

LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION
MICKELSON CRIMINAL JUSTICE CENTER
Pierre, SD
January 27, 2016

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order by Chairman Gortmaker at the hour of 9:03 a.m. CST, January 27, 2016, in the Commission Conference Room of the George S. Mickelson Criminal Justice Center, Pierre, South Dakota.

Chairman Gortmaker asked for the roll call. The following Commissioners were present and responded to roll call: Robert Perry, Special Agent, FBI; Matt Burns, Sioux Falls Chief of Police; Mike Leidholt, Hughes County Sheriff; Randall Rosenau, Lawrence County Commissioner; Tom Wollman, Lincoln County State's Attorney; Marty Jackley, Attorney General; John Long, SSA BIA OJS; Craig Price, Superintendent, SD Highway Patrol; Bryan Gortmaker, Chairman; Scott Rechtenbaugh, Executive Secretary; Kim Knecht, Assistant Training Administrator; Greg Williams, Basic Coordinator, and Lesley Farmen, Training Coordinator. Commission Members Steve Allender, Rapid City Mayor; and Jeff Holcomb, Southeast Technical Institute President were absent.

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

- November 4, 2015 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 Wollman.
- November 23, 2015 conference call minutes of the South Dakota Law Enforcement Officers Standards and Training Commission were approved on a **motion** by Commission Member Perry, **second** by Commission Member Rosenau.

Introductions were made of newly appointed Law Enforcement Training Staff member, Lesley Farmen. Lesley joined the LET Staff in August and has taken on the role of basic coordinator. Lesley was a parole officer in Aberdeen.

The commission proceeded with the scheduled hearing of **Robert Hotchkiss**. 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 Hotchkiss should have his certification as a South Dakota law enforcement officer reinstated. Hotchkiss pled guilty to Grand Theft by Deception in January 2012. He consented to decertification of his law enforcement certification in March 2012.

Robert Hotchkiss is present without counsel. Kelly Marnette, Assistant Attorney General, is acting legal counsel for the State. 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, statements by both parties, review of records, questions and discussion, the evidentiary portion of the hearing was concluded.

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

Members moved out of executive session and back into regular session at 9:50 a.m. on a **motion** by Commission Member Wollman, **second** by Commission Member Burns. **Motion** by Commission Member Long to deny Mr. Hotchkiss's certification reinstatement request based on the evidence presented within the hearing, **second** by Commission Member Perry, motion **approved**. **Motion** by Commission Member Rosenau to allow the Chairman to sign any Findings, Facts, and Conclusions without review by the Commission, **second** by Commission Member Burns, 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 **Brian Swenson**, Box Elder Police Department. During the November 4, 2015 meeting, Chairman Gortmaker asked to have this item on the agenda tabled until a complete review of the record involving a divorce, relationship, and ring could be conducted. The record and information was reviewed. The review revealed nothing different than what was heard at the November meeting. Swenson along with Jason Dubbs, Box Elder Chief of Police, are before the Commission to request certification reinstatement. Swenson's certification expired in September 2010. Staff recommendation is to attend and complete all requirements of the reciprocity training week to be conducted in April. **Motion** by Commission Member Leidholt to agree with the certification reinstatement request contingent he (Swenson) completes the reciprocity training week, **second**, by Commission Member Rosenau, motion **approved**. Swenson is not required to take the reciprocity exam.

The Brookings County Sheriff's Office is requesting certification reinstatement for **David Bietler**. Sheriff Martin Stanwick is also present. Bietler was hired on January 4, 2016 as a court service deputy in the Brookings County Courthouse. The position entails facility security, security for the three court rooms and inmate transport to and from court. Bietler was employed with the Brookings Police Department from 2002 until his resignation in 2009. Bietler's certification lapsed in 2011. Staff recommendation is to attend the reciprocity week of training as part of the condition if the request for reinstatement is granted. **Motion** by Commission Member Leidholt to move reinstatement with that condition, (attendance and completion of the reciprocity training week), **second** by Commission Member Price, motion **approved**.

Business continued with the following grant requests:

Lt. Randi Erickson, **SD Highway Patrol**, presented a grant request to host a two-day *Women Leadership Session by Caliber Press* in May 2016. The session will be conducted in Deadwood. A block of rooms at state rate has been reserved at the SpringHill Suites. Each agency is responsible for meals and lodging. There is no minimum attendance requirement and will accommodate up to 200 attendees at no additional cost. The two-day session is constructed and taught by successful female law enforcement executives. Over the two days participants will engage in discussions in an open forum populated by current and future women law enforcement leaders. Topics in the two-day discussion and open forum will include: Creating an Effective Organizational Climate; Leadership Qualities Unique to Women; Learning from Successful Female Leaders; Supervising other Females; Building your Credibility; Mentoring and Leading by Example; Breaking through the Glass Ceiling; and Self-Examination. Several agencies across the state have expressed interest in attending the training with thirty participants indicating interest. The training will be open to women working in fields of correction, dispatch, and department of public safety. **Motion** by Commission Member Perry to approve the SD Highway Patrol grant request, **second** by Commission Member Rosenau, motion **approved**.

