

LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION
Commission Conference Room
George Mickelson Criminal Justice Center
Pierre, SD
January 31, 2024

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order on January 31, 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; 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; Gary Gaikowski, Sisseton-Wahpeton Chief of Police; Marty Jackley, Attorney General; and Joan Pecora, Special Agent, FBI, were absent.

Chairman Satterlee declared a quorum present.

Chairman Satterlee welcomed Casey Collins, newly appointed South Dakota Highway Patrol Colonel, to the commission. Collins served as District 3 commander in Rapid City. Collins replaced retired Col. Rick Miller.

The following agenda amendments were approved on a **motion** by Commission Member Howe, **second** by Commission Member Quigley, motion **approved**.

- Fladland, Roberts County Sheriff's Office, request for basic eligibility reinstatement has been rescinded.
- Reciprocity for Pierre Cadet removed, additional review required by the Law Enforcement Training staff

The order of business started with the review of the October 25, 2023, and the January 3, 2024, minutes.

Motion by Commission Member Rasmussen to approve the October 25, 2023, minutes as amended, **second** by Commission Member Peterson. **Motion** by Commission Member VanDusen to approve the January 3, 2024, minutes, **second** by Commission Member Allender.

Chairman Satterlee opened the floor for public comments. There were no public comments and/or testimony on the agenda items.

Executive Secretary Prim explained the Consent Agenda concept and structure. A consent agenda/consent calendar is a more efficient way of placing non-controversial items into a group and approve with a single motion and vote. Commission members may request the Chair to remove items from the consent agenda. The request does not require a second or a vote by the Commission. An item removed from the consent agenda will be discussed and acted on separately following the consideration of the consent agenda. Chairman Satterlee asked if Commission

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members have any items from the consent agenda they wish to individually consider or have any questions regarding items on the consent agenda relating to attachment A reciprocity certification requests or attachment B canine team certification requests. There were no items needing to be individually considered.

Motion by Commission Member Quigley to accept staff recommendations relating to reciprocity certification requests in attachment A (page 7 of minutes) and the canine certification requests in attachment B (page 9 of minutes) **second** by Commission Member Allender, motion **approved** by roll call vote. **Action 7-0** (Allender, Howe, Peterson, Quigley, Rasmussen, VanDusen, and Wollman).

The Pennington County Sheriff's Office is requesting financial assistance to host the following grant. Deputy Jon Edwards, Pennington County Sheriff's Office Training Coordinator is present to answer any questions.

The 80-hour, *Homicide Investigation*, course will be taught by the Southern Police Institute (SPI) and will be conducted in September 2024 at the Public Safety Building in Rapid City. The course provides participants with the knowledge, skills, and abilities to conduct competent and complete homicide/death investigations. The proposal request \$15,000 to help reduce the tuition cost to agencies. The vendor has entered into an agreement where the total award amount would be divided amongst the South Dakota officers attending the course. The minimum enrollment for the course is 25 paid participants and the maximum enrollment is 50 paid participants. The Pennington County Sheriff's Office has contacted several agencies and has received 24 participants asking to attend the course. **Motion** by Commission Member Howe to approve the grant request, **second** by Commission Member Allender, motion **approved**.

Assistant Training Administrator Kim Knecht provided a status report of the current fiscal year grant fund. Five courses have been approved, and one course was canceled due to low enrollment. There would be \$27,000.00 left in the fund should this grant request be approved.

Reference to ARSD rule 2:01:06:17.03. Waiver.

The commission may waive the requirements of any provision of this section upon presentation of documentary evidence by an agency that a law enforcement officer has satisfactorily completed training equivalent to that required in § 2:01:06:17 or that good cause exists for a waiver. Good cause for a waiver would include matters such as military service, illness, injury, or an authorized leave of absence.

The South Dakota Highway Patrol submitted a firearms qualification waiver request for **Trooper Joelle Schuknecht**. Trooper Schuknecht was injured in the line of duty during a foot pursuit. She received a significant back injury that has not allowed her to return to work and she was unable to complete the agency's scheduled firearms qualification. Staff recommended granting the firearms qualification waiver request for calendar years 2023. **Motion** by Commission Member Rasmussen to grant the request, **second** by Commission Member VanDusen, motion **approved**.

