

LAW ENFORCEMENT OFFICERS  
STANDARDS AND TRAINING COMMISSION  
Classroom A/B  
George Mickelson Criminal Justice Center  
Pierre, SD  
March 13, 2024

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order on March 13, 2024, in Classroom A/B 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: Steve Allender, Municipal League; Gary Gaikowski, Sisseton-Wahpeton Chief of Police; Andy Howe, Clay County Sheriff; Marty Jackley, Attorney General; Kathy Peterson, Rapid City; Jessica Quigley, Tea Chief of Police; Jay Rasmussen, Sioux Falls; Troy VanDusen, Codington County Commissioner; and Tom Wollman, Lincoln County State's Attorney. Others present included Hank Prim, Executive Secretary; Dan Satterlee, Chairman; Kim Knecht, Assistant Training Administrator; Law Enforcement Training and DCI Staff. Commission Members Col. Casey Collins, SD Highway Patrol; Neil Fulton, USD School of Law Dean; and Joan Pecora, Special Agent, FBI, were absent. Commission Member Jackley appeared remotely.

The following agenda amendment was approved on a **motion** by Commission Member Howe, **second** simultaneously by Commission Members Allender and Peterson, motion **approved**.

- Chase Frank hearing is scheduled at 9:00 am and not 9:30 am.

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

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

Executive Secretary Prim presented the following basic eligibility requests:

**David Dupris**, Cheyenne River Sioux Tribe Law Enforcement Services, along with Charles Red Crow, Chief of Police, requesting eligibility to attend the basic certification training session. Dupris and Red Crow were unavailable. The request was tabled.

**Kyle Brown** is requesting to be reconsidered for eligibility and reinstatement for the Basic Certification Course. Brown's application for certification was denied in September 2020 for falsification of information. Law Enforcement Training received several applications submitted by Brown dating from April through July 2020, indicating he received a GED from various locations on different dates and indicated he was a high school graduate. Brown provided false information on the South Dakota Law Enforcement Officer applications and lied during an interview with a county sheriff about his education. A hearing was held in December 2020 and the Commission upheld the ruling of the Executive Secretary regarding Brown's denial.

- Brown appeared before the Commission in November 2021 requesting eligibility to be certified as a law enforcement officer in the State of South Dakota. Commission members

agreed to continue the denial certification eligibility of Kyle Brown. A county sheriff supported Brown in his December 2020 hearing, however, the sheriff advised he would not be appearing on Brown's behalf and would not support him at his November 2021 request for eligibility for certification.

- Brown submitted a request for basic eligibility/certification in March 2023. The Commission members reviewed the previous Findings and Order information and moved to deny the eligibility request.

Brown has been working in corrections since the 2020 denial of his application for certification. Staff recommendation, based on the Findings of Facts and Conclusions, and creditability issues is, the denial be upheld. **Motion** by Commission Member Allender is to uphold the denial, is **second** by Commission Member Quigley, motion **approved**.

Executive Secretary Prim presented the Agreed Settlement of Contested Case regarding Darrell O'Connor. On January 23, 2024, Executive Secretary Prim gave notice to O'Connor of a contested case hearing alleging O'Connor engaged in conduct unbecoming of a law enforcement officer. O'Connor waived the formal contested case hearing and other procedures before the Commission. The Agreed Settlement of Contested Case and the investigative file were submitted to commission members for review and consideration. The Agreed Disposition requirements are:

- O'Connor's law enforcement certification will be suspended for a 20-day period.
- O'Connor shall be given credit for the 14 days he was suspended by the Turner County Sheriff. The remaining 6 days will be held in abeyance until completion of remedial training. If O'Connor successfully completes the required remedial training, he shall not have to serve the remaining six days of suspension.
- O'Connor shall complete 16 hours of remedial training in the areas of surviving verbal conflict [8 hours], response to resistance [4 hours], and fair and impartial treatment [4 hours]. The remedial training shall be accomplished by attending the corresponding courses in the basic law enforcement certification course in Pierre and must be completed by December 31, 2024.
- At the conclusion of the remedial training, O'Connor is to submit to the Executive Secretary and the Commission a one-page summary of what he learned in the remedial training and how he will apply those lessons moving forward.

The Agreed Settlement and the investigative file are to be disclosed to the employing agency and the State's Attorney in that jurisdiction. **Motion** by Commission Member Howe to ratify the current agreement, **motion** amended to include and give authorization to the Chairman to sign the order, second by Commission Member Gaikowski as amended, motion **approved**. The record will reflect Commission Member Wollman was recused.

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

- Canine Team **Paul Sheldon and K9 Mack**, Jerauld County SO, have met the requirements for Drug Detection certification on February 18, 2024; and
- Canine Team **Brandon Fisher and K9 Ringo**, Hand County SO, have met the requirements for Drug Detection certification on February 18, 2024.

