

LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION
Criminal Justice Training Center - Classrooms C/D
Pierre, SD
July 27, 2022

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order at 8:30 am on July 27, 2022, in Classroom C/D at the Criminal Justice Training Center, Pierre South Dakota.

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

The meeting opened with the approval of the agenda amendments. The 1 pm scheduled hearing has been resolved, the 3 pm hearing is moved to 1 pm, and the deletion of the Canine Rules, on a **Motion** by Commission Member Rasmussen, **second** by Commission Member Eschenbaum, motion **approved**.

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

Chairman Mosteller 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 Howe, **second** by Commission Member Wollman.

Introductions were made for newly appointed Attorney General Mark Vargo, Governor appointed civilian members Kathy Peterson, Rapid City, and Jay Rasmussen, Sioux Falls. DCI Assistant Director Chad Mosteller will serve as interim Chairman.

Business continued with the following basic eligibility request:

George Gibbons, Watertown. Gibbons is requesting eligibility to be hired and attend the basic training session. Gibbons was dismissed from the 174th session due to failure to demonstrate proficiency in EVOC skills. Gibbons was dismissed in February 2021 and has waited the one-year timeline to reapply to the commission for eligibility. Reference made to ARSD 2:01:02:01 (12) and 2:01:02:08.

Staff recommended eligibility to reinstate, but due to his previous employment by the City of Lake Norden for 16 months and several academic counseling during the 174th basic session, he attend and complete the full 13-week, 520 hour, training session prior to performing any law enforcement powers. **Motion** by Commission Member Howe to reinstate eligibility with the condition as staff outlined, **second** by Commission Member Gaikowski, motion **approved**.

The following reciprocity eligibility requests were considered:

Jeremiah Erickson, Pierre Police Department, along with Capt. Derald Gross, are present requesting reciprocity eligibility. Erickson completed the Law Enforcement Technology program at Hibbing Community College in May 2002 and a Minnesota state license was issued on 12/8/2003. Information received from Minnesota POST indicated Erickson was employed with the Mille Lacs Tribal Police Department, from 12/5/2003 - 12/1/2009. Erickson's license record shows no disciplinary action taken by the POST board. Erickson is past the two-year reciprocity eligibility. Erickson was allowed to take the reciprocity exam prior to review of the application indicating his last law enforcement appointment was in 2009. Executive Prim reviewed Erickson's employment from 2012 until he his employment with the Pierre PD in 1/2022:

- 7/2012-7/2014 Loss prevention agent;
- 2/2015-10/2019 Loss prevention manager/regional AP trainer;
- 10/2019-9/2021 Domestic Violence Intervention Advocate
- 12/2019-12/2021 Camp Ripley security guard.

The Camp Ripley Department of Public Safety-Military Security Officers worked with local law enforcement entities in emergencies within the area. Erickson submitted the required renewal fee and completed continuing education credits to renew his Minnesota License.

Motion by Commission Member Howe to approve Jeremiah Erickson's reciprocity eligibility request, **second** by Commission Member Eschenbaum, motion **approved**.

Daniel Walton, Rapid City Police Department. Capt. James Johns is representing Daniel Walton. Walton completed the 1010-hour Denver Police Academy basic recruit training in March 2006. Walton was employed with the Denver Police Department from October 2005 to September 2015. Walton's basic certification expired in September 2018. Colorado certifications automatically expire three years after separation from certified employment. Colorado POST has no record of any disciplinary action, such as suspension or revocation, taken against his certification.

Walton has completed 10 weeks of pre-service classroom training that is required by the Rapid City Police Departments Commission on Accreditation of Law Enforcement Agencies (CALEA). Walton is currently in the 18-week Police Training Officer (PTO) phase. The Police Department believes with the completion of the 28 weeks of training along with his 10 years of experience with the Denver Police Department, Walton would not need to attend the basic certification course. Staff recommended, based on the length of time with the Denver Police Department and the training with the Rapid City Police Department, staff would grant reciprocity eligibility contingent upon completion of the reciprocity exam, and completion of the reciprocity training week by the 12-month probationary period. **Motion** by Commission Member Eschenbaum to approve reciprocity eligibility contingent upon staff recommendation, **second** by Commission Member

Pecora. The motion was **approved** by a verbal response from all members. **Action: 11 Aye** (Allender, Eschenbaum, Gaikowski, Howe, Miller, Pecora, Peterson, Quigley, Rasmussen, Vargo, and Wollman) - **1 Nay** (Fulton)

