

LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION
MICKELSON CRIMINAL JUSTICE CENTER
Amphitheater
Pierre, SD
January 20, 2021

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order on January 20, 2021, in the Amphitheater at the George Mickelson Criminal Justice Center in Pierre, South Dakota.

Roll call was taken with the following members responding: Matt Burns, Sioux Falls Chief of Police; Neil Fulton, USD Dean School of Law; Gary Gaikowski, Sisseton-Wahpeton Chief of Police; Andy Howe, Clay County Sheriff; 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 Members Steve Allender, Rapid City Mayor; Rick Miller, SD Highway Patrol Superintendent; and Robert Perry, Special Agent, FBI, were absent.

With a quorum present, Chairman Natvig called the meeting to order at 9:00 a.m.

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.

Motion by Commission Member Ravensborg, **second** by Commission Member Burns to approve the updated commission agenda.

The minutes of the previous meeting were approved on a **motion** by Commission Member Ravensborg, **second** by Commission Member Wollman.

The first items of business for member review are requests to waive requirements for reserve officers unable to meet the minimum 96-hour duty requirements due to the COVID-19 pandemic for 2020. Training Administrator Mosteller has received several calls concerning the mandatory yearly hours required for reserves. The agencies were asked to do their best to try and get the required hours completed. It became apparent this was not going to be possible for some agencies to complete because of COVID-19 policy restrictions. An emergency rule was established allowing for a waiver and can only be applied this year. The 96-hour duty requirements will be required for 2021. The following agencies submitted waiver requests:

- Yankton Police Department;
- Pennington County Sheriff's Office;
- Minnehaha County Sheriff's Office;
- Huron Police Department;
- Aberdeen Police Department; and

- Brookings Police Department

Motion by Commission Member Ravensborg to approval the agency listing waiver requirement requests for this year, **second** by Commission Member Fulton, motion **approved**.

The following reciprocity requests were presented:

Alecia Halverson, Lincoln County Sheriff's Office, has completed the minimum training hours required by the Colorado POST and received law enforcement certification in May 2015. Colorado POST has not had to revoke, suspend or take any other action against Halverson's certification, her certification is active. A background check revealed no adverse information. Halverson completed the reciprocity exam in November 2020 and is scheduled to attend the February 2021 reciprocity training week. **Motion** by Commission Member Wollman to approve the reciprocity request for Alecia Halverson contingent upon completion of the reciprocity training week, **second** by Commission Member Ravensborg.

Dean Scane, Rapid City Police Department, completed the law enforcement program through Alexandria Technical and Community College in Alexandria, Minnesota. Scane passed the PPOE [Professional Peace Officer Education] exam, completed the POST Board's examination requirements, and is eligible for a peace officer license. A background check revealed no adverse information. Scane completed the reciprocity exam in November 2020 and is scheduled to attend the February 2021 reciprocity training week. **Motion** by Commission Member Ravensborg to approve the reciprocity request for Dean Scane contingent upon completion of the reciprocity training week, **second** by Commission Member Gaikowski, motion **approved**.

Grant Scane, Rapid City Police Department, completed the law enforcement program through Alexandria Technical and Community College in Alexandria, Minnesota. Scane passed the PPOE [Professional Peace Officer Education] exam, completed the POST Board's examination requirements, and is eligible for a peace officer license. A background check revealed no adverse information. Scane completed the reciprocity exam in November 2020 and is scheduled to attend the February 2021 reciprocity training week. **Motion** by Commission Member Wollman to approve the reciprocity request for Grant Scane contingent upon completion of the reciprocity training week, **second** by Commission Member Burns, motion **approved**.

