

LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION
Crystal Room - Ramkota Convention Center
Sioux Falls, SD
November 7, 2018

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order by Chairman Zeeb at the hour of 9:00 a.m. CST on November 7, 2018, in the Crystal Room of the Ramkota Convention Center, Sioux Falls, South Dakota.

Chairman Zeeb asked for a roll call. The following members responded to roll call: Matt Burns, Sioux Falls Chief of Police; Mike Leidholt, Hughes County Sheriff; Tom Wollman, Lincoln County State's Attorney; 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; Brian Zeeb, Chairman; and Chad Mosteller, Executive Secretary. Others present included Kim Knecht, Assistant Training Administrator. Commission Members Steve Allender, Rapid City Mayor, and David Lawrence, Chief of Police, Standing Rock Sioux Tribe, were absent.

In accordance with SDCL1-25(1), official meetings open to the public, time was allowed by Chairman Zeeb for public comments on the agenda items. No public comments were heard or received reference the agenda items.

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

- July 18, 2018 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 Roseneau.
- September 25, 2018 teleconference minutes of the South Dakota Law Enforcement Officers Standards and Training Commission were approved on a **motion** by Commission Member Perry, **second** by Commission Member Price.

The commission proceeded with the scheduled hearing of **Timothy Peet**. Chairman Zeeb 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 Peet engaged in conduct unbecoming of a law enforcement officer and/or has been convicted of or received a suspended imposition of sentence for a misdemeanor involving moral turpitude. Peet ordered 100 anabolic steroid pills off the internet. Methandrostenolone is a controlled substance under South Dakota and federal law. Law Enforcement intercepted Peet picking up the package at the Hot Springs post office. Peet admitted to ordering the steroids and intending to use them. Peet admitted to complaint.

Peet 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. See file for exhibits.

Hearing Officer Bachand advised Peet of the hearing procedure and due process. The hearing commenced with opening statements by counsel, and continued with witness testimony, presentation of evidence and exhibits, cross-examination and questions by commission members and the hearing officer. Upon

conclusion of testimony, review of records, questions and discussion, the evidentiary portion of the hearing concluded.

Members entered executive session on a **motion** by Commission Member Leidholt, **second** by Commission Member Burns to further discuss their consideration, motion **approved**.

Members moved out of executive session and back into regular session on a **motion** by Commission Member Leidholt, **second** by Commission Member Rosenau. Proceedings resumed before the commission. **Motion** made by Commission Member Perry to suspend certification until September 5, 2019 provided you comply with all conditions of the suspended imposition and sealing of record, and provide proof to the commission through Training Coordinator Mosteller. Motion to include approval of Chairman to sign Findings of Facts, Conclusions of Law and Order on behalf of the commission. Motion **second** by Commission Member Rosenau. Motion **approved** by verbal response in the affirmative by all members. **Action: 8-0 Aye** (Wollman, Rosenau, Leidholt, Vitek, Burns, Jackley, Perry, and Price).

Assistant Attorney General Marnette will prepare the Findings of Fact, Conclusions of Law and Order. The hearing proceedings were concluded.

Hearing Officer Bachand proceeded with the scheduled hearings in the matter of the law enforcement certification of Alex Buchholz and Drew Lamoureux as South Dakota law enforcement officers.

It was stated for the record, this is the time and place for the hearing to determine whether Officers Buchholz and Lamoureux engaged in conduct unbecoming of a law enforcement officer.

While off duty, Officers Buchholz and Lamoureux:

- picked up underage females in one officer's pickup;
- allowed the females to drink alcohol in the pickup;
- the officers took the girls four-wheeling;
- stopped and purchased alcohol;
- drank alcohol at an officer's home;
- posed for pictures with weapons [one with a department issued weapon and the other with his personal weapon] with the patrol car;
- photo was posted to Snapchat;
- one officer took all four individuals for a drive in his patrol vehicle;
- one of the females had an alcoholic beverage in the patrol vehicle;
- officer drove over the speed limit and activated the patrol car lights;
- one of the female's video recorded the officer driving his patrol car; and
- the video was posted to Snapchat.

