

**STATE OF SOUTH DAKOTA
LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION**

**Wednesday, August 28, 2024
10:00 AM CST / 9:00 AM MST**

NOTICE IS HEREBY GIVEN that the South Dakota Law Enforcement Officers Standards and Training Commission will hold a meeting on Wednesday August 28, 2024, at 10:00 AM Central Daylight Time / 9:00 AM Mountain Daylight Time.

A public meeting will be held in the second-floor Commission Conference room at the George Mickelson Criminal Justice Center, 1202 E. Highway 14, Pierre, South Dakota.

For anyone without telephone or computer access, a listening location is available at the George S. Mickelson Criminal Justice Center, Commission Conference Room, 1302 E. Highway 14, Suite 5, Pierre, South Dakota 57501. The meeting's listening location is being held in a physically accessible place. Persons who have special needs for which the Commission can make arrangements are asked to call (605) 773-4624 at least two (2) business days prior to the meeting.

TELECONFERENCE INFORMATION

This meeting of the Law Enforcement Officers Standards and Training Commission can be accessed via the web-link below (Microsoft Teams) or by calling the phone number and utilizing the meeting ID below.

Web Link: <https://sddci.org/LEOSTCAugust2024>

Phone Conference Line: +1 605-679-7263 | Phone Conference ID: 305379359#

AGENDA

- 1. Call to Order**
- 2. Roll Call**
- 3. Public Comment**
- 4. Proposed Articulation Agreement - Technical College**
- 5. Western Dakota Technical College Criminal Justice Program Presentation**
- 6. Certification Reinstatement Requests**
- 7. Consent Agenda**

Matters appearing on the Consent Agenda are expected to be non-controversial and will be acted upon by the Commission at one time, without discussion. At the request of any one Commission member, the Chairman, or the Executive Secretary, an item may be removed from the Consent Agenda and placed on the regular agenda whenever additional discussion on an item is necessary. Items removed from the Consent Agenda will be discussed at the beginning of the formal items.

- a. Reciprocity Certification Requests (*Outlined in Attachment A*)
 - b. Canine Team Certifications (*Outlined in Attachment B*)
 - c. Complaint Review and Disposition (*Outlined in Attachment C*)
- 8. Commission Information**
- 9. Adjourn**

ATTACHMENT A

Reciprocity Law Enforcement Certification Requests

Wallert, Tyler - Flandreau Police Department

Completed the reciprocity exam in 04/2024 - 77%

- Completed the Minnesota West Community and Technical College Peace Officer A.A.S. program 8/2020 – 5/2022. The program is approved by the Minnesota POST and will qualify students for licensing as a Peace Officer in the state of Minnesota upon completion of the A.A.S. degree.
- Peace Officer license issued 9/22//2022, expiration 6/30/2025.
- Minnesota law enforcement employment from 09/2022 to 12/2022.
- Hired by the Flandreau Police Department on 10/19/2023.
- Attended skills and classroom requirements during the April 15-19, 2024, reciprocity training week. Wallert did not successfully demonstrate proficiency in EVOC skills. Wallert completed the 40-hour EVOC training week July 15-19, 2024.

Staff recommendation: Grant reciprocity certification

Rein, Morgan - Moody County Sheriff's Office

Completed the reciprocity exam in 04/2024 - 78%

- Completed the Lake Area Technical College Law Enforcement Program in May 2024.
- Attended the May 6 - 7, 2024, reciprocity skills requirements.
- Did not successfully demonstrate proficiency in firearms.
- Completed the reciprocity skills firearms requirements on June 12, 2024.

Staff recommendation: Grant reciprocity certification

ARSD 2:01:06:03. Reciprocity. The Law Enforcement Officers Standards and Training Commission may waive any portion of the training program requirement of § 2:01:06:01, except firearms, emergency vehicle operations course, use of force, and the written reciprocity examination, upon formal application of a person requesting the waiver. The application must show that the person has completed a basic law enforcement certification course of equivalent content and quality in another jurisdiction no more than two years prior to the date of the appointment or has been employed within the prior two years as a fully empowered certified law enforcement officer in another jurisdiction and has completed a basic law enforcement certification course of equivalent content and quality. The commission's executive secretary shall administer to the applicant a written examination to determine the applicant's state of competence. Upon completion of the examination, the executive secretary or designee must notify the applicant of the training to be completed before the applicant may be certified. After the applicant successfully completes the required training and if the applicant meets the minimum standards for certification of § 2:01:02:01, the commission must issue the applicant a certificate as a certified law enforcement officer.