The Sioux Falls Police Department submitted a firearms qualification waiver request for **Officer Austin Eulberg**. Officer Eulberg was ordered to active duty in February 2023. He was unable to complete the mandatory firearms qualification for the 2023 year. Staff recommended granting the firearms qualification waiver request for calendar year 2023. **Motion** by Commission Member Wollman to grant the request, **second** by Commission Member Allender, motion **approved**.

Business continued with the following basic eligibility reinstatement requests:

Reference to ARSD rule 2:01:02:08. Discontinuance of employment of law enforcement officer.

No temporary or probationary law enforcement officer may continue as an officer after a showing that the officer has violated any of the conditions of § 2:01:11:01 or has been dismissed from the basic law enforcement training program pursuant to § 2:01:06:14.

Applicants who have been rejected for certification, have falsified information, or have been dismissed from the basic law enforcement training program may, after one year, reapply to the Law Enforcement Officers Standards and Training Commission for certification if the reasons for rejection have been eliminated and a new application is submitted. The commission, upon application by the original appointing authority and a determination of good cause, may allow one new certification application for the applicant from the original appointing authority prior to the expiration of one year.

Brandon Wolfe, Belle Fourche, along with Chief of Police Ryan Cherveney, are before members requesting another opportunity to attend the basic training course. Wolfe was dismissed from the 184th Basic Law Enforcement Certification Course in January 2023 due to misconduct. Wolfe was counseled in December 2022, for consuming alcohol in the George Mickelson Criminal Justice Training Center. In January 2023, Wolfe and other students consumed alcohol at a local business and drove another agency's marked police vehicle without that officer or agency's permission. A passenger in the vehicle had an open container of alcohol. Upon returning to the training center, Wolfe consumed a portion of the alcoholic beverage. During interviews with Law Enforcement Training Staff, Wolfe minimized facts and details in an effort to protect another officer, amounting to a lack of candor. Wolfe has cut alcohol out of life. Wolfe holds a part-time civil process position within the Belle Fourche Police Department. Wolfe has volunteered to help the department with youth programs and special events. Staff recommendation is to reinstate eligibility for law enforcement employment and certification. Wolfe has stayed engaged with the Police Department and the Butte County Sheriff's Office and has made good personal strides. Wolfe has spoken at the Technical Colleges regarding his dismissal.

Jamison Ries, prior officer with the Mobridge Police Department, along with Chief of Police Shawn Madison and Cpt. Justin Jungwirth, requesting eligibility to attend the basic training course. Ries was dismissed from the 184th Basic Law Enforcement Certification Course for misconduct. Ries' dismissal is related to Brandon Wolfe's dismissal. In January 2023, Ries and other students consumed alcohol at a local Pierre business. After consuming drinks, Ries prepared to leave the establishment and stole a mug from a bar that still contained an alcohol-mixed drink. Ries received a ride from another student in a marked patrol vehicle and possessed an open container in that vehicle. Ries offered the driver drinks from the beverage, which the driver refused. Upon returning to the training center, Ries consumed a portion of the alcoholic beverage. Ries did not initially return the stolen property to the establishment. Ries advised he made a poor decision and actions were not appropriate. Ries has chosen to stay in the law enforcement field and has been employed by the Walworth County Sheriff's Office as a Transport Correctional Officer. Ries has returned the mug to the Pierre establishment. Walworth County Sheriff Josh Boll submitted a letter of support for Ries. Sheriff Boll has advised Ries goes to great lengths to help others, has done an excellent job as a transport officer, and learned a hard and valuable lesson. Staff recommendation is to reinstate eligibility for law enforcement employment and certification. There were no other issues or disciplinary issues while attending the 184th training session.

Commission members retired into executive session on a **motion** by Commission Member Howe, **second** by Commission Member Rasmussen, motion **approved**.

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

Motion by Commission Member Howe to approve law enforcement eligibility and certification eligibility for Brandon Wolfe, **second** by Commission Member Wollman, motion **approved**.

Motion by Commission Member VanDusen to approve law enforcement eligibility and certification eligibility for Jamison Ries, **second** by Commission Member Howe, motion **approved**.

