

**LAW ENFORCEMENT OFFICERS  
STANDARDS AND TRAINING COMMISSION  
MICKELSON CRIMINAL JUSTICE CENTER  
Pierre, SD  
March 19, 2014**

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order by Chairman Gortmaker at the hour of 8:53 a.m. on March 19, 2014, in the Commission Conference Room at the George S. Mickelson Criminal Justice Center.

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

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

- February 19, 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 Long, motion **approved**.

Hearing Officer Rob Anderson proceeded with a hearing before the Law Enforcement Officers Standards and Training Commission. The hearing is held to determine whether Wade O'Daniel possesses the good moral character to become certifiable as a law enforcement officer in the State of South Dakota.

Mr. O'Daniel submitted an application for the office of county sheriff to Law Enforcement Training on March 10, 2014. Background check revealed several DUI arrests. Mr. O'Daniel was contacted by Bob Mayer, Deputy Attorney General on March 14<sup>th</sup> to discuss the short amount of time to process the application, Mr. O'Daniel's opportunity to have a hearing, to have an attorney, to subpoena witnesses and Mr. O'Daniel's all due process rights. Options were discussed to personally appear before the commission, to appear telephonically, or not to appear. Wade O'Daniel is present telephonically without counsel. Bob Mayer, Deputy Attorney General, is present 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.

State Legislature adopted SDCL 23-3-43.1 requiring certification of qualification for county sheriff prior to the filing of a petition to seek that office. This certification of qualification issued by the Law Enforcement Officers Standards Commission shall be filed with the county auditor by the last Tuesday of March of the election year.

The commission proceeded to hear the testimony and consider the evidence presented by both parties. Upon conclusion of the testimony and arguments by both parties, review of the records, questions and discussion, members entered into executive session on a **motion** by Commission Member Leidholt, **second** by Commission Member Falken, motion **approved**. The commission retired into executive session.

Members moved out of executive session into regular session at 9:50 a.m. **Motion** by Commission Member Jackley to deny the application based upon lack of good moral character, **second** by Commission Member Leidholt, motion **approved**. The hearing concluded.

The commission proceeded with the scheduled case hearing of Brett Jarman. Chairman Gortmaker recused himself from participating in the hearing prior to the commencement of the hearing. The Chair was turned over to Sheriff Leidholt for the hearing. A quorum was declared and the hearing was turned over to Hearing Officer Anderson. It was stated for the record by Hearing Officer Anderson this is the time and place for the hearing in the matter of the certifiability of Brett Jarman as a South Dakota law enforcement officer. The record will reflect a stenographic recording of the hearing will be made and copies of the recording will be available upon request.

Brett Jarman is present with his legal counsel, Tim Rensch of Rapid City. Brent Kempema, Assistant Attorney General, is present for the State. The commission proceeded to hear the testimony of witnesses and consider the evidence and exhibits presented by both parties. Upon the conclusion of testimony, arguments by both parties, review of records, questions and discussion, members entered into executive session on a **motion** by Commission Member Long, **second** by Commission Member Falken, motion **approved**. Commission retired into executive session.

Members moved out of executive session into regular session at 3:00 p.m. The record will reflect that Jarman and counsel have left the area and will be notified by phone of the commission's ruling. **Motion** by Commission Member Long to deny Mr. Jarman's application for certification due to lack of good moral character, **second** by Commission Member Falken, motion **carried** by the following roll call vote: **Action: 6 Aye 1 Nay** (Wollman, Long, Tracy, Jackley, Wier, Leidholt, and Falken). Findings of Fact and Conclusions of Law will be expedited and prepared by Friday. The hearing concluded.

The Chair was returned to Gortmaker for the conclusion of the meeting's business. The order of business continued with the following grant requests:

The **Brookings Police Department** submitted a request to host a *Less Lethal Instructor Course* for late May or June, depending on availability of the instructors. The cost for the course is \$9,540.00. This includes all munitions, instructor fees, expenses, books and materials. The class will be open to all agencies in South Dakota. If there is little or no interest in South Dakota agencies, it can be opened to other states. South Dakota applicants have top priority. The minimum class size is 12 students, maximum class size is 14 students. The training will be provided by AMTEC Less-Lethal Systems, Inc. out of Perry, Florida. The company will give two free slots for housing the training.

The vendor ALS is one of three providers of munitions. Defense Technology, Sage, and NTOA (National Tactical Officers Association) can certify instructors and sell munitions. Munitions can be purchased from any of these vendors. ALS sells only to people trained by them. Several of the larger agencies will not attend due to purchasing from ALS only. The Brookings Police Department has been advised of other opportunities for munitions training, but this is the vendor they wanted to go with. **Motion** by Commission Member Long to table the grant request until more follow-up can be done with Lt. Collins at the (Brookings) PD and report back to the commission at the next meeting, **second** by Commission Member Tracy, motion **carried**.

The **Mitchell Department of Public Safety - Police Division**, submitted a \$ 5,925.00 request to host an *FTO (Field Training Program)* in February 2015. The class, taught by Robert Sullenberger of Kaminsky, Sullenberger & Associates, Inc. is based on the San Jose Model of Field Training. The class is designed for a maximum of 30 students. There is no set minimum. There are agencies that want to keep the FTO program rather than the PTO (Police Training Officer). Because LET does not schedule the

FTO training, the training would need to be secured through a grant request. **Motion** by Commission Member Leidholt to approve the grant request with a minimum of 15 students, motion **amended** to not permit out-of-state attendees until 20 slots for the course are filled with South Dakota students, **second** by Commission Member Wollman, motion **approved**.