**Motion** by Commission Member VanDusen to approve the canine certification or recertification, **second** by Commission Member Peterson, motion **approved**.

Chairman Satterlee welcomed David Keith, newly appointed Professional Standards Unit Investigator, to the commission. Keith is a former FBI special agent. The State has been divided into West and East territories. Keith will primarily handle allegations of officer misconduct in the East side territory consisting of the Northeast and Southeast field zones. Professional Standards Unit Investigator DiBenedetto will handle officer allegations in the West side territory consisting of the West and Central field zones. It is the hope having two professional standards investigators, that the number of cases assigned out to Division of Criminal Investigation agents will be minimal.

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

The following voluntary consents of decertification have been received:

- Grace Waters, former Mitchell telecommunications officer, arrested for DUI and contributing alcohol to a minor.
- Kohl Mahoney, former Platte Police Department officer, for use of marijuana tied to a traffic accident he was involved in.
- Cole Larson, former Yankton Police Department officer, for timecard fraud with an off-duty employer.
- Joseph Curtin, former SD Highway Patrol trooper, arrested while certified, for DUI and simple assault domestic violence; and
- Kip Stearns, former Turner County Sheriff's Office deputy, for an illegal search and lied in his official report and affidavits.

Western Dakota Technical College (WDTC) is committed to developing a brand-new law enforcement program. Kevin Thom has been hired to oversee the program process and staff. WDTC plans to provide an updated program proposal for the commission's consideration this summer.

A short recess was taken and reconvened at 9:00 am. Roll call taken with the following members responding: Steve Allender, Municipal League; Gary Gaikowski, Sisseton-Wahpeton Chief of Police; Andy Howe, Clay County Sheriff; Marty Jackley, Attorney General; Kathy Peterson, Rapid City; Jessica Quigley, Tea Chief of Police; Jay Rasmussen, Sioux Falls; Troy VanDusen, Codington County Commissioner; and Tom Wollman, Lincoln County State's Attorney. Quorum present.

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

- Complaint #230039 - A State Trooper accused of use of force, theft, and conduct

- unbecoming an officer. The case was referred to the state's attorney's office and the matter is considered closed.
- Complaint #230043 - A State Trooper accused of use of unnecessary force during an arrest. Unsubstantiated, the matter is considered closed.
- Complaint #230047 - The complainant accused a local police officer of conduct unbecoming, interfering with two hit-and-run accident investigations and a civil standby. Did not rise to a certification issue or a crime.
- Complaint #230049 - A State Trooper accused of stealing. When contacted by the state investigator the complainant requested to cease the investigation. The matter was closed.
- Complaint #230051- Sheriff's department deputy accused of careless driving and conduct unbecoming. Did not require an investigation, left to the agency for any corrective action.
- Complaint #230054 - Dispute between a sheriff and deputy, conduct unbecoming, not a certification issue.
- Complaint #230057 - An officer accused of an illegal search of a vehicle while conducting a traffic stop. Did not rise to a certification issue.
- Complaint #230058 - A deputy accused of being unprofessional in contact with the complainant. Not a crime or certification issue.
- Complaint #230060 - A deputy accused of harassment. The matter is considered closed.
- Complaint #230061 - A deputy accused of being unprofessional and vengeful by the complainant, conduct unbecoming. Did not rise to the level of a crime or certification issue.
- Complaint #230062 - Complainant accused an officer engaged in failing to investigate threats. Conduct unbecoming. Did not rise to the level of a crime or a certification issue.
- Complaint #230064 - A deputy was accused of threatening to arrest the complainant for refusing to sign a traffic ticket resulting in an argument. Did not rise to the level of a crime or certification issue.
- Complaint #230065 - Sexual contact with a person under 16, referred to county state's attorney for further review. No charges forthcoming, investigation and case closed.
- Complaint #230066 - An officer is accused of kidnapping and false imprisonment. Did not rise to a crime or certification level.
- Complaint #230071 - Two officers accused of extramarital affairs, conduct unbecoming an officer. Did not rise to a certification issue.

