

LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION
Bullock Room - The Lodge
Deadwood, SD
April 20, 2022

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order at 9 am on April 20, 2022, in the Bullock Room at The Lodge in Deadwood, South Dakota.

Roll call was taken with the following members responding, Jessica Quigley, Tea Chief of Police; Gary Gaikowski, Sisseton-Wahpeton Chief of Police; Andy Howe, Clay County Sheriff; Joan Pecora, Special Agent, FBI; Neil Fulton, USD Dean School of Law, and Tom Wollman, Lincoln County State's Attorney. Others present included Hank Prim, Executive Secretary; Chad Mosteller, Assistant Director; Kim Knecht, Assistant Training Administrator; Law Enforcement Training and DCI Staff. Commission Members Rick Miller, SD Highway Patrol Superintendent; Steve Allender, Rapid City Mayor; Jim Eschenbaum, Hand County Commissioner; and Jason Ravensborg, Attorney General, were absent.

The meeting opened with the approval of the agenda amendments, the deletion of the basic eligibility request, and the addition of a request for certification reinstatement, on a **Motion** by Commission Member Wollman, **second** by Commission Member Fulton, motion **approved**.

Following SDCL1-25-1, official meetings open to the public. Time was allowed by Chairman Natvig for public comments. The floor was open for public comments of which there were none.

Chairman Natvig declared a quorum and started the order of business with the Commission's approval of the previous minutes as presented on a **motion** by Commission Member Wollman, **second** by Commission Member Gaikowski.

Introductions were made for newly appointed Executive Secretary and Training Administrator Hank Prim and Commission Member Joan Pecora. Prim replaces Executive Secretary and Training Administrator Chad Mosteller; Pecora replaces Robert Perry, retired Special Agent, FBI.

Business continued with the following certification reinstatement requests:

Justin Bolen, Custer County Sheriff's Office, along with Lt. Steve McMillin, are present requesting certification reinstatement. Bolen attended the 147th, August - November 2011, 520-hour basic officer course. Bolen failed EVOC skills. Bolen completed the 40-hour EVOC training week during the 148th training session and received certification in January 2012. Bolen was employed with the Sioux Falls Police Department from August 2011 to February 2012 and with the Alcester Police Department from November 2013 to April 2014. Bolen's certification lapsed in April 2016. Lt. McMillin advised members Bolen is in the process of attending a 14-week field training program by the Sheriff's Office. The department training covers most of the training offered during the 13-week basic course. The sheriff's office is opposed to Bolen attending the 13-

week academy. The department does not think it would be beneficial but is not opposed to having Bolen attend some classes during the academy training session. Staff would recommend, due to the short time in law enforcement, Bolen attend the entire 13 weeks of training.

Motion by Commission Member Wollman to take under advisement, move to the next request, and deliberate on both, **second** by Commission Member Pecora, motion **approved**.

Todd Johnson, Game, Fish & Parks, and Pierre Conservation Officer John Murphy are present seeking certification reinstatement. Johnson completed the 517-hour basic officer certification course and was certified in November 2010. Johnson was employed with the Hughes County Sheriff's office from June 2010 to August 2012 and the Pierre Police Department from August 2012 to January 2020. Johnson's certification lapsed in January 2022. Johnson was hired by the South Dakota Department of GF&P as a seasonal employee on April 14, 2022. Staff would recommend, with his past law enforcement history certification, to reinstate contingent upon completion of the state firearms qualification course prior to exercising law enforcement powers. Johnson will need 36 hours of general education including two hours of response to resistance/use of force and will need to complete domestic violence training by September 2022. **Motion** by Commission Member Wollman to move to reinstate Mr. Johnson's certification contingent on firearms qualification prior to performing law enforcement duties and the completion of the general education required, **second** by Commission Member Howe, motion **approved**.

Motion by Commission Member Howe to enter into executive session to further discuss the reinstatement request for Justin Bolen, **second** by Commission Member Wollman, motion **approved**.

Members returned to regular session on a **motion** by Commission Member Wollman, **second** by Commission Member Fulton, motion **approved**.

Motion by Commission Member Fulton to deny the certification reinstatement for Justin Bolen, **second** by Commission Member Wollman, motion **approved**.

The following reciprocity eligibility requests were reviewed:

Robert Book, Kadoka Police Department, along with City Council and Public Safety members Eileen Stolley and Rusty Olney, are present for the purpose of asking for reciprocity eligibility. Book completed a 450-hour basic law enforcement training course in November 1993 and received State of Michigan certification in April 1994. Book was employed as a Michigan police officer from 1993 to 2002. Book was owner and director of security operations 1993 to 2019. Book was employed by the Faith SD police department from November 2019 to August 2020, and applied for reciprocity certification but did not meet the employment requirements. Book was approved to attend the basic certification course but did not attend. Book was hired by the City of Kadoka in October 2021. Book is past the two-year reciprocity eligibility. Staff would recommend Book attend the entire 13-week basic training course. **Motion** by Commission Member Wollman to deny the reciprocity eligibility request based on the significant lack of law enforcement, **second** by Commission Member Gaikowski, motion **approved**.

Chairman Natvig called a brief recess and members returned to session with a quorum present.

