

**LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION
Harvest Room - Ramkota Hotel and Conference Center
Sioux Falls, SD
November 12, 2014**

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order by Chairman Gortmaker at the hour of 9:10 a.m. on November 12, 2014, in the Harvest Room at the Sioux Falls Ramkota Hotel and Conference Center.

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

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

- August 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 Wollman.

Commission Member Dennis Falken was presented a plaque for his service and dedication on the Standards and Training Commission. Dennis has served on the commission as the county commission representative for the last six years. He also served on the commission as the representative for Chiefs of Police for twelve years. This is the last meeting for commissioner Falken.

Hearing Officer Paul Bachand continued with the scheduled hearing in the matter of the certification of **Carolyn Krull** as a 9-1-1 telecommunicator. This is an adversary hearing to determine whether Krull possesses the requisite minimum standards required to be employed or certified as a 9-1-1 telecommunicator. Ms. Krull submitted an application for certification as a 9-1-1 telecommunicator to Law Enforcement Training on August 11, 2014. Background check revealed Krull received a suspended imposition of sentence for Grand Theft, a class 4 felony. Krull also failed to disclose this information on the application and personal history statement.

Carolyn Krull is present without counsel. Moody County Sheriff Troy Wellman is also present. 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.

Upon conclusion of testimony, questions, review of exhibits and discussion, the evidentiary portion of the hearing concluded. Members entered into executive session on a **motion** by Commission Member Leidholt, **second** by Commission Member Price to further discuss their consideration. Proceedings resumed before the commission at 9:50 a.m. on a **motion** by Commission Member Tracy, **second** by Commission Member Price. **Motion** by Commission Member Wollman to deny based upon rule 2:01:02:02 where it describes felons are to be rejected, in particular as received in Exhibit 2 contained in the Moody County criminal file 94-14, the defendant pled guilty to a felony charge. Motion to deny is

based on the administrative rules that we are bound by. The applicant failed to disclose the suspended imposition of sentence sealing that conviction and that is based upon the exception contained in SDCL 23-3-42. Further the motion contain language to allow for Director Gortmaker to sign the Findings of Fact and Conclusions of Law as well as any Order that is produced as a result of the board's decision, **second** by Commission Member Leidholt, motion **approved**. Assistant Attorney General Marnette will prepare the Findings of Fact and Conclusions of Law. The hearing was concluded at 9:55 a.m.

Hearing Officer Bachand updated members regarding the rules hearing with LRC reference the Department of Corrections Canine exemption allowing DOC their own canine program. The hearing went smooth and easy and the rules have been implemented.

Major Michael Koster, Mitchell Department of Public Safety Assistant Chief of Police, and **Michaella Bolgrean** are before members requesting commission review of Michaella's application for reciprocity eligibility. Bolgrean attended and completed studies at Minnesota State Community and Technical College and her component skills at Alexandria Technical College in July and August 2012. She has been employed with the Mitchell Department of Public Safety since March 2014. Bolgrean did not complete the Minnesota Peace Officer Licensing Exam until September 2014. Bolgrean has exceeded the time limit for reciprocity eligibility by approximately one month.

2:01:06:03. Reciprocity..... upon formal application of a person requesting a waiver and showing that the person to be exempted from the training program has completed a course of equivalent content and quality in another jurisdiction no more than two years previous to the date of the appointment....

Motion by Commission Member Barthel to allow Michaella Bolgrean to take the reciprocity exam, **second** by Commission Member Falken, motion **approved**.

The Rapid City Police Department is requesting certification reinstatement for **Mitchell Brewer**. Brewer served as a reserve officer with the Rapid City PD and was hired as a full-time officer in April 2010. Brewer attended the 142nd basic certification training course and received his SD law enforcement certification in July 2010. Brewer resigned from the Rapid City PD in 2011 in good standing. Brewer was employed as a health technician with the Indian Health Service until October 2014 when he was hired as a full-time officer with the Rapid City PD. Brewer's certification expired in November 2013. **Motion** by Commission Member Price to approve certification reinstatement contingent upon the attendance and successful completion of the skills and classroom reciprocity requirement for LET, **second** by Commission Member Leidholt, motion **approved**.