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

- Canine Team **Garrett Mastin and K9 Vito**, Rapid City PD, have met the requirements for Patrol Dog certification on December 10, 2020;
- Canine Team **Roan Reiman and K9 Max**, Rapid City PD, have met the requirements for Patrol Dog certification on December 10, 2020;
- Canine Team **Brandon Thompson and K9 Jary**, Rapid City PD, have met the requirements for Patrol Dog certification on December 10, 2020;
- Canine Team **Kyler Pekarek and K9 Reno**, Yankton PD, have met the requirements for Patrol Dog certification on December 10, 2020;

- Canine Team Patrick Nolz and K9 Max, Yankton PD, have met the requirements for Drug Detection certification on December 10, 2020;
- Canine Team Cole Bernard and K9 Dakota, Sisseton-Wahpeton Law Enforcement, have met the requirements for Drug Detection certification on October 29, 2020;
- Canine Team Jaiden Carlson and K9 Elcktra, Sisseton-Wahpeton Law Enforcement, have met the requirements for Drug Detection certification on October 29, 2020;
- Canine Team Cody Nachreimer and K9 Pike, Sioux Falls PD, have met the requirements for Patrol Dog certification on December 10, 2020;
- Canine Team Garret Bruhn and K9 Tommy, Sioux Falls, have met the requirements for Patrol Dog certification on December 10, 2020, and Explosives Dog certification on December 14, 2020;
- Canine Team Manual Langstraat and K9 Aaros, Brookings County SO, have met the requirements for Patrol Dog certification on December 10, 2020;
- Canine Team Michael Dale and K9 Sadie, SD Highway Patrol, have met the requirements for Patrol Dog certification on December 10, 2020.

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

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

The next commission meeting is tentatively scheduled for April 21st in conjunction with the Chief's and Sheriff's conference in Deadwood.

The current basic training session is in their last two weeks of online training and will return to the academy to complete the last four weeks of the 13-week session. The current session had four medical withdrawals and one misconduct dismissal. The Sioux Falls training session had one officer resign. The 176th session first exam resulted in one failure, the officer passed the retest. All attendees of the 177th session in Sioux Falls passed the exam.

LET will continue the same schedule of three weeks of training at the academy, two weeks of online training, two weeks of training at the academy, two weeks of online training, and four weeks of training at the academy for one more training session. LET will evaluate the feedback received from the Chiefs and Sheriffs regarding the last three training sessions and consider the best way to continue the session for next fall. LET will report to the commission on the feedback.

Executive order 13929 order required law enforcement entities to have specific language in their policies regarding the use of force policies and chokeholds before they are eligible for Federal Grants. LET has received several agency letters confirming their policy has met the requirements. LET is designated by DOJ as the "credentialing body" for South Dakota. To be eligible for Federal grants, agencies are to confirm, on agency letterhead, that their policy has met the two requirements of the Executive Order and submit it to LET for review. LET will send a confirmation letter to the department and submit the agency as being compliant making the

agency eligible for Federal grants. If an agency does not comply, the agency will not be eligible to receive grants in the future.

Paul Bachand is present to review the packet of proposed and amended revisions to our administrative rules. Members reviewed each proposed and amended rule, made additional changes and suggestions. One proposed rule was removed because of a question of authority. Bachand will work on an alternative method. Concluding discussion, changes, and suggestions **motion** by Commission Member Wollman to move forward with changes, **second** by Commission Member Ravnsborg. Motion **approved**.

A short recess was taken 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 hearing to consider the results of Gibbs fit for duty examination and whether his law enforcement certification may be reinstated on March 1, 2021.

Gibbs is present without counsel via zoom video conferencing. 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 file for exhibits.

The opening statement was presented by Ms. Marnett, exhibits were entered for the commission, and witness testimony was heard. During Mr. Gibbs' testimony, reference was made to documents that had not been submitted prior to the hearing. Concluding discussion reference records that were not received prior to the hearing or provided to the psychologist for the fit-for-duty evaluation, it was decided in order for the Commission to make a decision, they [Commission] should have the records Mr. Gibbs referred to. Mr. Gibbs could decide to continue with the hearing based on what the Commission has or to continue the hearing to another time. Ms. Marnette is willing to continue this to another date to allow Mr. Gibbs to submit the records. **Motion** by Commission Member Ravnsborg, would be comfortable in giving Mr. Gibbs an opportunity to submit this stuff to the doctor, but also one last chance to correct whatever he thinks is wrong or information he doesn't believe the doctor had and then hear it at the April meeting, **second** by Commission Member Rosenau, motion **approved**. An additional extension was granted. The matter will remain in abeyance and continued until April 21, 2021, in Deadwood.