Executive Secretary Prim presented the following certification reinstatement requests, reference to ARSD rule 2:01:02:11. Expiration of certification:

Certification expires on the last day of the twenty-fourth calendar month following termination of employment. Upon petition the commission may waive all or any of the basic training program for recertification of a person whose certification has expired under this provision.

Owen Olson, OST Department of Public Safety, along with Chief of Police Algin Young, Sr., requesting certification reinstatement. Olson was dismissed from the 127th 12-Week Basic Officer Certification course for academic failure. Olson was granted basic reinstatement by the Commission in November 2006, completed the basic certification course, and was certified in 2007. Olson's certification lapsed in November 2017. Olson was employed with:

- OST Department of Public Safety from 2005 to 2006;
- Martin Police Department from 2006 to 2007;
- Bennett County Sheriff's Office 2008;
- OST Department of Public Safety from 2008 to 2015;
- Self-employed in 2015;
- OST Highway Safety Division as a Project Coordinator from 2022 to 2023; and
- OST Department of Public Safety in November 2023.

Staff recommendation is to reinstate certification contingent on attending the Pierre 40-hour reciprocity refresher training session and demonstration of proficiency in EVOC and firearms skills.

Motion by Commission Member Quigley to approve contingent on completing the reciprocity refresher and skills proficiency, **second** by Commission Member Rasmussen, motion **approved**.

Colin Simpson, Lawrence County Sheriff's Office, along with Tavis Little, Lawrence County Chief Deputy, requesting certification reinstatement. Simpson attended the 145th 520-hour Basic Officer Certification Course and was certified in 2011. Simpson was employed with the Spearfish Police Department from 2011 to 2020. Simpson served in the National Guard from 2020 to 2023 assisting with the West River Covid Call Center. Simpson was deployed to Guantanamo Bay from January - November 2022, and deployed to Iraq in a Military Police role from December 2022 to September 2023. Simpson was hired by the Lawrence County Sheriff's Office in October 2023. With Simpson's 10 years of experience with the Spearfish

Police Department and military experience, the staff recommendation is to reinstate certification contingent on being current with the continuing education requirements. **Motion** by Commission Member Wollman to approve reinstatement based on staff recommendation, **second** by Commission Member Howe, motion **approved**.

Reference to ARSD rule 2:01:11:08 Application for reinstatement of certification:

A person whose certification as a law enforcement officer has been revoked may, after one year, apply to the commission for reinstatement of the certification.

Matthew Wetterling is asking for certification reinstatement. Wetterling completed reciprocity requirements and was certified in 2000. He was previously certified in the State of Minnesota. Wetterling's certification was revoked by the Standards and Training Commission in November 2015. Wetterling engaged in conduct unbecoming of an officer by violating his "last chance agreement" for use of excessive force in 2012, resulting in his resignation from the Tea Police Department. Additional discipline by the Tea Police Department was Wetterling's use of force and operating a squad car in an unsafe manner in 2010; insubordination in 2011, and failure to file arrest reports in a timely manner in 2012. In 2014 Wetterling engaged in conduct unbecoming an officer by filing nominating petitions for County Sheriff and falsely stating he was the circulator of that petition under oath. Wetterling received a suspended imposition of sentence for a misdemeanor involving moral turpitude from the court and the State dismissed the perjury charge. Given Wetterling's conduct involving moral turpitude and credibility finding on the perjury charge, the staff recommendation is to uphold the revocation and not grant certification reinstatement. **Motion** by Commission Member VanDusen to approve staff recommendation, **second** by Commission Member Allender, motion **approved**.

Executive Secretary Prim presented the following 911 certification requests:

Reference to ARSD rule 2:05:01:06. Expiration of certification:

Certification expires on the last day of the twenty-fourth calendar month following separation from 911 telecommunicator employment. Upon application the Law Enforcement Officers Standards and Training Commission may waive any of the basic training program for recertification of a person whose certification has expired under this provision. The applicant must prove that the applicant remains capable of performing the duties of a 911 telecommunicator, notwithstanding the expiration of certification. Certification does not expire if a certified 911 telecommunicator, prior to the last day of the twenty-fourth calendar month following separation from 911 telecommunicator employment, becomes reemployed as a 911 telecommunicator by-a local, state, or tribal public safety agency in South Dakota.

