, the evidentiary portion of the hearing concluded at 10:08 a.m.

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

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

Members moved out of executive session and back into regular session at 10:32 a.m. on a **motion** by Commission Member Jackley, **second** by Commission Member Perry. **Motion** by Commission Member Leidholt that the commission finds Michael Blom does meet the minimum standards to become a certified law enforcement officer, must attend the academy - the full 13-Week academy, also complete the 12-hour study (South Dakota Public Safety DUI Program) as soon as possible. The 12-hour program must be completed before attending the academy and (he) must share the results of that program, **second** by Commission Member Rosenau, motion **approved**.

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

The order of business continued with the certification reinstatement request of **Brandon Marienau**, McCook County Sheriff's Office. Sheriff Norris is present via telephone conference. Members had approved Marienau's certification reinstatement at their August 19, 2014 meeting contingent upon the completion of the scheduled highway patrol in-house required training. At that time Major Miller had requested the reinstatement for part-time employment with SD Highway Patrol. The highway patrol part-time employment status was put on hold and Marienau did not complete the required training. Staff recommendation is to have Marienau complete the reciprocity training week and to be up-to-date with EVOC and firearms training. **Motion** by Commission Member Leidholt to approve certification reinstatement based upon completion of the reciprocity training week and (Marienau) can start working with the McCook County SO, **second** by Commission Member Wollman, motion **approved**.

The following grant requests were reviewed and considered by members:

**Madison Police Department** has submitted a \$4,250.00 request to host a *NASRO (National Association of School Resource Officers) Basic SRO (School Resource Officer)* course on June 15 - 19, 2015. NASRO will provide instructor Edward Bova to conduct the training. The training will be held at the Madison High School. A maximum of 10 attendees are required to hold the class. **Motion** by Commission Member Barthel to approve the grant request with the requirement of a minimum of 10 in-state officers attending and out-of-state officers to pay tuition fee, **second** by Commission Member Tracy, motion **approved**.

A request to host an 8-hour *Warrior Survival* session was submitted by the **Sioux Falls Police Department**. The proposed date for the critical incident training session is September 18, 2015 and will be held at the Fraternal Order of Police Lodge in Sioux Falls. The cost of the 8-hour session is \$3,000.00 and will be presented by Susan Lewis Simons, an internationally recognized expert in law enforcement stress and a board certified expert in traumatic stress. There is no minimum amount on attendees. The facility will accommodate 100 plus attendees. **Motion** by Commission Member Rosenau to approve the critical incident training, **second** by Commission Member Wollman, motion **approved**.

The next request for review was submitted by the **Box Elder Police Department** to host a *Tactical Medical Responder* training course. The \$7,200.00 two-day, 16-hour course, will be conducted in the June/July 2015 time frame and will be conducted by Strategos International. The maximum enrollment is 24 officers and the minimum enrollment requirement is 10 officers to host the course. Compact trauma treatments kits, DOK (Down Officer Kit), will be available to officers who complete certain program training requirements. Officers that attend the Tactical Medical Responder course will satisfy DOK

project requirements for equipment issue. The course will also provide the attendees a common curriculum and knowledge base with which to deliver course content at their home agency. This qualifies their (the agencies) own officers for their DOK's. The South Dakota Office of Homeland Security awarded funding for the DOK kit project to Law Enforcement Training. 1,300 kits were purchased and are being distributed upon completion of the training requirements. Another grant request can be submitted to purchase additional kits. **Motion** by Commission Member Leidholdt to approve the Box Elder PD request with a minimum of ten attendees, **second** by Commission Member Holcomb, motion **approved**.

Doug Blomker, Assistant Director, Minnehaha County Emergency Management has requested a waiver of duty hours during 2014 for two reserve officers. Because of medical issues, Officers Anderson and Yost were not able to meet their 2014 ninety-six duty hour requirements. **Motion** made by Commission Member Perry to approve the waiver request, **second** by Commission Member Rosenau, motion **approved**.

Attorney General Jackley provided a brief budget review. Various proposals were worked through with legislature and a solution has been worked out so the fund (LEOTF) will be in better shape. UJS has received fee revenue from records searches. The rate is \$5.00 per name searched. UJS has agreed to have the search fee deposited into the LEOTF. We will need to continue to be conservative but money will be there for proper training of officers and for grant training. The suggestion was to cut monies (\$6.00 fee) for defense lawyers, but UJS was opposed to that change at this time.