The next business items are requests for certification reinstatement:

Danielle Bilbo and The Tea Police Department, are asking for certification reinstatement. Bilbo attended the 161st Basic Certification session and was certified in June 2016. Danielle's certification lapsed in October 2016. Danielle has worked in different positions since leaving law enforcement, is currently employed at the Minnehaha County Juvenile Detention Center, and is in the processing of applying for the Tea Police Department. LET has no issue with the reinstatement request. The chief of police is in process of completing a background check. **Motion** by Commission Member Howe to reinstatement Daniell's certification contingent upon

successful background processing and upon her employment with the Tea PD, **second** by Commission Member Fulton. Commission Member Howe amended the motion to include contingent upon the completion of mental health, DV, and firearms qualification training requirements, **second** by Commission Member Ravnsborg. Motion **approved** as amended.

The Division of Criminal Investigation is requesting certification reinstatement for Toni Durnil. James Legg, DCI SSA, and Toni are present. Toni attended and completed the 121st basic certification session as a Special Agent trainee with the DCI receiving her law enforcement certification on July 8, 2005. Toni left the DCI in good standing because of underlying medical reasons. Toni was a member of the Minnehaha County Reserves from 2007 – 2012. Toni's certification lapsed in December 2014. Toni is employed by the Department of Social Services in the Office of Fraud and Recoveries as a civilian investigator. Toni would be appointed as a criminal investigator in the CDI unit and would hold the position of Special Assistant Attorney General. CDI investigators are limited in scope and duties, their workload consists of CDI matters and they are not allowed to provide assistance for any other investigative matters falling under the DCI purview. Toni's position, held with the Department of Social Services, was very similar to the position to which she would be appointed by the DCI. Should Toni's certification be reinstated, the DCI will require Toni to complete a four-week field training program and she will work with current CDI investigators to become familiar with the CDI procedures. Toni will also attend the CDI Task Force Officer orientation and the 40 - 80 hour training block with the Social Security Administration Office. Toni will also be mandated to complete DV, mental health, and firearms training requirements. **Motion** by Commission Member Ravnsborg to reinstate Toni Durnil's certification does not have to do the reciprocity course and is to complete the DV, mental health, and firearms requirements.

Motion amended to include contingent upon hiring by the DCI, **second** by Commission Member Roseanu, motion **approved**.

Chris Misselt, Box Elder Police Department, is present requesting approval of the FBI qualification course and associated target(s) as an alternative certified shooting course for use by the Box Elder Police Department and extend the approval throughout the state to law enforcement agencies. Box Elder Police Department has used this course of fire in some form for two years. The FBI course of fire was reviewed by LET's lead firearms instructor Art Aplan. This course is more difficult, rigorous, and challenging than the state course of fire. Aplan had no objections to the FBI course of fire as an alternative course. The scoring for this course of fire is 80%, 40 out of 50 rounds fired, required to pass. The state course of fire scoring is 75%, 38 out of 50 rounds fires, the requirement to pass. The state firearms course of fire is a minimum course of fire. The request is not to change minimum standards or change the state course of fire it is simply an alternative as a course of fire. There would still be the state course of fire. **Motion** by Commission Member Burns to approve for Box Elder and an alternate for every entity in the state, **second** by Commission Member Ravnsborg, motion **approved**. Misselt would work with each agency to make sure the alternative course is administered accurately.

Matthew Risetter is present seeking certification eligibility. Risetter was dismissed from the 172nd basic training session for excessive absenteeism. Risetter failed to report back to the academy to continue training and did not contact anyone to explain his absence. A hearing was held on August 19, 2020, to consider Risetter's appeal of his dismissal from the basic certification

course. The commission upheld the ruling of the Training Administrator's dismissal. Gettysburg Chief of Police Mogard feels Risetter would be a good officer, his reputation with the community was good. Should Risetter become eligible to attend the academy and is hired by a law enforcement agency, he would be required to attend the full 13-Week training session. **Motion** by Commission Member Ravensborg to allow eligibility for Matthew Risetter, **second** by Commission Member Burns, motion **approved**.

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

The next meeting will be held in conjunction with the Chief's and Sheriff's conference on April 21, 2021, at The Lodge in Deadwood.