ATTACHMENT C

Complaint Review and Disposition

**SOUTH DAKOTA LAW ENFORCEMENT OFFICERS STANDARDS & TRAINING
COMMISSION PROFESSIONAL STANDARDS AND MISCONDUCT COMPLAINT PROGRAM
REPORT OF INDEPENDENT COMMISSION MEMBER REVIEW &
DISPOSITION**



In accordance with ARSD 2:01:11:04 and ARSD 2:05:03:04, the Executive Secretary shall submit any complaint not resulting in a contested case hearing to an independent commission member for review. After examining the complaint and investigative report, the commission member must either (1) request further investigation, (2) direct the executive secretary to give notice of a contested case hearing or (3) the commission member may dismiss the complaint if it appears that the grounds alleged in the complaint are frivolous, clearly unfounded in fact, or, in the opinion of the commission member, the appointing authority has adequately responded to allegations alleged in the complaint. If the commission member dismisses the complaint, such dismissal shall be reported to the commission at its next regularly scheduled meeting. This document reflects complaints/investigations reviewed by an independent commission member and subsequently dismissed.

I have reviewed the below listed complaints/investigations and concur with the Executive Secretary's determination not to give notice of a contested case hearing. Consequently, the below listed complaints/investigations are dismissed in accordance with the listed disposition.

Troy M. VanDusen

[Handwritten Signature]

8/7/2024

Commission Member Name

Commission Member Signature

Date of Signature

Complaint Number	Type of Agency	Summary	Disposition
240082	East River Police Department	Complainant alleged Conduct Unbecoming of a Law Enforcement Officer. Officer reportedly laughed at flood victim and his predicament. The complainant thought this behavior demonstrated a "total lack of professionalism and support" for those victims involved in the flood.	No crime was committed and no certification issue. Complaint was forwarded to the Chief of Police.
240069	East River Sheriff's Department	Complainant alleged Conduct Unbecoming of a Law Enforcement Officer. The complainant stated that he was falsely arrested after his spouse became intoxicated and belligerent causing him to restrain her. He also reported that he was handcuffed improperly causing him to suffer injury to his shoulder and wrist.	After review by the Professional Standards Investigator, it was determined that no crime was committed, this is not a certification issue, and no unreasonable force was used to arrest the complainant. The officers' actions were proper, and no further action will be taken.
240060	East River Sheriff's Department	Complainant alleged Conduct Unbecoming of a Law Enforcement Officer. The complaint stated that the Sheriff entered the complainant's residence while serving a search warrant. During the search the sheriff removed his body camera for a period of 16 minutes and set it on the counter while it continued to record.	Investigation revealed that no crime was committed and there is no certification issue. The sheriff reported that he needed to use the bathroom and did not want to stop his camera from recording, so he removed it and let it continue to record before returning to it

PROFESSIONAL STANDARDS AND MISCONDUCT COMPLAINT PROGRAM

REPORT OF INDEPENDENT COMMISSION MEMBER REVIEW & DISPOSITION



240057	East River Sheriff's Department	<p>Complaint alleges the Deputy Committed a Crime, Used Unreasonable Force and Engaged in Conduct Unbecoming and Officer.</p> <p>The complainant alleges that two deputies from an east river sheriff's department profiled Native Americans based on their race and disability.</p>	<p>and putting it back on his person.</p> <p>A professional standards investigator who reviewed both body cam footage and audio of the arrest in question determined that the allegations were not sustained. Quoting his investigative report, "The deputy was professional and courteous." The male who was tazed was determined to be uncooperative with law enforcement and escalated the situation until he was tazed prior to being taken into custody. Investigation revealed that this is not a certification issue, and no crime has occurred. As a result of these findings this complaint is dismissed.</p>
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These complaints have been investigated and either unfounded, unsubstantiated, referred back to their agencies, reviewed by a SAO and declined, or no further action was taken after being reviewed.

Several complaints were reviewed by Commission Member Van Dusen. Executive Secretary Prim initially determined the complaints did not warrant presentation to the full Commission. Commission Members VanDusen and Allender concurred with the Executive Secretary's decision. Recommendation is to accept the complaint dispositions as reported.