A review of the FY 16 grant monies spent and remaining balance for 2016 was provided to members. Should members approve all three of the grant requests today the total amount approved would equal \$61,550.00. The remaining grant balance for FY 2016 is \$23,950.00. There is a pending grant request that may be directed into late May or June.

The **Sioux Falls Police Department** has submitted a request for \$9,700.00 to host a three-day *Mobile Field Force/Crowd Control* course in March, 2016. The course will be taught by the National Tactical Officers Association. The course will accommodate a maximum of 20 participants. Class size can go higher, but there would be an additional cost of \$562.00 per student over 20 participants. The course is designed for officers, supervisors and tactical unit leaders as well as general patrol leaders who have or need basic crowd management training and/or experience. **Motion** by Commission Member Wollman to approve the Sioux Falls Police Department grant request, **second** by Commission Member Price, motion **approved**. The record will reflect Commission Member Burns was recused from the vote.

A grant application to hold a *Calibre Press, Street Survival Course* was submitted by the **Davison County Sheriff's Office**. The cost of the two-day, 16-hour class is \$9,900.00 and will be held May 17 and 18, 2016. There is no minimum attendance. The Street Survival Seminar is the only course addressing officer safety from two perspectives: The Fatal Four, police officers are at risk both physically and psychologically; and Our Natural Instincts, understand how our natural instincts can be both an asset and a liability for the modern law enforcement officer. **Motion** by Commission Member Leidholt to fund the Davison County Sheriff's Office request, **second** by Commission Member Rosenau, motion **approved**.

Executive Secretary Rechtenbaugh presented the following reciprocity requests:

Darrel O'Connor, Sisseton Police Department, completed the Law Enforcement Technology Program at Southeast Technical Institute in 2015. O'Connor's background check revealed no adverse information. O'Connor successfully passed the reciprocity exam on December 9, 2015. Because of the articulation agreement between the SD Law Enforcement Officers Standards and Training Commission and Southeast Technical Institute, O'Connor is only required to demonstrate his proficiency in the EVOC, Firearms, and Response to Resistance Performance skills test. He must demonstrate the same level of skills in each as required in the Basic Certification Course. O'Connor successfully completed the necessary reciprocity requirements in January 2015. **Motion** made by Commission Member Perry to approve the reciprocity certification for Darrell O'Connor, **second** by Commission Member Long, motion **approved**.

Box Elder Police Department Officer **Duane Peyrot** attended and successfully completed a 441-hour Wyoming Peace Officer Basic Course in 1998. Peyrot holds Professional Peace Officer certification and Reserve Detention certification which expire in August 2016. Peyrot's certification is in good standing in Wyoming. There have been no disciplinary actions taken against this officer's certification. Peyrot was employed by the Campbell County Sheriff's Office from 1993 until 2015. Peyrot's background check revealed no adverse information. He successfully passed the reciprocity exam on December 21, 2015. He successfully completed the January 2016 reciprocity training week requirements. **Motion** by Commission Member Long to approve reciprocity certification for Duane Peyrot, **second** by Commission Member Wollman, motion **approved**.

Special Assistant Attorney General **Ronald Westlake**, Fusion Center Analyst for the Division of Criminal Investigation, completed the prescribed course of study in Basic Law Enforcement as approved by the Nebraska Police Standards Advisory Council in consideration of satisfactory completion of this course of study at the Training Academy in August 2006. Westlake was employed by the Madison County Sheriff's Office from 2005 – 2009, and the Antelope County Sheriff's Office from 2011 - 2014. His background check revealed no adverse information. He successfully completed the reciprocity exam

on January 4, 2016. He is scheduled to attend the reciprocity training week in April 2016. **Motion** by Commission Member Price to approve reciprocity certification for Ronald Westlake on the condition he successfully completes the reciprocity requirements, **second** by Commission Member Rosenau, motion **approved**. The record will reflect Commission Member Long was absent for the voting procedure.

The following Canine Teams have met certification or recertification requirements:

- Canine Team **Brian Swets and K9 Roco**, SD Highway Patrol, have met the requirements for Patrol Dog certification on November 3, 2015;
- Canine Team **Christopher Koltz and K9 Blitz**, SD Highway Patrol, have met the requirements for Patrol Dog certification on November 3, 2015;
- Canine Team **Deanna Johnson and K9 Dina**, SD Highway Patrol, have met the requirements for Drug Dog Detection certification on November 4, 2015;
- Canine Team **Grant Van Voorst and K9 Max**, Sioux Falls Police Department, have met the requirements for Drug Dog Detection certification on November 4, 2015;
- Canine Team **Derek Layher and K9 Cody**, Huron Police Department, have met the requirements for Drug Dog Detection certification on November 24, 2015;
- Canine Team **Kathleen Adams and K9 Kelly**, Spink County Sheriff's Office, have met the requirements for Drug Dog Detection certification on November 24, 2015;
- Canine Team **Michael Jenkins and K9 Bree**, Kingsbury County Sheriff's Office, have met the requirements for Drug Dog Detection certification on January 7, 2016;
- Canine Team **Stephanie Ryan and K9 Meshach**, Union County Sheriff's Office, have met the requirements for Drug Dog Detection certification on January 7, 2016;
- Canine Team **Garrett Harmon and K9 Arres**, Chamberlain Police Department, have met the requirements for Drug Dog Detection certification on January 17, 2016;
- Canine Team **Sean Doyle and K9 Stryker**, Rapid City Police Department, have met the requirements for Drug Dog Detection certification on January 20, 2016;
- Canine Team **Jason LaHaie and K9 Xander**, Rapid City Police Department, have met the requirements for Drug Dog Detection certification on January 20, 2016;
- Canine Team **Marcos Glass and K9 Jackson**, Rapid City Police Department, have met the requirements for Drug Dog Detection certification on January 20, 2016; and
- Canine Team **Michael Dale and K9 Raica**, SD Highway Patrol, have met the requirements for Explosive Detection certification on January 8, 2016.