Stephen Glass, Bennett County Sheriff's Office, and Sheriff Paul Williams are before members to request reciprocity eligibility. Glass completed a 408-hour basic law enforcement training class and received State of Georgia peace officer certification in December 2013. Glass was employed with the Atlanta Police Department from March 2013 to August 2017, at which time he entered the US Coast Guard doing national security for ballistic submarines until August 2021. Glass is past the two-year reciprocity eligibility. Glass was hired by the Bennett County Sheriff's office in December 2021. Glass has been employed consistently in law enforcement and staff would recommend he be allowed to take the reciprocity exam. If he passes the exam, he would complete the skills component in the fall of 2022. **Motion** by Commission Member Howe to approve the reciprocity eligibility request with the recommendation by Law Enforcement Training, to allow to take the exam and attend training upon successful completion of the exam, **second** by Commission Member Pecora, motion **approved**.

The commission proceeded with the scheduled hearing of **Isaac Sauder**. Chairman Natvig turned the proceeding over to Hearing Officer Jack Hieb. It was stated for the record this is the time and place for the hearing to consider Sauder's status of certification as a law enforcement officer in the State of South Dakota. This hearing is held to determine whether Isaac Sauder engaged in conduct unbecoming of a law enforcement officer and was discharged for cause from employment as a law enforcement officer, in violation of SDCL §23-3-35(3) and ARSD 2:01:11:01, and 2:01:11:10, based upon the allegations contained in the Complaint for Violation of ARSD 2:01:11:01, dated January 13, 2022. On or about November 2, 2021, Sauder, while on a call for service, used unnecessary force, including the threatened use of a taser, with a female subject. Although the subject was non-compliant, she was not aggressive and posed no physical threat to Sauder. As a result of his actions, Sauder was terminated from his employment as a Brookings County Deputy.

Sauder is present with counsel Kristi Jones. Brent Kempema, Deputy Attorney General, is acting for the State. Hearing Officer Hieb advised Sauder 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** by Commission Member Wollman, **second** by Commission Member Fulton, motion **approved**.

Members reconvened into open session with a **motion** by Commission Member Gaikowski, **second** by Commission Member Wollman. **Motion** by Commission Member Fulton to suspend for 30 days, complete de-escalation training available through the academy within one year, 12-months, of obtaining employment with the time requirement starting upon obtaining employment, **second** by Commission Member Wollman, motion **approved**. This concluded the hearing proceedings.

Members recessed for lunch and reconvened at 1 pm with a quorum present and continued with the next scheduled hearing.

Proceedings were returned to Hearing Officer Hieb for the next scheduled hearing of **Brandon Fleagle**. It was stated for the record this is the time and place for the hearing to consider Fleagle's status of certification as a law enforcement officer in the State of South Dakota. This hearing is held to determine whether Brand Fleagle engaged in conduct unbecoming of a law enforcement officer, to wit Fleagle failed to provide his military service history on his September 8, 2009, application to Law Enforcement Training and, since that date, has lied to his employer about his military service, in violation of SDCL § 23-3-35(3) and ARSD 2:01:11:01 and 2:01:11:10.

Fleagle is present with counsel Wanda Howey-Fox. Brent Kempema, Deputy Attorney General, is acting for the State. Hearing Officer Hieb advised Fleagle 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** by Commission Member Howe, **second** by Commission Member Gaikowski, motion **approved**.

Members reconvened into open session with a **motion** by Commission Member Wollman, **second** by Commission Member Pecora. **Motion** by Commission Member Fulton to dismiss the complaint, **second** by Commission Member Howe, motion **approved**. This concluded the hearing proceedings.

Executive Secretary Prim presented the following reciprocity request:

Henry Head completed the 520-hour Lake Region State College Peace Officer training program in August 2007. Head attended the October 2021 reciprocity skills training and did not successfully demonstrate proficiency in EVOC and Firearms. Head completed the 40-hour EVOC basic training week, successfully demonstrated proficiency in firearms, and fulfilled all requirements for reciprocity certification. **Motion** by Commission Member Howe to approve the reciprocity request for Henry Head, **second** by Commission Member Pecora, motion **approved**.

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

- Canine Team **Paul Sheldon and K9 Mack**, Jerauld Co SO, have met the requirements for Drug Detection certification on February 16, 2022;
- Canine Team **Brandon Fisher and K9 Ringo**, Hand Co SO have met the requirements for Drug Detection certification on April 8, 2022;
- Canine Team **Deanna Johnson and K9 Rava**, SD Highway Patrol, have met the requirements for Drug Detection certification on April 7, 2022;

- Canine Team **Nathan Monger and K9 Dax**, SD Highway Patrol, have met the requirements for Drug Detection certification on April 7, 2022;
- Caine Team **Christopher Schoepf and K9 Spike**, Sioux Falls PD, have met the requirements for Drug Detection certification on April 7, 2022; and
- Canine Team **Patrick Kaiser and K9 Davos**, Whitewood PD, have met the requirements for Drug Detection certification on April 7, 2022.

Motion by Commission Member Fulton to approve the canine certification listing as presented and reviewed, **second** by Commission Member Gaikowski, motion **approved**.

The following is commission information only and does not require any commission action by members:

Complaints have been investigated but will not be presented at this time as Guy DiBenedetto, Professional Standards Investigator had surgery and is on medical leave. The complaints will be presented at the next scheduled commission meeting.

There being no further business to come before the meeting body, the meeting was adjourned on a **motion** by Commission Member Fulton, **second** by Commission Member Howe, motion **carried**.