

LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION
Crystal Room - Ramkota Convention Center
Sioux Falls, SD
November 8, 2017

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order by Chairman Gortmaker at the hour of 9:00 a.m. CDT on November 8, 2017, in the Crystal Room of the Ramkota Convention Center, Sioux Falls, South Dakota.

Members present: Matt Burns, Sioux Falls Chief of Police; Mike Leidholt, Hughes County Sheriff; Tom Wollman, Lincoln County State's Attorney; Steve Allender, Rapid City Mayor; David Lawrence, Chief of Police, Standing Rock Sioux Tribe; Craig Price, Superintendent, SD Highway Patrol; Marty Jackley, Attorney General; Randall Rosenau, Lawrence County Commissioner; Robert Perry, Special Agent, FBI; Jo Vitek, Lake Area Technical Institute; Bryan Gortmaker, Chairman; and Chad Mosteller, Executive Secretary. Others present included Kim Knecht, Assistant Training Administrator; Lesley Farmen, Basic Coordinator; and Janelle Keller, Basic Coordinator.

Introductions were made of newly appointed Law Enforcement Training Staff member, Janelle Keller. Janelle just recently joined the LET Staff and is assisting with coordinating the basic training sessions. Janelle worked as a prevention program manager at the SD Department of Social Services, Division of Behavioral Health, and a training instructor at the Women's Prison.

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

- August 23, 2017 minutes of the South Dakota Law Enforcement Officers Standards and Training Commission were approved on a **motion** by Commission Member Burns, **second** by Commission Member Wollman.

The commission proceeded with the scheduled hearing of **Brion Kimball**. Chairman Gortmaker 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 determine whether Kimball possesses the requisite minimum standards required to be employed or certified as a law enforcement officer. On May 12, 2016, Kimball, while on duty, was dispatched to conduct a welfare check on a female due to concerns she may harm herself. During the welfare check, Kimball engaged in oral sex with the female. Kimball consented to decertification of his South Dakota law enforcement certification on September 1, 2016.

Kimball is present without counsel. Kelly Marnette, Assistant Attorney General, is acting legal counsel for the State. The record will reflect a stenographic transcription of the hearing will be made and copies of the transcription will be available upon request and tender of the cost thereof.

Hearing Officer Bachand advised Kimball of the hearing procedure, due process, and 5th amendment rights in self-incrimination. Kimball advised he understood his rights and did not wish to proceed without an attorney. Assistant Attorney General Marnette will reschedule the hearing in January 2018. The hearing proceedings were concluded at 9:10 a.m.

Paul Bachand discussed the canine administrative rules. Law was passed in 2004 requiring that each law enforcement canine team in the state shall be initially certified and annually recertified and the commission shall establish standards and criteria for canine certification and recertification. The canine certification process began in 2005. The South Dakota Canine Association created a student handbook to establish the procedures and performance objectives utilized to certify the canine handler and the canine team. The then existing canine rules were amended and repealed to streamline the canine standards and certification process in 2012. With the recent disbanding of the ICPSD, International Congress of Police Service Dogs, the commission may need to draw a state standard to point to that we can defend in court. The current canine rules point to PSP and ICPSD. Chairman Gortmaker advised members a group of canine handlers are planning a meeting for early December to put together rules. A set of draft rules will be put together and sent to members. A telephonic meeting, possibly the first of January, will be held to review the rules and to go forward with the rule process.

The Oglala Lakota County School District was scheduled to appear before the commission regarding the Sentinel Training Program. The approved basic sentinel training course cannot be waived. Members of the school district were advised by Executive Mosteller that the class size for the training course, the place of training, and the time the course is conducted can be determined by the executive secretary. The LET staff will work with the Oglala Lakota County school district in providing the necessary training for their district.

Members took a short break and reconvened into regular session at 10:40 am with a quorum present. Business continued with the following certification reinstatement requests:

Hanson County Sheriff Brandon Wingert and Hanson County States Attorney Jim Davies are before members representing **Thomas Brown**. Brown is currently attending the 13-Week Basic Certification Training Session. Brown's application to attend the Training Academy was denied in 2000 for failure to disclose three arrests/charges on the LES form. He was denied pursuant ARSD rule 2:01:02:08.