Members continued the order of business with the appearance of **Tad Heaton**, Hayti. Doug Weelborg, Trustee for the Town of Hayti is also present. The Town of Hayti is requesting reinstatement for Heaton into the basic certification training program. Heaton was dismissed from the 156th Basic Session on September 18, 2014 for academic failure. Heaton struggles with test anxiety and advised he would take the necessary steps to remain calm and focus at a higher degree during the testing. He stated he would be willing to attend remediation sessions. The Town of Hayti feels Heaton will take the necessary steps to be successful in completing the course. **Motion** by Commission Member Leidholt to approve basic reinstatement for Tad Heaton and he can continue to work as an officer, **second** by Commission Member Barthel, motion **approved**.

The order of business continued with the review and consideration of the following grant requests:

Major Rick Miller, **SD Highway Patrol**, submitted a grant request to host a Leadership in Police Organizations (LPO). The three-week class would be presented in one week segments. Personnel instructing have been certified by the Center for Police Leadership and Training to instruct the IACP

approved PO curriculums for departments under contract with the IACP. The objective is to provide the home agency with systematic development of leaders at all levels of the organization. Class size is limited to 36 students. The cost for the three-week training program is \$10,000. **Motion** by Commission Member Leidholt to approve the Leadership in Police Organizations, **second** by Commission Member Wollman, motion **approved**.

The Davison County Sheriff's Office submitted a grant application to hold the "*Calibre Press Cell Block Survival, the Tactical Edge for Corrections*" course to be held in January 2015. The goal of the class is to arm officers with techniques to build rapport, control the irrational, quickly read subtle, non-verbal cues that identify signs of pre-attack and learn about effective communications skills and the tactical edge. The two-day course cost is \$9,900.00 with a maximum class size of 100 and no minimum class size. **Motion** by Commission Member Leidholt to approve the Calibre Press grant request, **second** by Commission Member Falken, motion **approved**.

Director Daren Ketcham and Training Coordinator Anna Flogstad with **Sioux Falls Metro Communications** are before members requesting approval for grant assistance in hosting three training classes by the Public Safety Training Consultants (PSTC).

- "*Providing Exceptional Service*". This course will provide communications' operators customer service training. The course will demonstrate and reinforce the ideals of core values within any agency. It will show the benefits of honor, respect, integrity, service and safety;
- "*Crisis Communications*". This session will assist dispatchers in becoming more effective as a call taker and dispatcher. It will also increase responder safety and improve the chances of a successful outcome of the situation. Emergency communicators are vital caregivers in the public safety circle; and
- "*Complacency, Cannibalism and Critical Thinking*". The goal of this course is to assist each student in seeing the critical link between decision making and risk and the failures caused by complacency.

The total cost of the three training classes is \$ 8,700.00. Maximum attendance is 45 per class. These three training sessions will be funded through the 911 telecommunicator budget. **Motion** by Commission Member Barthel to approve all three training class requests by Sioux Falls Metro Communications with a minimum of 20 students per training session, **second** by Commission Member Tracy, motion **approved**.

Members considered a grant request for funding correctional officer training by the **Codington County Sheriff's Office and Detention Center**. The course will be taught by James Chipp and Mike Haley of the National Institute for Jail Operations. The 16-hour, two-day session is tentatively scheduled for March 2015. Tom Walder, Codington County SO, had indicated he is fine with holding off until the next scheduled commission meeting for funding approval of the grant request. **Motion** by Commission Member Leidholt to table the Codington County grant request at this time with strong indication, if money is there, will approve at the next scheduled meeting, **second** by Commission Member Price, motion **approved**.

Executive Secretary Rechtenbaugh presented the following reciprocity request:

Brent Solum, Southeast Technical Institute graduate. Solum completed the Law Enforcement Technology Program at Southeast Technical Institute in 2014. His background check revealed no adverse information. Solum successfully passed the reciprocity exam on August 19, 2014. Because of the articulation agreement between the SD Law Enforcement Officers Standards and Training Commission