Officer Buchholz was terminated from employment with the Hot Springs Police Department. Officer Lamoureux, Fall River County Sheriff's Office, was suspended for 10 days without pay and is on six months' probation.

Lamoureux admitted to the complaint with the exception of allowing the females to drink in the pickup. Buchholz admitted to the complaint.

Lamoureux and Buchholz are 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. See file for exhibits.

Hearing Officer Bachand advised Lamoureux and Buchholz of the hearing procedure and due process. The hearing commenced with opening statements by counsel, and continued with witness testimony, presentation of evidence and exhibits, cross-examination and questions by commission members and the hearing officer. Upon conclusion of testimony, review of records, questions and discussion, the evidentiary portion of the hearing concluded.

Members took a short break and entered into executive session on a **motion** by Commission Member Burns, **second** by Commission Member Wollman to further discuss their consideration, motion **approved**.

Members moved out of executive session and back into regular session on a **motion** by Commission Member Perry, **second** by Commission Member Rosenau. Proceedings resumed before the commission.

Motion made by Commission Member Leidholt, commission finds Alex Buchholz engaged in conduct unbecoming of a law enforcement officer, and revoke his certification, **second** by Commission Member Vitek. **Motion** by Commission Member Leidholt to allow chairman to sign the Findings of Facts, Conclusions of Law and Order on behalf of the commission, **second** by Commission Member Vitek, motions **approved** by verbal response in the affirmative by all members. **Action: 8-0 Aye** (Wollman, Rosenau, Leidholt, Vitek, Burns, Jackley, Perry, and Price).

Motion made by Commission Member Leidholt, commission finds Drew Lamoureux engaged in conduct unbecoming of a law enforcement officer, and revoke his certification, **second** by Commission Member Vitek. **Motion** by Commission Member Leidholt to allow chairman to sign the Findings of Facts, Conclusions of Law and Order on behalf of the commission, **second** by Commission Member Vitek, motions **approved** by verbal response in the affirmative by all members. **Action: 8-0 Aye** (Wollman, Rosenau, Leidholt, Vitek, Burns, Jackley, Perry, and Price).

Assistant Attorney General Marnette will prepare the Findings of Fact, Conclusions of Law and Order. The hearing proceedings were concluded.

Officers Buchholz and Lamoureux's certification revocation is effective today, November 7, 2018.

Members recessed for lunch at 11:40 a.m. and reconvened at 1 p.m. with a quorum present. Commission Member Jackley was called away.

A grant request was the next item of business:

The Watertown Police Department submitted a request to host an *Emergency Fire Dispatch* training course. The department is asking for \$6,445.00 for contractual services. The three-day session has a minimum of 12 applicants, the maximum number of applicants established by Priority Dispatch is 30; however, for the purpose of this grant request, the budgeted request will be set for a maximum of 18 applicants. Agency will only pay for actual number of individuals attending the training. If the hosting agency reaches 15 applicants, Priority Dispatch will waive the \$500 course fee.

The purpose of the request is to train additional staff in emergency fire dispatch protocols across the entire State of South Dakota. Law Enforcement Training does not currently provide emergency fire dispatch training to communication officers. As a result, not all public safety answering points (PSAPS) offer emergency fire dispatch (EFD) assistance to callers. PSAPS that do offer EFD protocols struggle to find LEOSTC

EFD training that is nearby to South Dakota.

Motion by Commission Member Vitek to approve the grant request with up to a maximum of 20 participants, **second** by Commission Member Rosenau, motion **approved**.

Michael Boyd, the next scheduled individual requesting certification reinstatement is not present.