James Donnelly, Lake Norden Police Department along with Lake Norden Chief of Police Tony Aas, are requesting reciprocity eligibility and to extend the eligibility. Donnelly is past the two-year reciprocity eligibility. Donnelly completed the Orange County Sheriff's Department 600-hour Regular Basic Course in 1985 and received California POST certification in July 1986. He was employed with the Santa Anna California Police Department from 1985 - 2010. He was a Level 1 reserve police officer from 2010 to 2016. In California, a Level 1 reserve officer qualifies for keeping POST training requirements valid. It becomes invalid after three years of separation from qualifying employment. Donnelly was issued Basic, Intermediate, and Advanced POST certificates. Donnelly's certification expired in February 2016. There is no negative information regarding his California POST profile. Donnelly was hired by the Lake Norden/Hayti Police Department on July 1, 2021, his one-year probationary appointment as a South Dakota law enforcement officer expired July 1, 2022. Staff recommended, with 25 years of law enforcement experience Donnelly be considered for reciprocity eligibility, to pass the reciprocity exam prior to the September scheduled reciprocity session, and complete the September reciprocity training session. **Motion** by Commission Member Miller to approve reciprocity eligibility with staff recommendation, **second** by Commission Member Rasmussen, motion **approved**.

The Town of Hayti, which is a third-class municipality, is applying to the Standards and Training Commission to extend Mr. Donnelly's temporary/probationary period. Doug Weelborg, Town of Hayti Board of Trustees, is representing the extension period request. Donnelly works 20 hours per week at Hayti through the Lake Norden Police Department. He is paid by the Lake Norden Police Department. Hayti does not have a contract with the Sheriff's Office. Hayti is requesting the one-year probationary period be waived to allow Donnelly to work until he takes the reciprocity exam and completes the required training. **Motion** by Commission Member Vargo to grant the third class temporary/probationary waiver until October 1, 2022, **second** by Commission Member Allender, motion **approved**.

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

Members proceeded with the scheduled hearing of **Jesse Raley**. Chairman Mosteller 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 determine whether Raley possesses the requisite minimum standards (good moral character) required to be employed or certified as a law enforcement officer. On or about November 14, 2012, Raley answered a prostitution sting advertisement on Backpage.com. When he arrived at the hotel, he was carrying a concealed pistol and ammunition. He did not have a concealed permit. Raley agreed to pay \$100.00 for sex. He was arrested and charged with Hiring for Sexual Activity and Carrying a Concealed Weapon without a permit. He pled guilty to Hiring for Sexual Activity. He received a suspended imposition of sentence which he successfully completed in 2015.

Raley is present without counsel. Kelly Marnette, Assistant Attorney General, is acting for the State. Hearing Officer Hieb advised Raley of the hearing procedure and due process. The record

will reflect a stenographic transcript 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 convened into open session on a **motion** by Commission Member Eschenbaum, **second** by Commission Member Rasmussen, motion **approved**.

Motion by Commission Member Fulton, the commission finds Jesse Raley has demonstrated, by evidence, a good moral character to be a law enforcement officer, and further, to authorize the Chairman to sign Findings of Fact and Conclusions of Law on behalf of the commission, **second** by Commission Member Eschenbaum. Motion **approved** by a verbal response in the affirmative by all members. **Action: 12-0 Aye** (Allender, Eschenbaum, Fulton, Gaikowski, Howe, Miller, Pecora, Peterson, Quigley, Rasmussen, Vargo, and Wollman). This concluded the hearing proceedings.

The Rapid City Police Department is requesting funding to host the following grants. Capt. James Johns is present to answer any questions members may have.

- *Leadership for a Lifetime.* Paul Butler will present four sessions and each session will be approximately four hours. The training will take place over a span of four days, with two early morning sessions and two late morning sessions to accommodate staff from different shifts. Attendees will be able to apply lessons and techniques learned into their daily routines, developing them into better leaders and employees. The proposed training date is November 6 - 20, 2022.

Mr. Butler does not limit his class size. The police department's goal is to provide a venue that will accommodate over 100 people. The sessions will be held at Western Dakota Technical College. Law Enforcement Training will be paying for one of the four sessions, \$5,000 toward the class.

Motion by Commission Member Miller to approve the grant request for \$5,000.00 toward the four sessions, **second** by Commission Member Eschenbaum, motion **approved**.

- *Emotional Survival.* The lessons learned from this training allow officers and family members to become emotional survivors. This is accomplished by recapping what a career in law enforcement will likely do to an individual and their family and provide specific and effective techniques to guide officers and their loved ones to a more positive future. The session is taught by Dr. Gilmartin, a behavioral scientist specializing in law enforcement and public safety-related issues. The event will be open to all first responder agencies and their families across the state. The minimum number of attendees is 50, and the maximum number of attendees is 200. The total fee request is \$8,816 which includes contractual services, airline, lodging, equipment rental, and room rental. Fees to cover equipment and room rentals are not covered.

The presenter fee, lodging, and airfare fees are covered. The total grant amount for approval would be \$6,450.