Executive Secretary Rechtenbaugh presented the following reciprocity requests:

**Alexander Casey**, Huron Police Department, completed the law enforcement program at Minnesota State University. He completed the POST Board's examination requirements and passed the Peace Officer Licensing exam in July 2014. He is now eligible for peace officer license. Casey's background check revealed no adverse information. Casey successfully completed the reciprocity exam on January 30, 2015. Casey is currently attending the reciprocity training week. **Motion** by Commission Member Barthel to approve reciprocity certification contingent upon completion of the reciprocity training week and skills testing, **second** by Commission Member Long, motion **approved**.

**Garrett Bruhn**, Sioux Falls Police Department, completed 428 hours of training in the Law Enforcement Skills Program at Alexandria Technical & Community College and successfully passed the Minnesota Peace Officer License Exam in August 2014. He is eligible for peace officer license. Bruhn's background revealed no adverse information. Bruhn successfully completed the reciprocity exam on February 20, 2015. Bruhn is currently attending the reciprocity training week. **Motion** by Commission Member Leidholdt to approve reciprocity certification contingent upon completion of the reciprocity training week and skills testing, **second** by Commission Member Tracy, motion **approved**.

**Corey DeGroot**, Sioux Falls Police Department, completed 428 hours of training in the Law Enforcement Skills Program at Alexandria Technical & Community College in July 2013. He has met the requirements established by the Minnesota POST board, completed the Peace Officer Licensing examination and is now eligible for a peace officer license. DeGroot's background revealed no adverse information. DeGroot successfully completed the reciprocity exam on February 20, 2015. He is currently attending the reciprocity training week. **Motion** by Commission Member Holcomb to approve reciprocity certification contingent upon completion of the reciprocity training week and skills testing, **second** by Commission Member Perry, motion **approved**.

**Adrian Hoesli**, Sioux Falls Police Department, has successfully completed all components (academic and clinical skills) required by the Minnesota POST Board. He completed the law enforcement program at

Minnesota West Community & Technical College and passed the Peace Officer Listing Exam in July 2014. He is eligible for peace officer licensure. Hoesli's background check revealed no adverse information. Hoesli successfully completed the reciprocity exam on February 20, 2015. He is currently attending the reciprocity training week. **Motion** by Commission Member Long to approve reciprocity certification contingent upon completion of the reciprocity training week and skills testing, **second** by Commission Member Holcomb, motion **approved**.

**Jeffrey MacFarlane**, Sioux Falls Police Department, completed the requirements for police officer certification at the New Mexico Law Enforcement Academy in May 2008. MacFarlane is a certified peace officer in good standing in the State of New Mexico. There are no disciplinary actions pending against him. MacFarlane was employed by the Albuquerque Police Department. There are no pending complaints. MacFarlane's background revealed no adverse information. MacFarlane successfully completed the reciprocity exam on February 20, 2015. He is currently attending the reciprocity training week. **Motion** by Commission Member Tracy to approve reciprocity certification contingent upon completion of the reciprocity training week and skills testing, **second** by Commission Member Rosenau, motion **approved**.

**Tanner Cornay**, Minnehaha County Sheriff's Office, completed the Ohio Peace Officer Basic Training Program conducted by the Ohio State Highway Patrol Academy in December 2012. The Ohio Peace Officer Training Commission records indicate Cornay's officer certification is current and has not been revoked or suspended. Cornay was commissioned by the Zanesville Police Department and left in good standing. Cornay's background revealed no adverse information. Cornay successfully completed the reciprocity exam on February 20, 2015. He is currently attending the reciprocity training week. **Motion** by Commission Member Long to approve reciprocity certification contingent upon completion of the reciprocity training week and skills testing, **second** by Commission Member Price, motion **approved**.

**Calvin Meyer**, Game, Fish & Parks (Palisades Park), fulfilled all requirements for licensure as a peace officer pursuant to Minnesota Statue in January 2014 and was issued license #22253. He was employed with the Climax Police Department. There are no pending complaints. Meyer's background revealed no adverse information. Meyer successfully completed the reciprocity exam on March 25, 2015. He is currently attending the reciprocity training week. **Motion** by Commission Member Leidholt to approve reciprocity certification contingent upon completion of the reciprocity training week and skills testing, **second** by Commission Member Holcomb, motion **approved**.

**Braxton McKeon**, Deadwood Police Department, successfully passed all requirements for POST certification in the State of Colorado and holds valid certificate #18275. McKeon completed the 18-Week Basic Law Enforcement Academy in 2013. There is no record of any derogatory information, scholastic or disciplinary probation concerning McKeon. McKeon's background revealed no adverse information. McKeon successfully completed the reciprocity exam on March 31, 2015. He is currently attending the reciprocity training week. **Motion** by Commission Member Perry to approve reciprocity certification contingent upon completion of the reciprocity training week and skills testing, **second** by Commission Member Tracy, motion **approved**.