Members continued with the certification reinstatement request for Lisa Schenzel, Union County Sheriff's Office. Chief Deputy Michael Bucholz and Office Schenzel are before members seeking certification reinstatement. Schenzel completed the Six-Week, 240 Hour Basic Certification Session and received South Dakota certification on October 18, 1991. Schenzel was employed with the Pennington County Sheriff's Office from September 1991 until October 1993. Schenzel attended and completed 500 hours of training for Nebraska basic law enforcement certification in March 1994. The 1994 500-hour curriculum was reviewed and is equivalent with our training program. Schenzel's South Dakota certification expired in 2006. Since Schenzel continued to be employed in law enforcement and law enforcement associated positions, staff recommendation is attendance of the reciprocity training week. **Motion** by Commission Member Leidholt to reinstate Schenzel's certification contingent upon the successful completion of the reciprocity training week, **second** by Commission Member Rosenau, motion **approved**.

Sylvia 'Daisy' Wright, Rosebud Law Enforcement Services, along with Leonard Wright, Rosebud council representative, are present before commission members seeking 911 telecommunicator certification reinstatement. Daisy's certification expired in October 2014. Daisy completed the 10th 911 Basic 2-Week Session and received certification in August 2002. In September 2012, Daisy was dismissed from her position at the tribal dispatch center. Daisy grieved the termination process. An investigation was conducted, the grievance board found no cause for termination, and Daisy was reinstated to her former position. Staff recommendation for certification reinstatement is to attend the three-day NCIC and the four-hour Career Survival (covers liability and ethics) portions of the 911 Basic 2 Week Training Session. **Motion** by Commission Member Burns to approve the reciprocity reinstatement request pending the completion training recommended by staff, **second** by Commission Member Wollman, motion **approved**.

Ashley Fischer, Butte County Dispatch Center, and Chief Deputy Tristin Clements, Butte County Sheriff's Office, are requesting Fischer be provided a chance to continue her employment with the Butte County Dispatch Center and be given a slot in the next basic 911 course. Fischer was dismissed from the 58th 911 Telecommunicators Certification session in June 2018 for academic failure. Fischer endured some personal issues and struggled with test anxiety. Fischer has been reading over the material that was provided to her for the training session. She feels if given a second chance she would succeed. Fischer has grown professionally and personally during her employment with Butte County. **Motion** by Commission Member Burns to readmit to the next available 911 Basic Certification Session; amend motion to allow Fischer to work until she attends the next basic session, **second** by Commission Member Price, motion **approved**.

John Janecke, Winner Police Department, and Chief of Police Paul Schueth are present requesting reciprocity eligibility consideration along with the request to allow Janecke one more attempt to qualify with his duty weapon. Janecke successfully completed the basic law enforcement training course, January to March 1998, in accordance with the Illinois Law Enforcement Training and Standards Board given at College of DuPage, Glen Ellyn, Illinois. There was no indication of scholastic or disciplinary probation. In the State of Illinois, an individual must successfully complete the minimum standards basic law enforcement training course and achieve a passing score on the law enforcement officer's certification examination to be certified as a law enforcement officer. Janecke successfully completed the training course and passed the examination.

Janecke passed the reciprocity exam in March 2018 and attended the April reciprocity training week. Janecke failed to demonstrate his proficiency in firearms and EVOC skills, and failed the second and final attempt for firearms qualification in September. Janecke's one-year probationary status expired on September 18, 2018. Recommendation by staff is to allow one additional attempt to qualify with duty weapon, and if, successful continue with EVOC contingent upon reciprocity eligibility approval. **Motion** by Commission Member Perry to approve the reciprocity eligibility request for Janecke, **second** by Commission Member Leidholt, motion **approved**. **Motion** by Commission Member Leidholt to grant one additional attempt for firearms qualification, if successful, follow up with EVOC training, **second** simultaneously by Commission Members Vitek and Roseneau, motion **approved**.