Lori Tokley, Butte County Dispatch Center, along with Crystal Rath, Butte County E911 Supervisor, have requested reinstatement of Tokley's 911 telecommunicator certifications. Rath and Tokley were unavailable. Members agreed to postpone any action until Tokley and the Butte County Dispatch Center Supervisor can be present on a **motion** by Commission Member Quigley, **second** by Commission Member Peterson, motion **approved**.

Katie Kindsfater, Spearfish Police Department, along with Lt. Collin Smith, Spearfish Police Department, requesting certification reinstatement. Kindsfater attended the 61st 911 2-Week Basic Session and was certified in June 2019. Kindsfater was employed with the Spearfish Police Department from 2018 to 2020 and was hired by the Police Department in 10/2023. Kindsfater's 911 certification expired in 11/2022. Lt. Smith advised Kindsfater has completed a two-day

reintroduction training and has no difficulty performing any task required. Staff recommendation is to reinstate certification contingent upon completion of the NCIC full access training session.

Motion by Commission Member Howe to reinstate certification with staff recommendation, **second** by Commission Member Rasmussen, motion **approved**.

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

Law Enforcement Training has received a consent of decertification from Fred Koester, former Haakon County Sheriff, for misuse of evidence that was in the Sheriff's Office custody.

Law Enforcement Training staff attended a meeting with the Western Dakota Technical College (WDTC) President, students attending the enforcement program, the Board of Trustees, and the Board of Technical Education, regarding the termination of the LET Articulation agreement. There was a good overall discussion regarding the Law Enforcement Program. WDTC will move forward on developing a brand new Law Enforcement Program and provide an updated program proposal for consideration by the Commission.

Executive Secretary Prim provided members tentative meeting dates for calendar year 2024. The meeting dates are tentative and subject to change. Hopefully providing meeting dates ahead of time will help to expedite the process of scheduling meetings.

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

ATTACHMENT A

Reciprocity Law Enforcement Certification Requests

Cabney, Brandon - South Dakota Highway Patrol

Completed the reciprocity exam in 11/2023

- Completed the Basic Level II Training School conducted by Hawkeye Community College March 19 - May 18, 2018. His peace officer certification is valid and he is in good standing with the Iowa Law Enforcement Academy
- Training is equivalent. 414 hours of College LE Program; 398 hours of Basic Course, plus 100+ hours of advanced in-service training
- Iowa law enforcement employment 12/2017 to 10.2023
- Completed skills and classroom requirements during the January 8-12, 2024, reciprocity training week

Staff recommendation: Grant reciprocity certification

Master, Remi' - McCook County Sheriff's Office

Completed the reciprocity exam in 11/2023

- Completed the 486-hour North Dakota Basic Training Program in 4/2021 He is in good standing with the State of North Dakota
- Although the Academy was only 486 hours, topic content coverage was equivalent. The main difference in hours was a lack of fitness hours, shorter firearms and EVOC instruction. Master's will have to demonstrate firearms and EVOC proficiency
- North Dakota law enforcement employment from 10/2020 to 6/2023
- Completed skills and classroom requirements during the January 8-12, 2024, reciprocity training week

Staff recommendation: Grant reciprocity certification

Kress, Alexis - Rapid City Police Department

Completed the reciprocity exam in 12/2023

- Completed the 585-hour Basic Peace Officer Course approved by the Arizona Peace Officer Standards and Training Board in May 2020. Training is equivalent.
- Arizona law enforcement employment 12/2019 to 6/2022
- Completed skills and classroom requirements during the January 8-12, 2024, reciprocity training week

Staff recommendation: Grant reciprocity certification

Sailer, Jared - Rapid City Police Department

Completed the reciprocity exam in 12/2023

- Completed the Western Dakota Technical College Law Enforcement Emphasis Program in May 2023
- Completed skills requirements during the January 8-9, 2024, reciprocity training week

