

LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION
MICKELSON CRIMINAL JUSTICE CENTER
Amphitheater
Pierre, SD
September 29, 2020

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order on September 29, 2020, in the Amphitheater at the George Mickelson Criminal Justice Center in Pierre, South Dakota.

Roll call was taken with the following members responding: Steve Allender, Rapid City Mayor; Matt Burns, Sioux Falls Chief of Police; Neil Fulton, USD Dean School of Law; Gary Gaikowski, Sisseton-Wahpeton Chief of Police; Andy Howe, Clay County Sheriff; Jason Ravensborg, Attorney General; Robert Perry, Special Agent, FBI; Randall Rosenau, Lawrence County Commissioner; and Tom Wollman, Lincoln County State's Attorney. Others present included Chad Mosteller, Executive Secretary; Kim Knecht, Assistant Training Administrator; and Law Enforcement Training Staff. Commission Member Rick Miller, SD Highway Patrol Superintendent was absent

Due to the illness of Chairman Natvig, Attorney General Ravensborg assumed the duties of Chairman.

With a quorum present, Acting Chairman Ravensborg called the meeting to order at 8:30 a.m.

Following SDCL1-25(1), official meetings open to the public, time was allowed by Acting Chairman Ravensborg for public comments. The floor was open for public comments of which there were none.

The minutes of the previous meeting were approved on a **motion** by Commission Member Wollman, **second** by Commission Member Burns.

The first item of business for consideration is the 911 basic eligibility requested by **James Flynn**. Flynn resigned from the Wagner Police Department due to mental health issues in 2017 and signed the consent of decertification in January 2018. A hearing was held in March 2019 and the commission requested a fit for duty evaluation. If an unfavorable evaluation and recommendation were received, the matter would be rescheduled for commission further review and determination. A second hearing was held in June 2019 to consider Flynn's request for certification as a law enforcement officer. A psychological evaluation was conducted in April 2019 by Dr. Belisle in Rapid City. Dr. Belisle did not recommend Flynn to be reinstated for a law enforcement position and Flynn's request was denied. Flynn is now requesting eligibility to attend a 911 basic training session. Flynn has not appeared for his scheduled appearance before the commission. Should Flynn arrive later, the request will be presented to the commission.

The next item for discussion was presented by **Sgt. Mark Shindelbower**, Sisseton-Wahpeton Oyate Law Enforcement Training Officer. Shindelbower submitted the FLETC/BIA/OJS

qualification course of fire for commission review and consideration to accept the course of fire as the state qualification course. The course of fire is a requirement for BIA certification. The course of fire was reviewed by Art Aplan, LET lead firearms instructor. The FLETC course of fire is more difficult and challenging and goes above and beyond the state course of fire. Aplan had no objection to the FLETC course of fire in place of the state course of fire. **Motion** by Commission Member Fulton to approve the FLETC/BIA/OJS course of fire, **second** by Commission Member Rosenau, motion **approved**. The record will reflect Commission Member Gaikowski was recused and did not enter any discussion or voting procedure.

Nicholas Jensen and Sgt. Nick Butler, Sioux Falls Police Department, are present requesting reciprocity eligibility. Jensen completed the 585-hour basic peace officer course approved by the Arizona Peace Officer Standards and Training Board in 2009. Jensen was employed by the Maricopa Co SO from August 2005 until May 2011 and the Gila River Indian Police Department from June 2011 until his termination in February 2019. Jensen was terminated from the Police Department for using inappropriate language, lack of professionalism, and poor tactics on a call where he was confronting who he thought was a wanted homicide suspect. It turned out not to be the homicide suspect. Jensen reported the incident to his supervisors. The incident was investigated and cleared by the FBI. A year later there was new leadership in the Gila River Indian Community, a complaint was issued, and Jensen was terminated. Several command staff members were terminated due to the new leadership. Sgt. Butler advised the Sioux Falls Police Department is completely comfortable with the findings of Jensen's background investigation. Jensen's explanation of events was corroborated with Jensen's administrators at the time of his termination. Guy DiBenedetto spoke with Jensen's supervisor during the incident and he confirmed the Sioux Falls Police Department's background investigation. **Motion** by Commission Member Rosenau to approve Nicholas Jensen's eligibility for reciprocity, **second** by Commission Member Gaikowski, motion **approved**. **Motion** by Commission Member Rosenau to approve Jensen's reciprocity application contingent upon the completion of the reciprocity process, **second** by Commission Member Gaikowski, motion **approved**. The record will reflect Commission Member Burns was recused and did not enter any discussion or voting procedure.

Christina Johnson, Minnehaha County Police Reserves, has submitted a request for certification reinstatement. Johnson completed the South Dakota 520-hour basic officer certification course and was certified in June 2018. Johnson was employed with the Aberdeen Police Department from December 2017 to July 2018. Johnson's certification lapsed on July 30, 2020. Johnson was hired by the Minnehaha County Police Reserves in September 2020. Johnson has completed firearms training. **Motion** by Commission Member Wollman to allow Christina Johnson's certification to be reinstated, **second** by Commission Member Howe, motion **approved**.