Discontinuance of employment of law enforcement officer.... Applicants who have been rejected for certification, have falsified information, or have been dismissed from the basic law enforcement training program may, after one year, reapply to the commission for certification provided the reasons for rejection have been eliminated and a new application is submitted.

Brown submitted an application in February 2017 to attend the Basic Certification Training. He had listed all incidents on his application. The previous application was entered in the system as Michael Brown. The discrepancy was not caught until week ten of the basic session. Sheriff Wingert and States Attorney Davies answered questions by members regarding Brown's charges and that he goes by Mike Brown. His ethics are high, he works hard, and is always trying to do the right thing. The Sheriff was aware of the 1999 application problem, but was not aware of the procedure to come before the commission for reapplication approval to attend the training course. Brown is a good student and there have been no disciplinary issues during the training session. Staff recommends retro approval of the new application for the academy. Brown has recently gone through a lot and did provide a genuine reason for not listing the incidents on the first application.

Motion by Commission Member Leidholt to approve the retro approval recommended by the staff of the new application for the academy, **second** by Commission Member Vitek, motion **approved**.

Business continued with the appearance of Paul Schueth, Chief of Police, and **Snow Polar**, Winner Police Department. Chief of Police Schueth and Officer Polar are before members requesting eligibility for

reciprocity certification. Polar completed a 585-hour Basic Law Enforcement Academy in Pueblo, Colorado in 2003. Polar has been out of law enforcement since 2014 and her Colorado certification has expired. This has declared her ineligible for the reciprocity process. **Motion** by Commission Member Leidholt to approve Officer Polar for the reciprocity process, **second** by Commission Member Burns, motion **approved**.

Lt. Mark Eisenbraun, Rapid City Police Department, is before members on behalf of Michael Lang. Rapid City Police Department has recently hired Lang and is seeking reinstatement of his certification. Lang's certification expired in June of 2015. Lang served as an officer with the Rapid City PD from April 1991 until his retirement in June of 2013. He left the department in good standing. Lane was hired as a part-time officer in September of 2017. He is assigned to the Rapid City regional airport.

Motion by Commission Member Burns to reinstate Lang's certification upon attendance and successful completion of the reciprocity training week, **second** by Commission Member Price, motion **approved**.

The South Dakota Highway Patrol is requesting financial assistance to host the following grants. Sgt. Tony Maunu is before members to present the grants and answer any questions members may have.

- *Basic Field Training Officer 40-hour seminar.* Training would be provided by Kaminsky, Sullenberger & Associates, Inc. The purpose of the training would be to prepare training officers to provide field training utilizing the San Jose Model. Agencies within the State utilize the FTO program for training officers and jailers. While the PTO model has proven successful in some departments, the FTO model remains an efficient and proven program to produce competent professional law enforcement officers. The total cost of the training is estimated to be \$9,550. The SD Highway Patrol will pay \$650 and is requesting a funding grant for \$8,900 to cover the remaining cost of the training. The training will be held in January 2018.

Motion by Commission Member Rosenau to approve the FTO seminar, **second** by Commission Member Vitek, motion **approved**.

- *Leadership and Police Organizations (LPO) class* will be taught over a period of three weeks. The class will be provided by the International Association of Chiefs of Police (IACP). This class continues to be very popular and filled with 36 attendees from various agencies across the state. This is a great opportunity to provide advanced leadership for several law enforcement agencies throughout the state. The LPO leadership training is based on a behavioral science approach to leading people, groups, and organizations. The program emphasizes adult learning theories and is very interactive. The Highway Patrol is requesting a funding grant for \$10,000 to cover the cost of the training. The training will be held in February and March of 2018.

Motion by Commission Member Vitek to approve the LPO class, **second** by Commission Member Burns, motion **approved**.

The following canine certificates of completion for PSP judgeships were presented before members for approval. The Judgeships approved by the commission will conduct testing of canine trainers and certification testing of canine teams. Authorization as a Patrol Dog Judge, Narcotics and Explosive Detector Dog Judge expires five (5) years from the issue day of November 3, 2017.

