

**LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION
MICKELSON CRIMINAL JUSTICE CENTER
Pierre, SD
January 28, 2015**

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. on January 28, 2015, in the Commission Conference Room at the George S. Mickelson Criminal Justice Center.

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

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

- November 12, 2014 minutes of the South Dakota Law Enforcement Officers Standards and Training Commission were approved on a **motion** by Commission Member Tracy, **second** by Commission Member Wollman, motion **approved**.

Hearing Officer Tom Lee proceeded with the scheduled hearing in the matter of the certification of **Larry Romero, Sr.** as a South Dakota law enforcement officer. This is an adversary hearing to determine whether Romero possesses the requisite minimum standards for employment or certification as a law enforcement officer in the State of South Dakota. Mr. Romero submitted an application to become a certified officer in May 2014. A background check revealed Romero was terminated from the Oglala Sioux Tribe Department of Public Safety (OSTDPS) in 2011 for intentionally falsifying his timesheet. Romero was also arrested and charged with driving under the influence and plead guilty to a reduced charge of reckless driving.

Larry Romero is present with counsel, Mick Strain. Kelly Marnette, Assistant Attorney General, is acting legal counsel for the State. Mike Blom, newly elected Mellette County Sheriff was 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 presented by both parties.

Members took a short break and reconvened at 10:50 a.m. with a quorum present.

Upon conclusion of the testimony and arguments by both parties, review of the records, questions and discussion, the evidentiary portion of the hearing concluded at 11:05 a.m. Members entered into executive session on a **motion** by Commission Member Long, **second** by Commission Member Perry to further discuss their consideration, motion **approved**.

Members moved out of executive session on a **Motion** by Commission Member Barthel, **second** by Commission Member Price. Proceedings resumed before the commission. **Motion** made by Commission Member Perry to uphold the decision of the Executive Secretary to deny Larry Romero to be a law enforcement officer and to authorize the Chairman to sign any Findings, Facts, and Conclusions without review by the Commission, **second** by Commission Member Wollman, motion **approved**.

Assistant Attorney General Marnette will prepare the Findings of Fact and Conclusions of Law. The hearing was concluded at 11:30 a.m.

The Big Stone City Police Department is requesting law enforcement certification for **Marlin Snell**. Snell was dismissed from the 152nd Basic Training Session for handgun qualification failure. Snell was allowed re-admittance to the training academy to complete the course of fire and other requirements needed to obtain South Dakota law enforcement officer certification by members at their June 28, 2013 teleconference meeting. Snell returned for one week of remediation and completion of the remaining requirements. Snell failed the course of fire in July 2013 and was dismissed from the 152nd Basic Training Session. Snell has switched from using a .40 caliber to using a 9mm handgun, has done dry fire practice, but has not done any line fire shooting. Recommendations were to allow Snell to participate in the weekly firearms training during the basic session, or attend evening remedial training, or have a firearms instructor work with him. **Motion** by Commission Member Leidholt to allow (Snell) to retake the firearms, come in and attend the February firearms remedial training, and make available any other remedial firearms training. He cannot work as a law enforcement officer until he qualifies. He must qualify with his handgun by March 1, 2015, **second** by Commission Member Barthel, motion **approved**.

Members adjourned for lunch at 11:47 a.m. and reconvened into regular session at 12:27 p.m. with a quorum present.

Members continued the order of business with the appearance of **Derik Rolston**, Wagner. Randy Thaler, Charles Mix County Sheriff is also present. Sheriff Thaler is requesting reinstatement for Rolston into the basic certification training program. Rolston was dismissed from the 154th Basic Session on January 2, 2014 for academic failure. Rolston's wife was dealing with medical issues at the time he was attending the training session. Upon dismissal from the training session, Rolston worked as a jailor and dispatcher at the Charles Mix County Sheriff's Office. Rolston attended and successfully passed the 9-1-1 basic two-week training session. **Motion** by Commission Member Barthel to reinstate into the Basic Training Session, **second** by Commission Member Tracy, motion **approved**.

The next items before the commission for review and consideration were the following grant requests:

Members tabled the grant request for funding correctional officer training by the **Codington County Sheriff's Office and Detention Center** during their November 2014 meeting. The request was tabled at that time with strong indication, if monies were available, to approve at the next scheduled meeting. Assistant Training Coordinator Knecht advised there would be enough money in the grant fund to cover the grant request. The two-day, 16-hour session will be taught by James Chipp and Mike Haley of the National Institute for Jail Operations. The initial request of \$6,403.00 dollars included facility and equipment rental for the training. Since grant money does not cover equipment or facility rental, the grant cost would be \$6,178.00 for the two-day session. All agencies will benefit from this training since there are not jail standards required to become a correctional officer. Trainings like these help reduce liability to the sheriffs offices, detention centers and staff. Minimum class size is 30 attendees and maximum class size is 65 attendees. **Motion** by Commission Member Long to approve the grant request, **second** by Commission Member Price, motion **approved**.