Motion by Commission Member Miller to approve \$6,450 for the grant application funding, second by Commission Member Pecora, motion **approved**.

Members recessed for lunch and reconvened at 1:00 pm with a quorum present. Commission Member Miller was called away.

The commission proceeded with the scheduled hearing of **Trista Bulit**. Chairman Mosteller turned the proceedings over to Hearing Officer Hack Hieb. It was stated for the record this is the time and place for the adversarial hearing to determine whether Trista Bulit engaged in conduct unbecoming of 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. On or about January 17, 2022, while on duty as a Dewey County Deputy Sheriff transporting a subject in her patrol vehicle, Bulit intentionally forcefully applied her brakes, causing the subject to hit his face on the cage. Although Bulit knew that the subject was injured and bleeding, she failed to pull over and provide medical care. Dewey County Sheriff Ash Arpen is present in support of Bulit

Bulit is present without counsel. Kelly Marnette, Assistant Attorney General, is acting counsel for the State. The record will reflect a stenographic transcription of the hearing will be made and copies of the transcript will be available upon request and tender of the cost thereof. See files for exhibits.

Concluding opening statements, presentation of exhibits, testimony, questions, and closing statements, the evidentiary portion of the hearing concluded. Members retired into executive session on a **motion** by Commission Member Fulton, second by Commission Member Eschenbaum, motion approved. Members reconvened into open session with a **motion** by Commission member Gaikowski, second by Commission Member Eschenbaum, motion **approved**.

Motion by Commission Member Wollman - based upon the evidence presented, this Commission is making a finding that Deputy Bulit engaged in conduct unbecoming of an officer pursuant to SDCL 23-3-35(3) and ARSD 2:01:11:10 and ARSD 2:0:11:01; further it would be our recommendation, finding, and order that Deputy Bulit complete de-escalation and use of force training to the tune of eight hours between the two to be completed by November 18, which would be the conclusion of the next academy class. Further, the motion would include and give authorization to the Chairman to sign Findings and have Ms. Marnette complete the Findings, **second** by Commission Member Fulton. The motion was **approved** by a verbal response in the affirmative by all members. **Action: 11-0 Aye** (Allender, Eschenbaum, Fulton, Gaikowski, Howe, Pecora, Peterson, Quigley, Rasmussen, Vargo, and Wollman). Motion **amended** and second to include a previous discipline of three days' suspension without pay was imposed. This concluded the hearing proceedings. The record will reflect Commission Member Miller joined the meeting at 1:30 pm and was recused from the hearing proceedings.

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

Business continued with the following certification reinstatement request:

Kellen Weidner, Sioux Falls, is before members requesting reinstatement of his South Dakota Law Enforcement Officer certification. The record will reflect Commission Member Wollman was recused.

Weidner completed the 163rd 520-hour basic officer certification and was certified in February 2017. He was employed as a Domestic Violence detective with the Minnehaha County Sheriff's Office from 2017 - November 2019. He struggled with some mental health issues as a result of work-related stress and stress from home. He made a poor decision which resulted in him resigning from the Sheriff's Office and being charged with possession of a firearm while intoxicated. Weidner voluntarily signed a consent of decertification in lieu of commission action. Weidner stated he has attended counseling and alcohol treatment and is making good progress. Staff recommended that certification not be reinstated at this time. But if the commission would reinstate his certification, he would need to furnish proof of mental health counseling and alcohol treatment/assessment. LET would also request a psychological fit for duty and alcohol evaluation. **Motion** by Commission Member Howe to table request, **second** by Commission Member Vargo, motion **approved**. Members request Weidner to furnish evidence of any mental health counseling and alcohol treatment he has received to the Executive Secretary. He is also to undergo a fit for duty and alcohol evaluation.

Matthew Van Der Linden, Parkston Police Department along with interim Chief of Police Ryan Antaya are requesting certification reinstatement. Van Der Linden was enrolled in the January 2004 basic officer certification session. He failed the first three attempts at firearms and left the training session in March indicating law enforcement was not for him. Van Der Linden completed the 152nd basic officer certification course and received certification in January 2013. His certification lapsed in July 2020. Van Der Linden dealt with a medical issue, surgeries, treatment, and therapy since December 2017. Staff would recommend certification reinstatement contingent upon completion of 39 hours of continuing education requirement by December of 2022, including two hours of mental health; two hours of response to resistance/use of force; and Domestic Violence training. **Motion** by Commission Member Eschenbaum to reinstate certification based upon LET recommendation, **second** by Commission Member Gaikowski, motion **approved**.