Motion by Commission Member Price to approve the Canine Team certification listing as presented by the Executive Secretary, **second** simultaneously by Commission Member Wollman and Commission Member Burns, motion **approved**.

The following items of business were for information only and did not require commission action at this time.

A Consent of Decertification form was received from **Rebecca Sotherland** former Oglala Sioux Tribe Officer.

The FY 2015 Annual report was distributed to members.

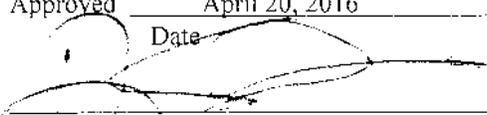
During discussion regarding the Giglio/Brady issues at the November 4, 2015 meeting, Executive Secretary Rechtenbaugh was asked to contact other states to see if they maintain a list/database of officers who have credibility issues; who can have access to the list/database; and what the states are doing in the handling of these issues. The Executive Secretary contacted surrounding states. State POST's are not involved in maintaining a database or distributing listings of Giglio/Brady officers. Police agencies are to notify the prosecutor of officers with Giglio/Brady issues and generally each prosecutor maintains their own Giglio/Brady list. Some states have a requirement that agencies do a thorough background prior to hiring an individual. This might be a good topic for discussion at IADLEST (International Association of Directors of Law Enforcement Standards and Training). Chairman Gortmaker advised he would discuss the need to do proper backgrounds with the Chiefs and Sheriffs at their joint meeting in April.

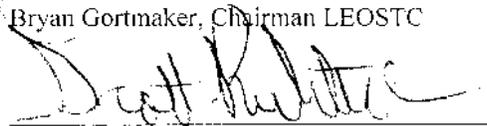
Pennington County Sheriff's Office Training Manager C. J. Messiah and Deputy Jason Mitzel, Training Coordinator, are before members to seek reciprocity eligibility for Pennington County Deputy **Christopher Tegnazian**. Tegnazian completed all the prescribed requirements for full-time certification as a Kansas law enforcement officer in October 1999. His certification is in good standing. He has several hours of additional training. He was employed with the Johnson County Sheriff's Office from March - December 1999, and the Overland Park Police Department from 2000 - 2013. He was hired by the Pennington County Sheriff's Office in November 2015. Tegnazian is past the two year window for reciprocity eligibility. **Motion** by Commission Member Perry that Tegnazian be allowed to take the reciprocity exam, if passes the exam, attend the week of reciprocity training requirements, **second** by Commission Member Burns, motion **approved**.

A request for reciprocity certification was received from the Haakon County Sheriff's Office. Haakon County Sheriff Fred Koester and Deputy Jacob Filipiak are before commission members seeking reciprocity eligibility. **Filipiak** completed the North Dakota Peace Officer Standards and Training Basic Academy in December 2004. He has been out of law enforcement in North Dakota for some time and no longer holds an active license. Nothing negative was found in his personnel file. Filipiak applied for and completed the Florida equivalency of training process. He was approved for the program based on his out-of-state training and experience and would only have to demonstrate proficiency in the high liability skills areas of firearms, defensive tactics, first aid, and vehicle operations. This equivalency of training was approved on August 21, 2014. Filipiak completed his demonstrations of proficiency on September 9, 2014, and successfully passed the Florida State Officer Certification Examination on September 12, 2014. Filipiak is eligible for employment in the State of Florida as a law enforcement officer. In Florida, a person must gain employment with the employing agency conducting their full background investigation before certification is issued. **Motion** by Commission Member Leidholt that Filipiak is eligible to take the reciprocity exam, if passes, he is to attend the week of reciprocity training requirements, **second** by Commission Member Perry, motion **approved**.

There being no further business to come before the meeting body, the meeting was adjourned on a **motion** by Commission Member Wollman, **second** by Commission Member Rosenau, motion **approved**. The next meeting will possibly be in April and was suggested the meeting be conducted West River.

Approved April 20, 2016
Date


Bryan Gortmaker, Chairman LEOSTC


Scott Rechtenbaugh, Executive Secretary LEOSTC


Submitted By Recording Secretary