Executive Secretary presented the following requests for reciprocity certification:

**Elijah N. Kuhlman**, Sisseton Police Department. Kuhlman completed the Law Enforcement Technology Program at Southeast Tech in 2013. His background check revealed no adverse information. Kuhlman was discharged from the United States Marine Corps for Entry Level Performance and Conduct. The entry level separation is the same as "never serving". Kuhlman became ill during military recruit training and refused to train. Sisseton Chief of Police advised he had no issues with Kuhlman. Kuhlman successfully passed the reciprocity exam on January 23, 2013. Because of the articulation agreement between the SD Law Enforcement Officers Standards and Training Commission and Southeast Technical Institute, Kuhlman only needs to demonstrate the skills test in EVOC and firearms. He must demonstrate the same level of skills in EVOC and firearms as required in the Basic Certification Course. Kuhlman is scheduled to attend the EVOC skills and the firearms skills on March 31 & April 1, 2014. **Motion** by Commission Member Wollman to accept the reciprocity application contingent he (Kuhlman) completes the skills requirements, **second** by Commission Member Weir, motion **approved**.

**Colter A. Hendrix**, Southeast Technical Institute graduate. Hendrix completed the Law Enforcement Technology Program at Southeast Tech in 2013. His background check revealed no adverse information. Hendrix successfully passed the reciprocity exam on February 5, 2014. Because of the articulation agreement between the SD Law Enforcement Officers Standards and Training Commission and Southeast Technical Institute, Hendrix only needs to demonstrate the skills test in EVOC and firearms. He must demonstrate the same level of skills in EVOC and firearms as required in the Basic Certification Course. Hendrix is scheduled to attend the EVOC skills and firearms skills on March 31 & April 1, 2014. If he successfully completes the skills testing, he will be eligible for law enforcement officer certification. Hendrix will receive his South Dakota officer certification when he is hired by a law enforcement agency. He must be hired within two years of graduation. **Motion** by Commission Member Leidholt to approve reciprocity certification contingent upon completion of the skills requirements, **second** by Commission Member Tracy, motion **approved**.

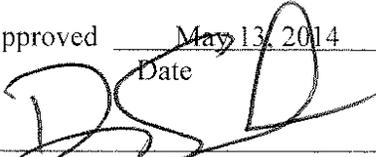
**Emmy Jo Marko**, Southeast Technical Institute graduate. Marko completed the Law Enforcement Technology Program at Southeast Tech in 2013. Her background check revealed no adverse information. Marko successfully passed the reciprocity exam on February 5, 2014. Because of the articulation agreement between the SD Law Enforcement Officers Standards and Training Commission and Southeast Technical Institute, Marko only needs to demonstrate the skills test in EVOC and firearms. She must demonstrate the same level of skills in EVOC and firearms as required in the Basic Certification Course. Marko is scheduled to attend the EVOC skills and firearms skills on March 31 & April 1, 2014. If she successfully completes the skills testing, she will be eligible for law enforcement officer certification. Marko will receive her South Dakota officer certification when she is hired by a law enforcement agency. She must be hired within two years of graduation. **Motion** by Commission Member Long to approve reciprocity certification contingent upon completion of the skills requirements, **second** by Commission Member Falken, motion **approved**.

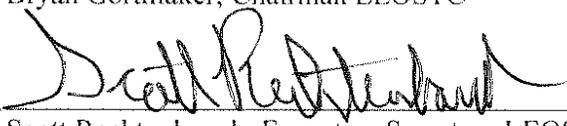
**Alan J. Petersen**, Faulk County Sheriff's Office. Petersen completed the Montana Highway Patrol Academy and was sworn in as a Trooper on February 8, 2013. He resigned on May 2, 2013. The training to become a Trooper with the Montana Highway Patrol is comprised of two portions, the Montana Law Enforcement Academy 12-Week Basic Officer Training and the Montana Highway Patrol Advanced Traffic Law Enforcement Course. Petersen attended and successfully completed the MLEA Basic Officer

Training September 10 - December 7, 2012, and the 9-Week HP Advanced Traffic Law Enforcement Course September 4 -7, 2012 and December 10 - February 7, 2013. Employee background revealed he had difficulty taking the training learned in the classroom and applying it. The Faulk County Sheriff's Office has not had any issues. His background check revealed no adverse information. Petersen successfully passed the reciprocity exam on March 14, 2014. Petersen is scheduled to attend the reciprocity training week March 31 - April 4, 2014. **Motion** by Commission Member Leidholt to approve reciprocity application certification contingent upon completion of the reciprocity training requirements, **second** by Commission Member Wollman, motion **approved**.

There being no further business to come before the meeting body, the meeting was concluded at 3:25 p.m. on a **motion** by Commission Member Tracy **second** by Commission Member Falken motion **carried**. The next meeting will be scheduled for June 18, 2014, at the Mickelson Criminal Justice Center in Pierre.

Approved May 13, 2014  
Date

  
Bryan Gortmaker, Chairman LEOSTC

  
Scott Rechtenbaugh, Executive Secretary LEOSTC

  
Submitted By Recording Secretary