The following Canine Teams have met the certification or recertification requirements:

- Canine Team **Stephanie Ryan and K9 Meshach**, Union County Sheriff's Office, have met the requirements for Drug Detection Dog certification on January 21, 2015;
- Canine Team **Michael Jenkins and K9 Bree**, Kingsbury County Sheriff's Office, have met the requirements for Drug Detection Dog certification on January 21, 2015;

- Canine Team **Chris Konrad and K9 Maggie**, Division of Criminal Investigation, have met the requirements for Accelerant Detection Dog certification on June 21, 2014;
- Canine Team **Jon Lohr and K9 Andor**, Sioux Falls Police Department, have met the requirements for Drug Detection Dog certification on February 24, 2015;
- Canine Team **Michael Varilek and K9 Taz**, Corson County Sheriff's Office, have met the requirements for Drug Detection Dog certification on March 12, 2015;
- Canine Team **Michael Varilek and K9 Taz**, Corson County Sheriff's Office, have met the requirements for Patrol Dog Scent Work certification on March 19, 2015;
- Canine Team **Garrett Harmon and K9 Arres**, Chamberlain Police Department, have met the requirements for Drug Detection Dog certification on January 21, 2015;
- Canine Team **Shawn Hostler and K9 Buddy**, Brookings County Sheriff's Office, have met the requirements for Drug Detection Dog certification on March 26, 2015; and
- Canine Team **Jason Foote and K9 Ares**, Yankton Police Department, have met the requirements for Drug Detection Dog certification on March 26, 2015.

**Motion** by Commission Member Wollman to approve all Canine Team certifications, **second** by Commission Member Rosenau, motion **approved**.

Due to correspondence received, and in checking with the Department of Health regarding allowing CNPs to sign off on the Medical Verification of Physical Ability form, the following proposed change to Administration rule 2:01:02:01. (6) Minimum standards for employment is recommended:

- (6) Is examined by a licensed physician, **physician's assistant or nurse practitioner** who certifies, on forms prescribed by the commission, that the applicant is able to perform the duties of a law enforcement officer;

The Department of Health believes CNPs possess the necessary training to conduct physicals for Law Enforcement Officers along with physicians and PA's. **Motion** by Commission Member Leidholt to begin the rule process, **second** by Commission Member Rosenau, motion **approved**.

After much discussion, debate, and review of HB No. 1215, Optional enhanced permit to carry a concealed pistol, new rules were drafted. DCI/LET has a very limited role in this process. LET is required to have a use of force class once a year and in order to attend this class an individual must be an NRA instructor. Individuals will not be issued any certification; it is only a completion of the training course. Discussion resulted in the following suggested changes to the rules draft:

- Change heading for Chapter 2:01:17 by striking *Instructor Minimum Standards* and replacing with ***Use of Force Training Program***.
- 2:01:17:01(2) adding after permit ***or current or retired law enforcement officer in good standing***.
- 2:01:17:01(3) strike *officer* and replace with ***agency; and***.
- 2:01:17:01 add **(4) Is of good moral character.**

**CHAPTER 2:01:17**

**ENHANCED CONCEALED PISTOL USE OF FORCE INSTRUCTOR MINIMUM STANDARDS TRAINING PROGRAM**

Section

- 2:01:17:01 Minimum standards for use of force course.
- 2:01:17:02 Submission of use of force training application.
- 2:01:17:03 Reapplication for use of force training course.

2:01:17:04 Expiration of training.

**2:01:17:01. Minimum standards for use of force course.** A person may attend the use of force course only if the person meets the following requirements:

- (1) Is currently certified as a National Rifle Association handgun instructor;
- (2) Has a valid South Dakota concealed weapons permit; ~~or current or retired law enforcement officer in good standing;~~
- (3) Has fingerprints taken by a qualified law enforcement ~~officer;~~ agency; and
- (4) Is of good moral character.

**2:01:17:02. Submission of a use of force training application.** An applicant to the use of force training course shall complete the use of force training course application provided by the law enforcement training office and return the application with two sets of fingerprint cards required by subdivision 2:01:17:01(3).

**2:01:17:03. Filing of fingerprints.** An applicant's fingerprints taken under subdivision 2:01:17:01(3) may be distributed to local, state, and national fingerprint files to disclose if the applicant has a criminal record.

**2:01:17:04. Reapplication for use of force training class.** An applicant who has failed to successfully complete the use of force training course, or has been dismissed from the program under § 2:01:18:08, may reapply after one year.

**2:01:15:05. Expiration of training.** The use of force training certificate of completion issued under § 2:01:18:01 expires on the last day of the twenty-fourth calendar month on the certificate of completion.