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

- Canine Team **Brian Swets and K9 Rocko**, SD Highway Patrol, have met the requirements for Drug Dog Detection certification on October 11, 2018.
- Canine Team **Dennis Mez and K9 Brix**, SD Highway Patrol, have met the requirements for Drug Dog Detection certification on October 11, 2018.
- Canine Team **Sean Doyle and K9 Stryker**, Rapid City Police Department, have met the requirements for Drug Dog Detection certification on October 11, 2018.
- Canine Team **John Lord and K9 Aros**, SD Highway Patrol, have met the requirements for Drug Dog Detection certification on October 18, 2018.
- Canine Team **Christopher Koltz and K9 Blitz**, SD Highway Patrol, have met the requirements for Drug Dog Detection certification on October 18, 2018.
- Canine Team **Grant Lanning and K9 Rocco**, Lake County Sheriff's Office, have met the requirements for Drug Dog Detection certification on October 19, 2018.
- Canine Team **Cody Trumm and K9 Sadie**, Watertown Police Department, have met the requirements for Drug Dog Detection certification on October 19, 2018.
- Canine Team **Seth Bonnema and K9 Gina**, Brookings Police Department, have met the requirements for Drug Dog Detection certification on October 19, 2018.
- Canine Team **Jared Zaruba and K9 Dex**, Aberdeen Police Department, have met the requirements for Drug Dog Detection certification on October 19, 2018.
- Canine Team **Chad Gamber and K9 Bono**, Watertown Police Department, have met the requirements for Drug Dog Detection certification on October 19, 2018.
- Canine Team **Cody Nachreiner and K9 Spike**, Sioux Falls Police Department, have met the requirements for Drug Dog Detection certification on October 19, 2018.
- Canine Team **Garrett Harmon and K9 Igor**, Chamberlain Police Department, have met the requirements for Drug Dog Detection certification on October 19, 2018.
- Canine Team **Mike Jenkins and K9 Bree**, Kingsbury County Sheriff's Office, have met the requirements for Drug Dog Detection certification on October 19, 2018.
- Canine Team **Deanna Johnson and K9 Dina**, SD Highway Patrol, have met the requirements for Drug Dog Detection certification on October 19, 2018.
- Canine Team **Trent Heuertz and K9 Zeke**, SD Highway Patrol, have met the requirements for Drug Dog Detection certification on October 19, 2018.
- Canine Team **Manuel Langstraat and K9 Arras**, Brookings County Sheriff's Office, have met the requirements for Drug Dog Detection certification on October 19, 2018.

- Canine Team **Kyler Pekarek and K9 Reno**, Yankton Police Department, have met the requirements for Drug Dog Detection certification on October 19, 2018.
- Canine Team **Dennis Maude and K9 Poli**, Huron Police Department, have met the requirements for Drug Dog Detection certification on October 19, 2018.
- Canine Team **Grant Van Voorst and K9 Doerak**, Sioux Falls Police Department, have met the requirements for Drug Dog Detection certification on October 19, 2018.
- Canine Team **Patrick Nolz and K9 Max**, Yankton Police Department, have met the requirements for Patrol Dog certification on October 19, 2018.
- Canine Team **Casey Urruita and K9 Aksel**, McCook County Sheriff's Office, have met the requirements for Drug Dog Detection certification on October 26, 2018.
- Canine Team **Garrett Bruhn and K9 Tommy**, Sioux Falls Police Department, have met the requirements for Explosives Dog Detection certification on October 26, 2018.

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

Executive Secretary Mosteller presented the following reciprocity requests:

Nathan Cronin, Box Elder Police Department. Cronin's reciprocity application was reviewed at the September 25, 2018, conference call. Members were not in agreement to go forward with the reciprocity request at that time. Chairman Gortmaker tabled the request and advised more information and facts were needed to approve or deny the reciprocity request. As a teenager, Cronin allegedly sexually assaulted a young child. Cronin was never charged, there was not enough physical evidence. DCI was the investigating agency and submitted information to the State's Attorney. Guy DiBenedetto, Law Enforcement Training Investigator, further investigated the case. DiBenedetto contacted the mother of the child, there are no new things to provide, no new reports or no new evidence. The mother did not want DiBenedetto to talk with the daughter. The mother is concerned that Cronin might move back to the Pierre community and possibly be hired as an officer in Pierre and harass her daughter. Cronin is adamant nothing happened. The State's Attorney advised there is no new evidence, nothing to support the six-year-old claim and is declining on pursuing any charges. The Box Elder Police Department does not have a pre-employment polygraph exam. Cronin has successfully completed the skills portion of the reciprocity requirements. **Motion** by Commission Member Price to approve the reciprocity request for Nathan Cronin, **second** by Commission Member Burns, motion **approved** by verbal response. **Action: 7 Aye** (Wollman, Rosenau, Vitek, Burns, Jackley, Perry, and Price), **1 Nay** (Leidholt).