Staff recommendation: Grant reciprocity certification

Willcuts, Trevor - Mellette County Sheriff's Office

Completed the reciprocity exam in 12/2023

- Completed a 626-hour Basic Officer Course approved by the Nebraska Police Standards Advisory Council in April 1921. No disciplinary issues in his file, he is in good standing. Training is equivalent in content and hours.
- Nebraska law enforcement employment from 7/2020 to 7/2022
- Completed skills and classroom requirements during the January 8-12, 2024, reciprocity training week

Staff recommendation: Grant reciprocity certification

VanderVeen, Gabriel - Pierre Police Department

Completed the reciprocity exam in 12/2023

- Completed the Alexandria Technical and Community College Law Enforcement Program in 2014. Training is equivalent.
- Fulfilled all requirements for licensure as a Peace Officer in 6/2015. POST license issued in 5/2016
- Minnesota law enforcement employment from 4/2016 to 7/2023
- Completed skills and classroom requirements during the January 8-12, 2024, reciprocity training week

Staff recommendation: Grant reciprocity certification

Smith, Trevion - Southeast Technical College

Completed the reciprocity exam in 4/2023

- Completed the Southeast Technical College Law Enforcement Program in May 2023
- Attended the May 8-9, 2023, skills testing. Did not successfully demonstrate proficiency in EVOC, was required to attend the 40-hour EVOC instruction as part of the academy class which he completed during the January 8-12, 2024, academy training week

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 B

| NAME | DEPARTMENT | Certification Date | Certification | Renewal New Team |
|-----------------------------|----------------------------|---------------------------|----------------------|-------------------------|
| Logan Crown / Sadie | Watertown PD | 10-12-2023 | Drug Detection | Renewal |
| Paperwork received 11-01-23 | Completion date 10-12-23 | | | |
| Alex Hansen / Laya | Watertown PD | 10-12-2023 | Drug Detection | Renewal |
| Paperwork received 11-01-23 | Completion date 10-12-23 | | | |
| Joel Neuman / Krome | Bon Homme Co SO | 10-12-2023 | Drug Detection | Renewal |
| Paperwork received 11-01-23 | Completion date 10-12-23 | | | |
| Jarrold Zaruba / Dex | Aberdeen PD | 10-12-2023 | Drug Detection | Renewal |
| Paperwork received 10-30-23 | Completion date 10-12-23 | | | |
| Timothy Simmermon / Victor | McCook Co SO | 11-13-2023 | Drug Detection | New |
| Paperwork received 11-16-23 | Completion date 11-13-2023 | | | |
| Shannon Irish / Bram | Sioux Falls PD | 11-13-2023 | Drug Detection | Renewal |
| Paperwork received 11-17-23 | Completion date 11-13-2023 | | | |
| Shannon Irish / Bram | Sioux Falls PD | 11-15-2023 | Patrol Dog | Renewal |
| Paperwork received 11-21-23 | Completion date 11-15-2023 | | | |
| Thomas Klein / Spike | Moody Co SO | 11-15-2023 | Patrol Dog | Renewal |
| Paperwork received 11-21-23 | Completion date 11-15-2023 | | | |
| Dylan Wilson / Corona | Yankton PD | 11-15-2023 | Patrol Dog | Renewal |
| Paperwork received 11-27-23 | Completion date 11-15-2023 | | | |
| Eric Peterson / Drago | SD Highway Patrol | 11-15-2023 | Patrol Dog | Renewal |
| Paperwork received 11-27-23 | Completion date 11-15-2023 | | | |
| Roan Reiman / Max | Rapid City PD | 11-15-2023 | Patrol Dog | Renewal |
| Paperwork received 11-28-23 | Completion date 11-15-2023 | | | |
| Garrett Mastin / Vito | Rapid City PD | 11-15-2023 | Patrol Dog | Renewal |
| Paperwork received 11-28-23 | Completion date 11-15-2023 | | | |
| Joshua Lee / Hari | Brown Co SO [Spink Co SO] | 12-05-2023 | Drug Detection | Agency Change |
| Paperwork received 12-12-23 | Completion date 12-05-2023 | | | |
| Paul Sheldon / Mack | Jerauld Co SO | 12-16-2023 | Patrol Dog | Renewal |
| Paperwork received 12-29-23 | Completion date 12-16-2023 | | | |

Canine team certification requests

Staff recommendation: Grant canine team certification in accordance with the listed type and status.