Jimmy Murphy, along with attorney Alex Hagen are present before members. Attorney Hagen advised members Murphy is seeking consideration for reinstatement of the law enforcement certification pursuant to ARSD 2:01:11:08, which states "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." Murphy's certification has been revoked for approximately four years effective July 18, 2018. Murphy has recently applied for various out-of-state law enforcement positions and received conditional offers, but the revocation of his certification has proven to be an obstacle to return to work as a police officer. Attorney Hagen advised Murphy requests the commission give him a second chance and reinstate his certification, which would permit other police departments in our jurisdictions to make their own assessment. Murphy has no present intention of seeking employment with law enforcement agencies in South Dakota. Staff does not recommend reinstatement based upon previous hearing before the commission. Concluding commission discussion, a **motion** was made by Commission Member Wollman to

deny the certification reinstatement request, **second** by Commission Member Fulton. Motion **approved** by a verbal response in the affirmative by all members. **Action: 12-0 Aye** (Allender, Eschenbaum, Fulton, Gaikowski, Howe, Miller, Pecora, Peterson, Quigley, Rasmussen, Vargo, and Wollman).

The Sturgis Police Department has submitted a firearms qualification waiver request under ARSD 2:01:06:02. Each year the Sturgis PD hires certified officers from South Dakota and surrounding states to supplement the police force and help with the influx of people during the annual Sturgis Motorcycle Rally. For officers that have not been able to qualify prior to the start of the Rally, the PD will have their firearms instructor qualify them prior to their scheduled shifts. Due to time and budget constraints, the PD relies on these officers being up to date on all their training and certification requirements mandated by their agencies and their administrative rules. Staff recommended granting the waiver request and the PD furnish Law Enforcement Training with a list of appointed officers, verification of firearms qualification completion within the year prior to their appointment, and the employment start date and projected end date. **Motion** by Commission Member Miller to approve the Sturgis waiver request to include staff recommendation, **second** by Commission Member Pecora, motion **approved**.

The meeting continued with the following reciprocity applications:

The following technical college students completed the Firearms, EVOC, and Use of Force requirements in May 2022, and were issued a letter of eligibility for certification. The students will become certified upon being hired by an agency within two years of graduation and 21 years of age when hired by a law enforcement agency.

- Lake Area Technical College: Eh Ku Dah; Daniel Glover; Cody Gregg; Noah Hofer; Jordan Jensen; Christopher King; Harley Robinson; Levi Sauder; LaNae Sevens; Dylan Swanson; and Barrett Wren.
- Southeast Technical College: Chloe Larsen; and Seth Rozeboom.
- Western Dakota Technical College: Richard St. Peter; David Stevenson; and Jaerek Thorn.

Motion by Commission Member Rasmussen to approve the applications as read, **second** by Commission Member Eschenbaum, motion **approved**.

The following technical college students did not demonstrate proficiency in EVOC/Firearms and EVOC skills. Applicants will become certified contingent upon demonstrating proficiency in the EVOC and Firearms skills, upon being hired by an agency within two years of graduation, and 21 years of age when hired by a law enforcement agency. If the applicants do not demonstrate proficiency in EVOC/Firearms skills, they will be removed from reciprocity eligibility and will need to complete the 13-Week Certification Session.

- Lake Area Technical College: Laura Jensen; Jessica McDermott; and Faith VanMeveren.
- Southeast Technical College: Kessa Grush-Wolf; Allison Harris; and Tia Roesler.
- Western Dakota Technical College: Jazlyn Kleinschmit-Millhouse; Kailey Stanton; and Porter Wimp.

Motion by Commission Member Pecoia to approve the applications contingent upon successfully demonstrating proficiency in the skills failures, **second** by Commission Member Fulton, motion **approved**.

Rachel Mitchell, Sioux Falls Police Department, completed all studies mandated by the Municipal Police Officer's Education and Training Commission and the Philadelphia Police Academy, passed the required exam, and received Pennsylvania State certification in May 2017. Mitchell was employed with the Philadelphia Police Department from 2016-2021. Mitchell's background check revealed no adverse information. Mitchell completed the reciprocity exam on August 10, 2021. Mitchell attended the January 2022 reciprocity training week, she completed the classroom requirements, the use of force/response to resistance evaluation, and firearms qualification but did not successfully demonstrate proficiency in EVOC skills. Mitchell attended the 40-hour EVOC training week during the 182nd academy session and completed the EVOC skills on May 5, 2022. **Motion** by Commission Member Eschenbaum to approve the reciprocity application for Rachel Mitchell, **second** by Commission Member Wollman, motion **approved**.

Benjamin Parrow, Rapid City Police Department, completed the Law Enforcement Technology Program at Western Dakota Technical College in May 2021. The background revealed no adverse information. Parrow completed the reciprocity exam in October 2021. Parrow attended the January 2022 reciprocity skills training but did not successfully demonstrate proficiency in EVOC. Parrow attended the 40-hour EVOC training week during the 182nd academy session and completed EVOC skills on April 29, 2022. **Motion** by Commission Member Rasmussen to approve the reciprocity application for Benjamin Parrow, **second** by Commission Member Eschenbaum, motion **approved**.