- Sgt. Brian Swets, SD Highway Patrol, has successfully demonstrated the requirements for certification as a PSP Patrol Dog Judge [PSP1] and as a Narcotic and Explosive Detector Dog Judge [PAP2/PSP4];
- Lt. Matt Oxner, SD Highway Patrol, has successfully demonstrated the requirements for certification as a Narcotic and Explosive Detector Dog Judge [PSP2/PSP4];
- Sgt. John Lord, SD Highway Patrol, has successfully demonstrated the requirements for certification as a Narcotic and Explosive Detector Dog Judge [PSP2/PSP4] and
- Sgt. Chris Koltz, SD Highway Patrol has successfully demonstrated the requirements for certification as a PSP Patrol Dog Judge [PSP1] and a Narcotic and Explosive Detector Dog Judge [PSP2/PSP4].

Motion by Commission Member Vitek to approve the Judgeships for Sgt. Swets, Lt. Oxner, Sgt. Lord and Sgt. Koltz of the SD Highway Patrol as presented, **second** by Commission Member Jackley, motion **approved**.

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

- Canine Team **Marcos Glass and K9 Jackson**, Rapid City Police Department, have met the requirements for Drug Dog Detection certification on September 15, 2017, and Patrol Dog certification on October 30, 2017;
- Canine Team **Matt Hower and K9 Jary**, Rapid City Police Department, have met the requirements for Patrol Dog certification on October 31, 2017;
- Canine Team **Sean Doyle and K9 Stryker**, Rapid City Police Department, have met the requirements for Drug Dog Detection certification on September 15, 2017, and Patrol Dog Certification on October 30, 2017;
- Canine Team **Andrew Steen and K9 Thor**, SD Highway Patrol, have met the requirements for Drug Dog Detection certification on September 26, 2017;
- Canine Team **Austin Schmitz and K9 Lennart**, SD Highway Patrol, have met the requirements for Drug Dog Detection certification on September 26, 2017;
- Canine Team **Dennis Mez and K9 Brix**, SD Highway Patrol, have met the requirements for Drug Dog Detection certification on September 26, 2017;
- Canine Team **Matt Oxner and K9 Koda**, SD Highway Patrol, have met the requirements for Drug Dog Detection certification on September 26, 2017;
- Canine Team **John Lord and K9 Aros**, SD Highway Patrol, have met the requirements for Drug Dog Detection certification on September 26, 2017;
- Canine Team **Denver Kvistad and K9 Ryker**, SD Highway Patrol, have met the requirements for Drug Dog Detection certification on September 26, 2017;
- Canine Team **Chris Koltz and K9 Blitz**, SD Highway Patrol, have met the requirements for Drug Dog Detection certification on September 26, 2017;
- Canine Team **Levi Jensen and K9 Bobby**, SD Highway Patrol, have met the requirements for Drug Detection certification on September 26, 2017;

- Canine Team **Trent Heuertz and K9 Zeke**, SD Highway Patrol, have met the requirements for Drug Dog Detection certification on September 26, 2017;
- Canine Team **Chad Gamber and K9 Bono**, Watertown Police Department, have met the requirements for Drug Dog Detection certification on September 26, 2017;
- Canine Team **Brian Swets and K9 Rocko**, SD Highway Patrol, have met the requirements for Drug Dog Detection certification on October 05, 2017;
- Canine Team **Grant Van Voorst and K9 Doerak**, Sioux Falls Police Department, have met the requirements for Patrol Dog certification on October 12, 2017;
- Canine Team **Steve Pederson and K9 Maverick**, SD Department of Corrections, have met the requirements for Corrections Service Dog certification on October 20, 2017; and
- Canine Team **Nylda Stevens and K9 Abby**, SD Department of Corrections, have met the requirements for Corrections Service Dog certification on October 20, 2017.

