

LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION
Commission Conference Room
George Mickelson Criminal Justice Center
Pierre, SD
January 3, 2024

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order at noon on January 3, 2024, in the Commission Conference Room at the George Mickelson Criminal Justice Center. This meeting was conducted both in-person as well as via virtual teleconference.

Roll call was taken with the following members responding: Troy VanDusen, Codington County Commissioner; Andy Howe, Clay County Sheriff; Marty Jackley, Attorney General; Joan Pecora, Special Agent, FBI; Kathy Peterson, Rapid City; Jay Rasmussen, Sioux Falls; Steve Allender, Municipal League; Tom Wollman, Lincoln County State's Attorney; and Jessica Quigley, Tea Chief of Police. Others present included Hank Prim, Executive Secretary; Dan Satterlee, Chairman; Law Enforcement Training and DCI Staff. Commission Members Neil Fulton, USD School of Law Dean; and Gary Gaikowski, Sisseton-Wahpeton Chief of Police were absent.

Chairman Satterlee declared a quorum present.

Following SDCL 1-25-1, official meetings are open to the public. Time was allowed by Chairman Satterlee for public comments. The floor was open for public comments. There were no public comments and/or testimony on the agenda item.

Chairman Satterlee started the order of business with the Articulation Agreement status between the South Dakota Law Enforcement Officers Standards and Training Commission and Western Dakota Technical College (WDTC).

Executive Secretary Prim presented an overview of WDTC's audits, student interviews, and non-compliance concerns, as summarized below:

In April 2022, WDTC students were administered the written reciprocity examination; five of the twelve students failed the examination. WDTC requested the test be readministered, claiming Law Enforcement Training had forced students into testing before the students had received all necessary instruction. After further research of this issue, Law Enforcement Training (LET) found that WDTC had selected the testing date and had not indicated any scheduling concerns.

Given these concerns, LET audited WDTC's practices ahead of the impending school year, which included documentation review, student interviews and conversations with WDTC staff. Following the audit and on-site visit to WDTC, LET identified areas where the college's program was deficient and not compliant with the Articulation Agreement. A non-compliance notification was issued to WDTC in February 2023 outlining the deficiencies in four areas, specifically:

- Submitting inaccurate/false reports;
- Presenting students for testing prior to final program semester;
- Failure to record and report required retention information; and

- Failure to produce instructor credential records.

The non-compliance notice issued in February 2023 requested WDTC voluntarily remedy the deficiencies by providing written documentation to Executive Secretary Prim no later than May 1, 2023, outlining their corrective action plan. Failure to respond to the non-compliant areas risked the program being formally placed on at-risk status and on probationary period status for one year.

In May 2023 WDTC's response to the non-compliance notification was received. The response contained no substantiative corrective action plan and did not resolve the outstanding deficiencies. WDTC was considered to be non-compliant with the articulation agreement provisions.

During summer 2023, conversations between DCI/LET administration and WDTC administration were held, following which WDTC agreed to remedy the stated deficiencies outlined in the February 2023 non-compliance notification. In July 2023, WDTC submitted a corrective action plan and included documentation to satisfy the outstanding deficiencies.

In August 2023, WDTC's corrective action plan was reviewed and DCI/LET determined WDTC demonstrated sufficient resolution of the deficiencies. During the review of the records submitted, it was found a portion of WDTC's instructors assigned to high-quality topic areas [firearms, emergency vehicle operations, and defensive tactics] did not indicate they attended a recognized instructor training program relative to their topic area. The omission of training was initially believed to be an oversight on the part of the respective instructor. LET requested their documents be updated and resent to LET.

In November 2023 WDTC administration requested a meeting to discuss clarification of the nationally recognized training standards for firearms, emergency vehicle operations, and defensive tactics instructors as defined in the articulation agreement. In December 2023, a virtual meeting was conducted to discuss the requested clarification. WDTC requested the articulation agreement instructor standard be changed. During these conversations it came to light WDTC utilized emergency vehicle operations instructors who had not attended a nationally recognized certification course in that discipline contrary to the Agreement's terms.

Based upon the December 2023 discussion, responses and subsequent review, WDTC failed to produce instructor biographies for emergency vehicle operations instructors and utilized emergency vehicle operations instructors who had not obtained a nationally recognized certification in their discipline.

The overview was presented so commission members can determine the appropriate next steps. Executive Secretary Prim presented three avenues for Commission consideration, with no recommendation given:

- Consider amendments to the articulation agreement;
- Terminate the agreement with a 60-day notice; or
- Formally place WDTC on at-risk status and a one-year probationary status.

Executive Secretary Prim advised Commission members that, in the event of a termination, students in this semester's program could still be allowed to complete coursework and go through the reciprocity process.

Pursuant to SDCL 1-25-2 (1) and SDCL 1-25-2 (4), members retired into executive session to discuss the Executive Secretary's findings regarding the competence, performance, and fitness of WDTC's program administration and to prepare for articulation agreement amendment negotiations or actions, on a **motion** by Commission Member Wollman, **second** by Commission Member Pecora, motion **approved**.

Executive Secretary Prim was briefly called into executive session by Chairman Satterlee to answer a Commission member's question; Executive Secretary subsequently departed.

Members reconvened into open session on a **motion** by Commission Member Howe, **second** by Commission Member Pecora, motion **approved**.

Motion by Commission Member Quigley to terminate the articulation agreement effective March 3, 2024, pursuant to page five, paragraph one of the in-force 2022 agreement between the Law Enforcement Officers Standards and Training Commission and Western Dakota Technical College; to authorize the Chairman and the Executive Secretary to notify Western Dakota Technical College administration, as well as to draft, sign and deliver written notice of termination to Western Dakota Technical College on behalf of the Commission; and to authorize the Chairman and the Executive Secretary to deliver information regarding the termination's impact to Western Dakota Technical College students on behalf of the Commission, **second** by Commission Member Howe, motion **approved**. **Action: 9-0 Aye** (Allender, Howe, Jackley, Pecora, Peterson, Quigley, Rasmussen, VanDusen, and Wollman).

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