Jason Abbitt, SD Highway Patrol, completed 600 hours of training at the Indiana Law Enforcement Academy in December 2008. Abbitt was employed by the Wayne County Sheriff's Department when he attended the academy and was considered to be a fully certified officer in the State of Indiana upon graduation. The background check revealed no adverse information. Abbitt completed the reciprocity exam in February 2022 and attended the May 2022 reciprocity training week and did not demonstrate proficiency in firearms. Abbitt completed the firearms qualification on June 15, 2022. **Motion** by Commission Member Eschenbaum to approve Jason Abbitt's reciprocity application, **second** by Commission Member Fulton, motion **approved**.

Tevin Anderson, Gregory Police Department, completed 627 hours of training in Basic Law Enforcement approved by the Nebraska Police Advisory Council on August 23, 2019. Anderson was employed with the Adams County Sheriff's office from April 2019 - December 2021. The background check revealed no adverse information. Anderson completed the reciprocity exam in April 2022 and completed the reciprocity training week in May 2022. **Motion** by Commission Member Miller to approve Tevin Anderson's reciprocity application, **second** by Commission Member Pecora, motion **approved**.

John BonneCarrere, Hughes County Sheriff's Office, completed all requirements to serve as a law enforcement officer in the State of Tennessee in December 2017. John completed the POST basic officer certification course at Louisiana State University academy, passed the POST exam, and received POST certification in May 2000. His certification is not valid due to a more than five-year break in Louisiana law enforcement service. John was employed with the Putnam County

Sheriff's Office from 2017 - 2019 and the Algood Police Department from 2019 - 2021. The background check revealed no adverse information. John completed the reciprocity exam in May 2022 and completed the reciprocity training week on May 20, 2022. **Motion** by Commission Member Miller to approve BonneCarrere's reciprocity application, **second** by Commission Member Gaikowski, motion **approved**.

Max Deslauriers, Pennington Co Sheriff's Office, completed the Law Enforcement Program at Alexandria Technical and Community College in May 2021, passed the Professional Peace Officer Education Exam, completed the POST Board's examination requirements, and is now eligible for a peace officer license. The background check revealed no adverse information. Deslauriers completed the reciprocity exam in December 2021 and completed the reciprocity training week in May 2022. **Motion** by Commission Member Eschenbaum to approve Max Deslauriers reciprocity application, **second** by Commission Member Pecora, motion **approved**.

Robert Dooley, Yankton Police Department, completed the North Dakota 486-hour basic training program in April 2021. Staff reviewed the course content, and it is equivalent to our 520-hour session. Dooley is in good standing and no adverse action has been taken against his license. Dooley was employed at the Minot Police Department from September 2020 to August 2021. The background check revealed no adverse information. Dooley completed the reciprocity exam in January 2022 and attended the May 2022 reciprocity training week but did not successfully demonstrate proficiency in EVOC. Dooley is scheduled to attend the EVOC week during the fall basic training session. **Motion** by Commission Member Wollman to approve Robert Dooley's reciprocity application contingent upon successful completion of the EVOC training week, **second** by Commission Member Eschenbaum, motion **carried**.

Bo Fisher, SD Highway Patrol, completed the Nebraska 635-hour basic training and was certified by the State of Nebraska in April 2018. Fisher was employed with the Deuel Co Sheriff's Office from August 2017 to March 2020 and the Dawson County Sheriff's Office from March 2020 until his employment with SD Highway Patrol in June 2022. The background check revealed no adverse information. Fisher completed the reciprocity exam in May 2022 and completed the reciprocity training week in May 2022. **Motion** by Commission Member Rasmussen to approve Bo Fisher's reciprocity application, **second** by Commission Member Eschenbaum, motion **approved**.

John Foster, Pennington County Sheriff's Office, completed the Southern Maryland Criminal Justice Academy 939-hour police entry-level training program in May 2007. Foster was employed with the Charles County Sheriff's Office from 2007 to 2021. The background check revealed no adverse information. Foster completed the reciprocity exam in December 2021 and attended the May 2022 reciprocity training week but did not successfully demonstrate proficiency in EVOC. Foster is scheduled to attend the EVOC week during the fall basic training session. **Motion** by Commission Member Eschenbaum to approve John Foster's reciprocity application contingent upon successful completion of EVOC training week, **second** by Commission Member Wollman, motion **approved**.

Tanner Heiser, Pennington County Sheriff's Office, completed the 585-hour basic peace officer course approved by the Arizona POST in May 2020. Heiser was employed with the Cottonwood Police Department from October 2019 to November 2020. The background check revealed no

adverse information. Heiser completed the reciprocity exam in December 2021 and completed the reciprocity training week in May 2022. **Motion** by Commission Member Eschenbaum to approve the reciprocity application for Tanner Heiser, **second** by Commission Member Quigley, motion **approved**.