Courtney Tedder and Cindy Gross, 911 manager, Central SD Communication, are asking for 911 telecommunicator certification reinstatement. Courtney attended the 42nd 2-Week Basic session and received her telecommunicator certification on February 15, 2013. Courtney's certification lapsed in May 2016. Courtney was employed with Brown County Communications from October 2012 to May 2014 and Day County Sheriff's Office as a jailer/dispatcher. Courtney was hired by Central South Dakota Communications in September 2020. Courtney is CPR certified and has completed the ICS 100, 200, and 700 courses. Courtney is also enrolled in the in-house 13-week training at Central SD Communications. **Motion** by Commission Member Burns to approve the

911 certification reinstatement for Courtney Tedder, **second** by Commission Member Rosenau, motion **approved**.

Members recessed for a break.

The meeting reconvened with a quorum present and continued with the next item of business.

Kelsey Heer is before members seeking eligibility to be reinstated into the basic training session. Kelsey was dismissed in October 2019 from the 171st basic training session for sexual misconduct in the classroom. Kelsey initially denied any sort of physical activity during class and lied several times when questioned. This type of conduct will not be tolerated and therefore Kelsey was dismissed immediately. Kelsey is embarrassed, apologized for having embarrassed the academy. Kelsey is working on integrity. **Motion** by Commission Member Howe to approve the basic eligibility with the understanding Kelsey cannot apply until after October 2020, and restart the academy at the beginning, **second** by Commission Member Rosenau. Motion **approved**. The record will reflect Commission Member Burns was recused and did not enter any discussion or voting procedure.

The following canine team has met the requirements of certification or recertification:

Canine Team **Michael Jenkins and K9 Bree**, Kingsbury County Sheriff's Office, have met the requirements for Drug Dog Detection certification on July 15, 2020. **Motion** by Commission Member Burns to approve the canine certification, **second** by Commission Member Wollman, motion **approved**.

The commission proceeded with the scheduled hearing of **Travis Carlson**. Acting Chairman Ravensborg 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 Travis Carlson possesses the requisite minimum standards required to be employed or certified as a law enforcement officer. Carlson was previously certified as a law enforcement officer in North Dakota. Carlson was terminated from two separate law enforcement agencies for conduct unbecoming of a law enforcement officer and surrendered his North Dakota law enforcement certification.

Carlson is present with counsel Bill Van Camp. Kelly Marnette, Assistant Attorney General, is acting counsel for the State. Hearing Officer Bachand advised Carlson of the hearing procedure and due process. The record will reflect a stenographic transcription of the hearing will be made and copies of the transcript will be available and tender of the cost thereof. See file for exhibits.

Concluding opening statements, presentation of exhibits, testimony, questions, and closing statements, the evidentiary portion of the hearing concluded. The commission retired into executive session on a **motion** simultaneously by Commission Members Burns and Rosenau, **second** by Commission Member Gaikowski. Members reconvened into open session with a **motion** by Commission Member Rosenau, **second** by Commission Member Perry. **Motion** by Commission Member Perry to deny Travis Carlson's application to be a certified law enforcement officer in the State of South Dakota as a result of his prior revocation and surrender of his certification in North Dakota and authorize the Chair to sign Findings of Fact and Conclusions of

Law on behalf of the commission, **second** by Commission Member Fulton. The motion was **approved** by a verbal response in the affirmative by all members. **Action: 8-0 Aye** (Allender, Burns, Fulton Gaikowski, Howe, Perry, Rosenau, and Wollman). This concluded the hearing proceedings.

Members continued with the next scheduled hearing of **Tana Tallon**. The proceedings were turned over to Hearing Officer Paul Bachand. Tallon is not present for the hearing. Tallon was served a complaint, Notice of Hearing, and letter from Assistant Attorney General Marnette, by the Phelps County Sheriff's Office at his residence in Holdrege, NE. Tallon engaged in conduct unbecoming of a law enforcement officer. Tallon was working as an Asset Protection Associate at Walmart and stole an iPhone. Tallon verbally admitted to the theft and signed a statement that he had stolen the item. After viewing the exhibits and hearing witness testimony, **motion** by Commission Member Perry to revoke Tana Tallon's law enforcement certification and allow the Chair to sign Findings of Fact and Conclusions of Law on behalf of the commission, **second** by Commission Member Burns, motion **approved** by a verbal response in the affirmative by all members. **Action: 8-0 Aye** (Allender, Burns, Fulton Gaikowski, Howe, Perry, Rosenau, and Wollman). This concluded the hearing proceedings and the Chair was returned to Ravensborg for the conclusion of the meeting's business.

The scheduled **Scott Stiegelmeier** hearing has been canceled. Stiegelmeier voluntarily surrendered his South Dakota law enforcement certification on September 28, 2020.

James Flynn has not appeared before the commission reference is 911 basic eligibility request. The request was tabled on a **motion** by Commission Member Fulton, **second** by Commission Member Burns, motion **approved**.

The following items were for commission information and did not require any action by members:

The 174th and 175th basic training sessions have completed the five weeks of online training and have started the seven weeks hands-on training. The 174th students returned to the academy on September 18th to start the seven weeks skills testing.

All 911 students (25) and basic students (45) were COVID tested on September 27th. There were no positive tests.

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 Rosenau motion **carried**.

The next meeting will be held in conjunction with LECC on November 18, 2020, at the Sioux Falls Ramkota.