- Change heading for Chapter 2:01:18 by striking *Instructor, to read **Enhanced Concealed Pistol Use of Force Training Program.***

#### **CHAPTER 2:01:18**

#### **ENHANCED CONCEALED PISTOL USE OF FORCE ~~INSTRUCTOR~~ TRAINING PROGRAM**

##### Section

<u>2:01:18:01</u>	<u>Certification of completion.</u>
<u>2:01:18:02</u>	<u>Approved training course.</u>
<u>2:01:18:03</u>	<u>Successful completion of training course.</u>
<u>2:01:18:04</u>	<u>Time course is conducted.</u>
<u>2:01:18:05</u>	<u>Place of training.</u>
<u>2:01:18:06</u>	<u>Training course fees.</u>
<u>2:01:18:07</u>	<u>Discipline during training course.</u>
<u>2:01:18:08</u>	<u>Dismissal.</u>

**2:01:18:01. Certificate of completion.** Upon successful completion of the training course required by this chapter, the law enforcement training office shall issue a certificate indicating that the individual successfully completed the use of force training course.

**2:01:18:02. Approved training course.** The use of force training course shall consist of a curriculum of at least eight hours of training and includes the following subject areas:

- (1) Use of force; and
- (2) Legal aspects;

**2:01:18:03. Successful completion of training course.** An applicant, to successfully complete the use of force training course, must receive a passing score on all written and skills examinations administered in connection with the course. The executive secretary, at the direction of the commission, shall establish rules of internal management setting forth the passing score for each examination. The executive secretary shall, prior to the commencement of the training course, notify applicants of the level of performance that constitutes a passing score for each examination. An applicant may retake the

examination within seven days of failing. An applicant may not take an examination more than twice. The executive secretary may, for cause, allow an applicant to retake an examination at other times.

**2:01:18:04. Time course is conducted.** The use of force training course shall commence at the time the executive secretary deems appropriate, but at least once per year.

**2:01:18:05. Place of training.** Unless otherwise stated by the executive secretary, the use of force training course is conducted at the criminal justice training center in Pierre, South Dakota.

**2:01:18:06. Instructor training course fee.** An applicant attending the use of force training course shall pay a fee of \$150 to Law Enforcement Training.

**2:01:18:07. Discipline during training course.** The executive secretary may enforce restrictions and rules of internal management as are necessary to maintain the orderly instruction of individuals and efficient operation of the use of force training course. Individuals must comply with such restrictions and rules as set forth by the executive secretary in the basic training course student handbook, or such other specific directives as the executive secretary may issue.

**2:01:18:08. Dismissal.** The executive secretary may dismiss, from the use of force training course any person who violates any restrictions or rule established by the executive secretary to administer or maintain order during the training course.

**Motion** made by Commission Member Jackley to approve the rules draft with suggested changes, **second** by Commission Member Long, motion **approved**.

The following items were presented for commission information and did not require any action by members:

Consent of Decertification forms were received from **Derek Palmer** former Turner County Sheriff Deputy and for **Desmond** Watson former SD Highway Patrol Trooper.

The Chiefs and Sheriffs will be conducting their spring conference soon and Chairman Gortmaker and Executive Secretary Rechtenbaugh plan to address the one-year probationary appointment of officers at the conference. SDCL 23-3-41 states "*no law enforcement officer who lacks the education and training qualifications required by the Commission may have his temporary or probationary employment extended beyond on year....*". Concerns that officers are out working without training, certification, and no direct supervision has initiated a possible rule proposal that *an officer cannot work by his/her self in an enforcement capacity until he/she has fired the state handgun qualification course and signs off on their agencies use of force policy*. LET would provide the resources for smaller departments to comply with the state handgun qualification requirement. It will be up to the agency as to the time frame to qualify.

HB 115, passed during this legislative session, establishes confidential stress management services for emergency providers. Currently law enforcement officers in South Dakota must complete 40 hours of continuing education every two years to maintain their certification. It is proposed that two of the 40 hour continuing ed. be in the crisis intervention category. Gortmaker has visited with Doug Kirkus to make sure the training is available and is good quality training.

There being no further business to come before the meeting body, the meeting was adjourned on a **motion** by Commission Member Holcomb, **second** by Commission Member Jackley, motion **carried**. The next meeting is set for June 24, 2015, at the Mickelson Criminal Justice Center in Pierre.

Approved June 24, 2015  
Date

Bryan Gortmaker, Chairman LEOSTC

Scott Rechtenbaugh, Executive Secretary LEOSTC

Submitted By Recording Secretary