Terrell Janis, SD Highway Patrol, completed the FLETC Indian Country Police Officer training program in April 2020. Janis was employed with the Oglala Sioux Tribe from January 2020 to February 2022. The background check revealed no adverse information. Janis completed the reciprocity exam in February 2022 and completed the May 2022 reciprocity training week. **Motion** by Commission Member Eschenbaum to approve the reciprocity application for Terrell Janis, **second** by Commission Member Gaikowski, motion **approved**.

Dillon Krosch, Deuel County Sheriff's Office, completed the Law Enforcement Program at Alexandria Technical and Community College in July 2021, passed the Professional Peace Officer Education exam, completed the POST Board's examination requirements, and is eligible for a peace officers license. The background check revealed no adverse information. Krosch completed the reciprocity exam in March 2022 and attended the May 2022 reciprocity training week but did not successfully demonstrate proficiency in EVOC. Krosch is scheduled to attend the EVOC week during the fall basic training session. **Motion** by Commission Member Wollman to approve Dillon Krosch's reciprocity application contingent upon successful completion of the EVOC training week, **second** by Commission Member Miller, motion **approved**.

Christopher Lindquist, Pennington County Sheriff's Office, completed the North Dakota 515-hour peace officer training program conducted by Lake Region State College, passed the licensing examination, and completed the written requirements in August 2010. Staff reviewed the course content and it is equivalent to our 520-hour session. Lindquist was employed with the Williams County Sheriff's Office from May 2011 to September 2021. The background check revealed no adverse information. Lindquist completed the reciprocity exam in December 2021 and completed the May 2022 reciprocity training week. **Motion** by Commission Member Rasmussen to approve the reciprocity application for Christopher Lindquist, **second** by Commission Member Fulton, motion **approved**.

Jorge Salas, Pennington County Sheriff's Office, completed the Colorado 548-hour Highlands Ranch Law Enforcement Training Center basic academy in 2018 and obtained his certification. Certification is in good standing, POST has no disciplinary action taken against Salas or his certification. Salas was employed with the Holyoke Police Department from June 2018 to September 2019 and the Phillips County Sheriff's Office from September 2019 to August 2021. The background check revealed no adverse information. Salas completed the reciprocity exam in December 2021 and completed the May 2022 reciprocity training week. **Motion** by Commission Member Wollman to approve the reciprocity application for Jorge Salas, **second** by Commission Member Eschenbaum, motion **approved**.

Kimberly Snyder, Division of Criminal Investigation, completed an 818-hour basic recruit training and supervised departmental field training as required by Connecticut POST and was awarded State certification in 2010. There is nothing in her file regarding dismissal or disciplinary issues. Snyder was employed by the Groton Police Department from 2009 to 2021. The background check

revealed no adverse information. Snyder completed the reciprocity exam in February 2022 and completed the May 2022 reciprocity training week. **Motion** by Commission Member Fulton to approve the reciprocity application for Kimberly Snyder, **second** by Commission Member Pecora, motion **approved**.

Deven Weinkauf, Milbank Police Department, completed the Minnesota Rochester Community and Technical College law enforcement program, passed the Professional Peace Officer Education exam, completed the POST Board's examination requirements, and is now eligible for peace officer license. The background check revealed no adverse information. Weinkauf completed the reciprocity exam in December 2021 and completed the reciprocity training week in May 2022. **Motion** by Commission Member Howe to approve the reciprocity application for Deven Weinkauf, **second** by Commission Member Rasmussen, motion **approved**.

Charles Wilderson, Brookings County Sheriff's Office, completed the 600-hour Indiana law enforcement academy required by the Indiana State Law Enforcement Training Board and awarded State certification in 2021. His certification has not been surrendered, suspended, or revoked. Wilderson was employed by the Spencer Police Department from 2019 to 2021. The background revealed no adverse information. Wilderson completed the reciprocity exam in January 2022 and completed the May 2022 reciprocity training week. **Motion** by Commission Member Exchenbaum to approve the reciprocity application for Charles Wilderson, **second** by Commission Member Miller, motion **approved**.

The following complaints were reviewed by Commission Member Allender. Executive Secretary Prim determined the complaints did not warrant presentation to the full Commission. Commission Member Allender concurred with the Executive Secretary's decision and presented an overview of the following complaints.