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

Executive Secretary Mosteller presented the following reciprocity requests for commission consideration:

Jacob Lingl, SD Highway Patrol, completed the Law Enforcement Program requirements at Alexandria Technical and Community College in June of 2017. Lingl completed the Minnesota Peace Officer Licensing Exam in June of 2017, and is eligible for a peace officer license. Lingl's background revealed no adverse information. Lingl successfully completed the reciprocity exam on September 20, 2017, and successfully completed EVOC skills; Response to Resistance Performance Evaluation; all classroom requirements; but did not demonstrate proficiency in firearms. Lingl is considered a probationary appointed officer until his certification training is completed. Lingl is scheduled to demonstrate proficiency in firearms the week of November 13, 2017. **Motion** by Commission Member Leidholt to approve the reciprocity request contingent upon the successful completion of firearms qualification, **second** by Commission Member Burns, motion **approved**.

Duane Larson, Lake Area Tech, is set to complete the law enforcement program in December of 2017. His background check revealed no adverse information. Larson successfully passed the reciprocity exam on September 20, 2017, and successfully completed the September 2017 Firearms, EVOC, and Use of Force skills requirements. Because of the articulation agreement between the SD Law Enforcement Officers Standards and Training Commission and Lake Area Technical Institute, Larson is only required to demonstrate his proficiency in the EVOC, Firearms, and Use of Force skills testing. He must demonstrate the same level of skills in EVOC, Firearms, and Use of Force as required in the Basic Certification Course. **Motion** by Commission Member Perry to approve the reciprocity request, **second** by Commission Member Leidholt, motion **approved**.

Jacob Harlow, Pierre Police Department, completed a 557-hour Basic Training Course and is a certified officer and in good standing in the State of Kansas. Harlow's background revealed no adverse information. Harlow successfully passed the reciprocity exam on September 28, 2017. Harlow is scheduled to attend the January 2017 reciprocity training week. **Motion** by Commission Member Leidholt

to approve the reciprocity request pending successful completion of the reciprocity training week, **second** by Commission Member Allender, motion **approved**.

Jennifer Winscot, Hot Springs Police Department, completed the Wyoming Law Enforcement Academy's 542-hour Peace Officer Basic Course in November of 2015. There have been no disciplinary actions taken against this officer's certification. Winscot's background check revealed no adverse information. Winscot successfully completed the reciprocity exam on October 23, 2017, and is scheduled to attend the January 2018 reciprocity training week. **Motion** by Commission Member Vitek to approve the reciprocity request contingent upon the successful completion of the reciprocity training week, **second** by Commission Member Lawrence, motion **approved**.

Jacob Capp, Lawrence County Sheriff's Office, completed the Law Enforcement Technology Program at Western Dakota Technical Institute in 2017. His background check revealed no adverse information. Capp successfully passed the reciprocity exam on October 31, 2017, and is scheduled to attend the January 2018 skills testing (Firearms, EVOC, Use of Force). Because of the articulation agreement between the SD Law Enforcement Officers Standards and Training Commission and Dakota Western Technical Institute, Capp is only required to demonstrate his proficiency in the EVOC, Firearms, and Use of Force skills testing. He must demonstrate the same level of skills in EVOC, Firearms, and Use of Force as required in the Basic Certification Course. **Motion** by Commission Member Rosenau to approve the reciprocity request, **second** by Commission Member Perry, motion **approved**.

Executive Mosteller presented the updated page 4 of the LES form. The update provides further explanation reference the document checklist for submission to Law Enforcement Training:

- Will complete - state firearms qual. etc. - added *cannot perform law enforcement duties until completed;*
- Has completed - state firearms qual. etc. - added *is able to perform law enforcement duties;*
- ...possible Brady/Giglio issue(s) - added *applies to anyone who has previous law enforcement, corrections, or dispatching experience;*
- Completed LES Form - added *form is due within 10 days after officer is hired;*
- DD 214 - added *Member 4 form; and*
- Medical Verification; Oath of Office; and fingerprints - added *to each form is due within 10 days after officer is hired.*

Motion by Commission Member Allender to approve the further document explanation, **second** by Commission Member Burns, motion **approved**.

The following item of business was for commission information only and did not require any commission action. The Consent of decertification was received from Amber K. Feagan, Pennington County ESCC telecommunicator.

There being no further business to come before the meeting body, the meeting was adjourned on a **motion** by Commission Member Burns, **second** by Commission Member Perry, motion **carried**. The next meeting will be scheduled in January 2018.