Melanie Oakley, Rapid City Police Department, completed the Law Enforcement Technology Program at Western Dakota Technical Institute in 2018. Her background check revealed no adverse information. Oakley successfully passed the reciprocity exam in September 2018. Because of the articulation agreement between the SD Law Enforcement Officers Standards and Training Commission and Western Dakota Technical Institute, Oakley is only required to demonstrate her proficiency in EVOC and Firearms skills testing and complete the Use of Force requirement. She must demonstrate the same level of skills in EVOC and Firearms as required in the Basic Certification Course. Oakley is scheduled to attend skills training in January 2019. **Motion** by Commission Member Perry to approve the reciprocity request for Melanie Oakley contingent upon the successful completion of the skills portion of the reciprocity training requirement, **second** by Commission Member Vitek, motion **approved**.

Carlee Harris, Rapid City Police Department, completed the Law Enforcement Technology Program at Western Dakota Technical Institute in 2018. Her background check revealed no adverse information. Harris successfully passed the reciprocity exam in September 2018. Because of the articulation agreement between the SD Law Enforcement Officers Standards and Training Commission and Western Dakota Technical Institute, Harris is only required to demonstrate her proficiency in EVOC and Firearms skills testing and complete the Use of Force requirement. She must demonstrate the same level of skills in EVOC and Firearms as required in the Basic Certification Course. Harris is scheduled to attend skills training in January 2019. **Motion** by Commission Member Perry to approve the reciprocity request for Carlee Harris contingent upon the successful completion of the skills portion of the reciprocity training requirement, **second** by Commission Member Vitek, motion **approved**.

Andrew Nygaard, McCook County Sheriff's Office, completed the Law Enforcement Technology Program at Southeast Technical Institute in 2018. His background check revealed no adverse information. Nygaard successfully passed the reciprocity exam in October 2018. Because of the articulation agreement between the SD Law Enforcement Officers Standards and Training Commission and Southeast Technical Institute, Nygaard is only required to demonstrate his proficiency in EVOC and Firearms skills testing and complete the Use of Force requirement. He must demonstrate the same level of skills in EVOC and Firearms as required in the Basic Certification Course. Nygaard is scheduled to attend skills training in January 2019. **Motion** by Commission Member Perry to approve the reciprocity request for Andrew Nygaard contingent upon the successful completion of the skills portion of the reciprocity training requirement, **second** by Commission Member Vitek, motion **approved**.

Keith Russ, Harding County Sheriff's Office. Russ attended and successfully completed the 680-hour basic peace officer certification course as prescribed by the Navarro College Police Academy and approved by the Texas Commission on Law Enforcement in December 2014. Russ is currently certified in the State of Texas and is in good standing. Russ was never under any disciplinary probation or academic probation while in the Police Academy at Navarro College. Training is equivalent with our training program. Russ was employed with the Itasca Police Department, Whitewright Police Department and the Hill County Sheriff's Department. Russ's background revealed no adverse information. Russ successfully passed the reciprocity exam in October 2018. Staff recommendation is the attendance of the one-week reciprocity training. **Motion** by Commission Member Perry to approve the reciprocity request contingent upon the successful completion of the reciprocity training week, **second** by Commission Member Vitek, motion **approved**.

The following items were for information only and did not require any action:

Scott Sheldon, Jerauld County Sheriff's Office, has fulfilled the requirements for canine judge certification as established by the commission in Patrol Dog, Drug Detection, and Explosive Detection in October 2018. Judge certification expires five years from date of certification.

Consent of Canine Team decertification was received from Handler Marcos Glass and Canine Jackson, Rapid City Police Department, as a drug detection and patrol dog team. Canine Jackson is retired.

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 **approved**. The next meeting is scheduled for December 13, 2018, at the Criminal Justice Training Center in Pierre.

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