- Complaint #210003 - Use of force complaint during process of arresting and transporting. Individual did not think actions by a Sheriff's Office and Tribal Agency were appropriate. Complaint unfounded.
- Complaint #21008 - The complaint alleged a Sheriff exceeded his authority. LET reviewed the information and did not arise to the level of conduct unbecoming a law enforcement officer. The individual has resigned.
- Complaint #210026 - Off duty officer involved in an altercation inside a bar, was charged with disorderly conduct and simple assault. Officer resigned from the agency. LET determined it did not raise certification issues.
- Complaint #220001 - Ex-wife allegations complaint against Officer. LET determined complaint did not raise certification issues. Complaint unfounded.
- Complaints #22006; 22007; and 22008 - All from the same complainant against agency officers. The complainant felt the situation was not handled appropriately by the officers. LET determined the officer's actions were appropriate and did not rise to the level of conduct unbecoming a law enforcement officer.

- Complaints #220009 and 220010 - Use of force/unauthorized entry complaint against Sheriff's Office deputies. Charges dismissed.
- Complaint #220015 - Harassment, intimidation, entrapment, abuse of power against a Chief of Police and Conservation Officers. LET determined the officer's actions did not rise to the level of conduct unbecoming a law enforcement officer.
- Complaint #220017 - An investigator dismissed the complaint as unfounded and did not pursue any further investigation. LET's investigation determined the investigator's actions were justified.
- Complaint #220018 - Conduct unbecoming complaint against agency officers and DCI. Complaint unfounded.
- Complaints #220019 & 220020 - Theft and conduct unbecoming complaint against a local Sheriff's Office employee. LET reviewed the information and actions did not rise to the level of conduct unbecoming a law enforcement officer.
- Complaint #220022 - Conduct unbecoming complaint against deputy regarding service requested from a local Sheriff's Office. LET reviewed the information and actions did not rise to the level of conduct unbecoming a law enforcement officer.
- Complaint #220024 - Log entry complaint of police officer disseminating individual's personal information. Complaint unfounded.
- Complaint #220025 - Deputy filling out an application with sexual information. LET reviewed the information and actions did not rise to the level of conduct unbecoming a law enforcement officer.
- Complaint #220026 - Deputy using his position to threaten individuals, inappropriate behavior. Individual resigned.
- Complaint #220028 - Conduct unbecoming complaint for alleged inappropriate and criminal activity by a sheriff. LET determined complaint did not raise certification issues.
- Complaint #220029 - Conduct unbecoming complaint against several police department officers. LET reviewed the information and actions did not rise to the level of conduct unbecoming a law enforcement officer.
- Complaint #220030 - Excessive use of force complaint against a deputy. Complaint unfounded.

- Complaint #220032 - Conduct unbecoming complaint against Sheriff and deputies campaigning while on duty. Complaint unfounded.
- Complaint #220033 - Log entry complaint of conduct unbecoming against a sheriff candidate. Complaint unfounded.

Executive Secretary Prim presented three new PSD Canine Instructor Candidates for the State of South Dakota.

- Sgt. Don Farlee - CRST Law Enforcement
 - Disciplines: Narcotic Detection and Explosive Detection
- Trp. Deanna Johnson - SD Highway Patrol
 - Disciplines: Narcotic Detection and Explosives Detection
- Trp. Stuart Griffith - SD Highway Patrol
 - Disciplines: Narcotic Detection and Explosives Detection

All candidates have met all the South Dakota PSD State Standards requirements for this process:

- Must have a minimum of four years as a handler
- Must participate in a dog camp in its entirety offering supervised instruction
- Must pass PSD Instructor written test (minimum 80% to pass)
- Must submit two research papers to an existing PSD Judge
- Must present in an oral interview to SD PSD Judge Board
- Must be approved by the DCI Law Enforcement Training Administrator

The Judge Board held interviews with all candidates and voted unanimously on all candidates recommending all in becoming new PSD Instructors.

Motion by Commission Member Wollman to approve Sgt. Farlee, Trp. Johnson, and Trp. Griffith as PSD instructors for the State of South Dakota, **second** by Commission Member Peora, motion **approved**.

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

- Canine Team Alex Hansen and K9 Laya, Watertown PD, have met the requirements for Drug Detection certification on April 7, 2022;
- Canine Team Don Farlee and K9 Utah, Cheyenne River Sioux Tribe have met the requirements for Drug Detection certification on April 7, 2022;
- Canine Team Jeremy Reede and K9 Rowdy, Cheyenne River Sioux Tribe, have met the requirements for Drug Detection certification on April 7, 2022;
- Canine Team William Moran and K9 Ontario, BIA Drug Enforcement, have met the requirements for Drug Detection certification on April 8, 2022;
- Caine Team Thomas Barstad and K9 Neko, Aberdeen PD, have met the requirements for Drug Detection certification on April 21, 2022;