and Southeast Technical Institute, Solum 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. Solum successfully completed the reciprocity EVOC and Firearms skills testing in September 2014. When Solum 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 Falken to approve the reciprocity certification for Brent Solum, **second** by Commission Member Price, 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 Patrol Dog certification on September 10, 2014;
- Canine Team **John Lohr and K9 Andor**, Sioux Falls PD, have met the requirements for Patrol Dog certification on September 10, 2014;
- Canine Team **Jason Foote and K9 Ares**, Yankton PD, have met the requirements for Patrol Dog certification on September 10, 2014;
- Canine Team **Patrick Nolz and K9 Grief**, Yankton PD, have met the requirements for Patrol Dog certification on September 10, 2014;
- Canine Team **Grant Lanning and K9 Rocco**, Lake Co SO, have met the requirements for Drug Detection Dog certification on September 17, 2014;
- Canine Team **Chad Gamber and K9 Bono**, Watertown PD, have met the requirements for Drug Detection Dog certification on October 1, 2014;
- Canine Team **Kirk Ellis and K9 Thera-Dakota**, Watertown PD, have met the requirements for Drug Detection Dog certification on October 2, 2014;
- Canine Team **Christopher Koltz and K9 Blitz**, SD Highway Patrol, have met the requirements for Drug Detection Dog certification on October 2, 2014;
- Canine Team **Matt Oxner and K9 Koda**, SD Highway Patrol, have met the requirements for Drug Detection Dog certification on October 2, 2014;
- Canine Team **Denver Kvistad and K9 Ryker**, SD Highway Patrol, have met the requirements for Drug Detection Dog certification on October 2, 2014;
- Canine Team **Levi Jensen and K9 Bobby**, SD Highway Patrol, have met the requirements for Drug Detection Dog certification on October 2, 2014;
- Canine Team **Brian Biehl and K9 Zara**, SD Highway Patrol, have met the requirements for Drug Detection Dog certification on October 2, 2014;
- Canine Team **Dennis Mez and K9 Brix**, SD Highway Patrol, have met the requirements for Drug Detection Dog certification on October 2, 2014;
- Canine Team **Deanna Goeman and K9 Dina**, SD Highway Patrol, have the met the requirements for Drug Detection Dog certification on October 2, 2014;
- Canine Team **Trent Heuertz and K9 Zeke**, SD Highway Patrol, have met the requirements for Drug Detection Dog certification on October 2, 2014;
- Canine Team **John Lord and K9 Aros**, SD Highway Patrol, have met the requirements for Drug Detection Dog certification on October 2, 2014;
- Canine Team **Brian Swets and K9 Rocko**, SD Highway Patrol, have met the requirements for Drug Detection Dog certification on October 2, 2014;

- Canine Team Austin Schmitz and K9 Lennart, SD Highway Patrol, have met the requirements for Drug Detection Dog certification on October 2, 2014;
- Canine Team Zac Bader and K9 Robby, SD Highway Patrol have met the requirements for Drug Detection Dog certification on October 2, 2014;

Motion by Commission Member Wollman to approve the Canine Team certification list, **second** by Commission Member Tracy, motion **approved**.

The next item of business for commission review were revisions to the current LES Form (application and personal history form). Changes to item #8 on page one to include *an email contact* and changes within the authorization to release information and endorsement of application on page 4, second paragraph after I hereby release you, your organization, or others .. insert *including the Military National Personnel Records Center/National Archives Administration*. With the inclusion of the Military Records center this will assist LET in researching records of applicants without obtaining an additional authorization release form to access military records as needed. Concluding discussion a **motion** was made by Commission Member Falken to add the required information to the LES form (application), **second** by Commission Member Price, motion **approved**.

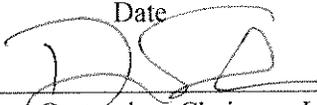
A voluntary consent of decertification was received from Canine Team Seth Bonnema and K9 Kysa. K9 Kysa was retired on September 16, 2014 and is no longer a certified drug detection/patrol dog and will no longer be eligible for recertification as the same. The State agreed to sell all of the State's right, title and interest in Kysa to Officer and handler Bonnema effective September 16, 2014.

The FY2014 Annual Report was distributed to commission members. The report is also distributed to members of the South Dakota House and Senate appropriations committee.

Chairman Gortmaker provided a brief update on the LEOTF (Law Enforcement Officers Training Fund). Attorney General Jackley met with the Governor's Office in September. There are some things in the works and a plan is being mapped out.

There being no further business to come before the meeting body, the meeting was adjourned on a **motion** by Commission Member Falken, **second** by Commission Member Price, motion **carried**. The next meeting is set for January 28, 2015, at the Mickelson Criminal Justice Center in Pierre.

Approved _____ January 28, 2014 _____
Date



Bryan Gortmaker, Chairman LEOSTC



Scott Rechtenbaugh, Executive Secretary LEOSTC



Submitted By Recording Secretary