The **Sioux Falls Police Department** submitted a \$ 6,000.00 - \$ 7,500.00 grant request to host a three-day NASRO (National Association of School Resource Officers) CPTED (Crime Prevention through Environmental Design) training course. CPTED model uses design, management and activity strategies to reduce opportunities for crime to occur, to reduce fear and to improve overall safety of schools. NASRO will provide experienced CPTED instructor Captain Stan Carter (Ret.) who has over 20 years of CPTED experience with schools and districts. Maximum class is 30 attendees. There are three different cost levels dependent upon the number of students. The levels are:

- 20 or fewer attendees cost is \$ 6,000.00;
- 21 - 25 attendees cost is \$ 6,875.00; and
- 26 - 30 attendees cost is \$ 7,500.00

Motion by Commission Member Holcomb to approve the request submitted by the Sioux Falls PD with a minimum of 20 attendees, **second** by Commission Member Perry, motion **approved**.

Chairman Gortmaker advised members that the LET budget is very tight. Future advanced training sessions have been cancelled and any additional grant requests will not be approved until the new fiscal year.

Executive Secretary Rechtenbaugh presented the following reciprocity requests:

Southeast Technical Institute graduate **Zachary Schafer** completed the Law Enforcement Technology Program in 2014. Schafer's background check revealed no adverse information. Schafer successfully passed the reciprocity exam on November 10, 2014. Because of the articulation agreement between the SD Law Enforcement Officers Standards and Training Commission and Southeast Technical Institute, Schafer is only required to demonstrate his proficiency in the EVOC and Firearms skills test. He must demonstrate the same level of skills in EVOC and Firearms as required in the Basic Certification Course. Schafer successfully completed the reciprocity EVOC and Firearms skills testing in January 2015. When Schafer is hired by a sponsoring law enforcement agency, he will receive his South Dakota Law Enforcement Officer certification. He must be hired within two years of graduation. **Motion** made by Commission Member Tracy to approve the reciprocity certification for Schafer, **second** by Commission Member Leidholt, motion **approved**.

Jason DeBoer, Sioux Falls Police Department, completed a 352-hour Level II basic training class conducted by Western Iowa Tech Community College in November 2013. The short training Level II basic program is available for anyone who has a two or four-year degree in police science or criminal justice. He was employed with the Hawarden Police Department from 2012-2014. His background check revealed no adverse information. DeBoer successfully passed the reciprocity exam on November 12, 2014. He has completed the skills and classroom training during the January 2015 reciprocity training week. Staff reviewed the Basic Level II training session course and recommended DeBoer complete the following additional classes during the basic certification training session to be eligible for SD law enforcement officer certification:

- Community Policing four-hour training block;
- Professional Communication four-hour training block;
- Dispute Resolution four-hour training block;
- Street Gangs two-hour training block; and
- Outlaw Motorcycle Gangs two-hour training block.

Motion by Commission Member Long to approve reciprocity certification for Jason DeBoer based upon the completion of the additional five classes articulated by the training staff, **second** by Commission Member Holcomb, motion **approved**.

John Estep, Sioux Falls Police Department, completed his Associate of Applied Science in Law Enforcement Science at Southeast Technical Institute in May 2014. His background check revealed no adverse information. Estep successfully passed the reciprocity exam on November 12, 2014. Because of the articulation agreement between the SD Law Enforcement Officers Standards and Training Commission and Southeast Technical Institute, Estep is only required to demonstrate his proficiency in the EVOC and Firearms skills test. He must demonstrate the same level of skills in EVOC and Firearms as required in the Basic Certification Course. Estep successfully completed the reciprocity EVOC and Firearms skills testing in January 2015. **Motion** by Commission Member Perry to approve reciprocity certification for John Estep, **second** by Commission Member Wollman, motion **approved**.

Sioux Falls Police Department Officer **David Pfeiffer** attended and successfully completed the 779-hour National Ranger Training Institute Academy and the Ohio peace officer certification examination in June 2013. His background check revealed no adverse information. Pfeiffer successfully passed the reciprocity exam on November 12, 2014. Pfeiffer successfully completed the January 2015 reciprocity training week. **Motion** by Commission Member Leidholt to approve reciprocity certification for Pfeiffer, **second** by Commission Member Tracy, motion **approved**.

Clint Sova, Big Stone Police Department, fulfilled all requirements for licensure as a Peace Officer pursuant to Minnesota Statute on February 7, 2006. There was no Board disciplinary action taken on Sova's peace officer license. He was employed by the Ortonville Police Department from 2007 until 2014. Sova's background check revealed no adverse information. He successfully passed the reciprocity exam on November 20, 2014. Sova successfully completed the January 2015 reciprocity training week. **Motion** by Commission Member Perry to approve reciprocity certification for Clint Sova, **second** by Commission Member Long, motion **approved**.