- Canine Team **Bill Berry and K9 Loki**, SD Highway Patrol, have met the requirements for Drug Detection certification on April 21, 2022;
- Canine Team **Stuart Griffith and K9 Sem**, SD Highway Patrol, have met the requirements for Drug Detection certification on April 21, 2022;
- Canine Team **Dennis Mez and K9 Doc**, SD Highway Patrol, have met the requirements for Drug Detection certification on April 21, 2022;
- Canine Team **Shannon Rojo and K9 Chena**, Oglala Sioux Tribe, have met the requirements for Drug Detection certification on April 21, 2022;
- Canine Team **Michael Varilek and K9 Taz**, Corson Co SO, have met the requirements for Drug Detection certification on April 21, 2022;
- Canine Team **Grant Van Voorst and K9 Hugo**, Sioux Falls PD have met the requirements for Drug Detection certification on June 1, 2022;
- Canine Team **Tanner Novak and K9 Diesel**, Charles Mix Co SO, have met the requirements for Drug Detection certification on April 7, 2022;
- Canine Team **Nate Pepin and K9 Zane**, Mobridge PD, have met the requirements for Drug Detection certification on April 21, 2022;
- Canine Team **Amanda Fox and K9 Rex**, Sioux Falls PD, have met the requirements for Drug Detection certification on June 9, 2022;
- Canine Team **Brandon Thompson and K9 Jary**, Rapid City PD, have met the requirements for Drug Detection certification on April 21, 2022;
- Canine Team **Roan Reiman and K9 Max**, Rapid City PD, have met the requirements for Drug Detection certification on April 21, 2022;
- Canine Team **Brandon Neitzert and K9 Comrade**, DCI, have met the requirements for Accelerant Detection certification on April 26, 2022;
- Canine Team **Seth Bonnema and K9 Gina**, Brookings PD, have met the requirements for Drug Detection certification on June 23, 2022;
- Canine Team **Joshua Lee and K9 Hari**, Spink Co SO have met the requirements for Drug Detection certification on June 23, 2022;
- Canine Team **Garrett Harmon and K9 Igor**, Chamberlain PD, have met the requirements for Drug Detection certification on June 23, 2022;
- Canine Team **Paul Smedsrud and K9 Tommy**, Sioux Falls PD, have met the requirements for Drug Detection certification on July 1, 2022;
- Canine Team **Jordan Anderson and K9 Demi**, SD Highway Patrol, have met the requirements for Drug Detection certification on June 23, 2022;
- Canine Team **Shane Johnson and K9 Kobra**, SD Highway Patrol, have met the requirements for Drug Detection certification on June 23, 2022;
- Canine Team **Brandon Miller and K9 Murph**, SD Highway Patrol, have met the requirements for Drug Detection certification on June 23, 2022;

- Canine Team **Nathan Monger and K9 Dax**, SD Highway Patrol, have met the requirements for Drug Detection certification on June 23, 2022;
- Canine Team **John Badker and K9 Shadow**, Mitchell PD, have met the requirements for Drug Detection certification on June 23, 2022; and
- Canine Team **Jaiden Carlson and K9 Elektra**, Sisseton-Wahpeton Oyate, have met the requirements for Drug Detection certification on July 21, 2022.

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

Pursuant to ARSD 2:01:11:10 (4) and ARSD 2:05:03:09 (4). Certified law enforcement officers and 911 telecommunicators who are arrested are required to notify Law Enforcement Training within 10 days of arrest. The failure to disclose the arrest is considered conduct unbecoming and may subject the individual to certification revocation/suspension.

The LES form (Application for Basic Law Officer Certification) has been updated to clarify questions on the form:

- Language added regarding requirement to report and provide complete responses;
- Additional information regarding previous academy/basic training involvement;
- Clarified discipline questions to ensure proper information is captured;
- Language added regarding marijuana stipulations;
- Clarify criminal history statement so individuals report any criminal charges; and
- Employment questions are broken out to capture previous law enforcement employment.

Voluntary consent of decertification was received by Dale Ebright, former Viborg PD Chief of Police.

Lake Area, Southeast, and Western Dakota Technical College audits conducted in April and May 2022, and updated articulation agreements were provided to members. Items added to the articulation agreements include:

- Listing of items to be prepared for Law Enforcement Training when doing an audit;
- Defensive tactics, firearms, and EVOC instructors are certified in a nationally recognized instructor program in the respective discipline;
- Maintain an overall average passing rate on the reciprocity exam and skills testing of at least 70% by individuals over a three-year timeframe; and
- If any of the items outlined are not provided upon request or met, can be placed on a probationary status.

These updates will hold each of the Technical Colleges accountable.

LET staff changes - Lesley Farmen resigned and has moved to Human Services.

The 183rd Basic Training session will begin on August 22nd, members are invited to attend the session at any time during the 13 weeks.

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 Vargo, motion **carried**. The next meeting is tentatively scheduled for September 29, 2022.