Special Agent **Matthew Glenn**, Division of Criminal Investigation, is certified as a peace officer in the State of Colorado. Glenn obtained his certification on August 9, 2012 upon completion of the 975-hour Colorado Springs Police Department Law Enforcement Academy in Colorado Springs, CO. Glenn was employed by the Colorado Springs PD from 2012 - 2014. His background check revealed no adverse information. Glenn successfully completed the reciprocity exam on December 3, 2014. He attended and successfully completed the January 2015 reciprocity training week. **Motion** by Commission Member Leidholt to approve reciprocity certification for Glenn, **second** by Commission Member Wollman, motion **approved**.

Western Dakota Technical Institute graduate **Colton Juso** completed the Law Enforcement Technology Program in May 2014. Juso's background check revealed no adverse information. Juso successfully passed the reciprocity exam on January 14, 2015. Because of the articulation agreement between the SD Law Enforcement Officers Standards and Training Commission and Southeast Technical Institute, Juso is only required to demonstrate his proficiency in the EVOC and Firearms skills test. He must demonstrate the same level of skills in EVOC and Firearms as required in the Basic Certification Course. Juso is scheduled to attend the April 2015 reciprocity skills training. **Motion** made by Commission Member Leidholt to approve the reciprocity certification for Juso, **second** by Commission Member Holcomb, motion **approved**.

The following Canine Teams have met certification or recertification requirements:

- Canine Team **Grant VanVoorst and K9 Max**, Sioux Falls Police Department, have met the requirements for Drug Detection certification on November 12, 2014;
- Canine Team **Kathleen Adams and K9 Kelly**, Spink Co SO, have met the requirements for Drug Detection certification on November 17, 2014;
- Canine Team **Derek Layher and K9 Cody**, Huron Police Department, have met the requirements for Drug Detection certification on November 17, 2014;
- Canine Team **Eric Fay and K9 Garzo**, North Sioux City PD, have met the requirements for Drug Detection certification on November 13, 2014;
- Canine Team **Chris Koltz and K9 Blitz**, SD Highway Patrol, have met the requirements for Patrol Dog certification on November 3, 2014;
- Canine Team **Brian Swets and K9 Rocko**, SD Highway Patrol, have met the requirements for Patrol Dog certification November 3, 2014;
- Canine Team **Michael Dale and K9 Raica**, SD Highway Patrol, have met the requirements for Explosive Detection certification on December 18, 2014;
- Canine Team **Marcos Glass and K9 Jackson**, Rapid City Police Department, have met the requirements for Drug Detection certification on January 6, 2015;
- Canine Team **Jason LaHaie and K9 Xander**, Rapid City Police Department, have met the requirements for Drug Detection certification on January 6, 2015; and
- Canine Team **Sean Doyle and K9 Stryker**, Rapid City Police Department, have met the requirements for Drug Detection certification on January 6, 2015.

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

The next item for commission member review were revisions to the current 9-1-1- LES Form (application and personal history form). Changes on page one, item #8, to include an *Email contact*; on page three, item #19, Military Service, add *submit copy of DD214 with application*; and changes within the authorization to release information and endorsement of application on page four, second paragraph, after I hereby release you, your organization, or others ... insert *including the Military National Personnel Records Center/National Archives Administration*. **Motion** by Commission Member Barthel to approve revisions to the current 9-1-1 LES Form, **second** by Commission Member Price, motion **approved**.

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

The current Medical Verification of Physical Ability form is a required part of the student's application to attend the basic academy and requires the signature of an examining physician (MD) or a physician assistant (PA). This form is used to assist the administration of Law Enforcement Training in determining whether a student is physically able to perform the duties of a law enforcement officer. LET has received an inquiry why a CNP (certified nurse practitioner) could not sign the form. Paul Bachand, legal counsel for the SD Law Enforcement Officers Standards and Training Commission, contacted the Department of Health regarding a CNP being able to sign the form. The Dept. of Health advised they believe a CNP possess the necessary training to conduct physicals for law enforcement officers. A CNP

signing the medical form may result in revising the rule on (6) minimum standards for employment. Should this result in a rule revision/change, LET will check on other rules needed for the rule process.

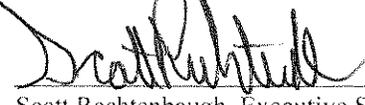
There could possibly be the need for an administrative rule involving required number of hours needed to be a member of a crisis intervention team for standardization across the state.

There being no further business to come before the meeting body, the meeting was adjourned on a **motion** by Commission Member Tracy, **second** by Commission Member Barthel, motion **carried**. The date for the next meeting of the Standards and Training Commission was set for April 8, 2015 at the Pierre Criminal Justice Training Center.

Approved April 8, 2015

Date


Bryan Gortmaker, Chairman LEOSTC


Scott Rechtenbaugh, Executive Secretary LEOSTC


Submitted By Recording Secretary