- Complaint #230074 - Complainant accused a deputy failed to act on a crime that took place. Investigation revealed the deputy resigned from the agency. No further investigation was carried out and the matter is closed.
- Complaint #230075 - A deputy was accused of inappropriate sexual behavior, unreasonable force, and drug use. The sheriff was contacted and made aware of the complaint. The matter is considered closed.
- Complaint #230076 - An officer was reported to have used excessive force which caused an injury, conduct unbecoming. Actions did not rise to the level of a crime or a certification issue, complaint was closed and unfounded.
- Complaint #230077 - Complainant stated an officer engaged in conduct unbecoming after intentionally misgendered an individual which triggered post-traumatic stress disorder. Was determined the complaint did not rise to the level of a crime or certification issue.
- Complaint #220076 - Alleged an officer had committed crimes and engaged in conduct unbecoming and should not have been hired as an officer. Information was obtained without permission and made known. Reports were examined and determined they did not rise to a certification issue.
- Complaint #220078 - An employer was provided personal information on an employee due to an error on the part of the National Personnel Records Center. Complaint was unfounded and closed.
- Complaint #230103 - Alleged an officer failed to act or respond to a situation to an individual's liking. Did not rise to the level of a crime or a certification issue.
- Complaint #230105 - Alleged inappropriate behavior and harassment by court service officers. Complainant advised the South Dakota law enforcement officer complaint form is only for certified law enforcement officers. The Law Enforcement Officers Standards and Training Commission does not have authority over Court Service Officers.
- Complaint #230106 - Complainant believes a deputy unfairly or improperly placed a levy on a bank account without writ of execution. Does not rise to a certification issue.
- Complaint #230108 - Alleges two officers were rude and disrespectful. Complaint did not warrant an investigation and was turned over to the local law enforcement agency.
- Complaint #230109 - Complainant felt a deputy failed to provide service, and was dismissive. Complaint was forwarded to the agency head, no investigation by DCI.
- Complaint #230046 - An officer was arrested while off-duty for DUI/possession of a firearm while intoxicated. Review by agency, not a certification issue.

- Complaint #230048 - Alleges a deputy used unreasonable force and conducting an unlawful traffic stop. The video does not reflect the deputy using unreasonable force. Unfounded and did not rise to a certification issue.
- Complaint #230050 - Alleges an off-duty deputy used force to intervene in a domestic assault. Sent to the county state's attorney's office for review. Use of force was reasonable under the circumstances. Not a certification issue.
- Complaint #230053 - Complaint issued against members of a police department for a substandard and inadequate investigation into the theft of numerous items. The issue is being addressed by the employing agency. Not a certification issue.
- Complaint #230056 - Conduct unbecoming, a sheriff failed to perform his statutory duties. Sheriff resigned from his position. The issue was resolved.
- Complaint #230063 - A deputy engaged in various forms of conduct unbecoming including improper search and improper force. Complaint form and report provided to the agency Sheriff. Not a certification issue.
- Complaint #230078 - Alleged that State and County law enforcement officers stole a device from an impounded vehicle. The allegation against the State officer is unfounded, the allegation against the County officer is an issue to be decided in court. The case is considered closed/canceled. Not a certification issue.
- Complaint #230079 - A police officer failed to report/document a domestic violence call. Copy of investigation provided to the agency and state's attorney for review and any disciplinary action and or remedial training. Does not rise to the level of a crime for certification issue.
- Complaint #230080 - Denial of a sheriff unfairly excluding a towing company from local tow rotation. Complaint and allegation do not rise to the level of crime nor certification issue, a civil issue.
- Complaint #230081 - A police officer failed to document or investigate a sexual assault reported in 2022. The incident was not reported to law enforcement. The complaint is unfounded.
- Complaint #230086 - Alleged a police officer failed to provide service. An individual had gotten into a civil issue having to do with obtaining a loan attempting to purchase a vehicle. Complainant failed to contact the investigator for follow-up. Referred to the local chief of police.
- Complaint #230087 - A sheriff's office and other individuals are harassing and spying on an individual, an apparent mental health issue. The agency has been notified and no further action taken.
- Complaint #230090 - An improper stop and search by a trooper. Complainant was stopped for no reason and an unwarranted search ensued. Investigated by a state agency, complaint is unfounded.

- Complaint #230092 - A sheriff accused of failing to properly investigate crimes. Information submitted to the state's attorney. Not a certification issue.
- Complaints #230091; 230093; 230096; 230098 - A deputy accused of failure to make a simple assault/domestic violence arrest and filing a false report. Evidence does not support wrongdoing on the part of the deputy. Not a certification issue.
- Complaints #230094; 230095 - Inappropriate behavior, sexual harassment, and unwarranted stop, by members of a sheriff's office. Allegations are unsubstantiated and falsely made. Not a certification issue.
- Complaint #230097 - An officer shared information with another officer regarding a case. Complainant could not be contacted and failed to return calls or messages. Not a certification issue.
- Complaint #230100 - A sheriff is accused of not carrying out his duties as a law enforcement officer. Complainant heard information from others regarding the incompetence, had no firsthand knowledge of incidents. Not a certification issue.
- Complaint #240001 - A trooper accused of racial profiling and stopping a vehicle for illegitimate reasons. Complaint was turned over to the employing agency, not a certification issue.
- Complaint #240002 - County deputies and local officers accused of profiling harassment, unreasonable force and engaged in conduct unbecoming of a law enforcement officer. The complaint was turned over to agencies.
- Complaint #240003 - Jail staff accused of unjustly holding an individual on a 24-hour mental commitment, engaged in conduct unbecoming. Referred to the county agency.
- Complaint #240004 - Sheriff accused of refusing to provide law enforcement services to the community, conduct unbecoming. Unfounded, not a certification issue.
- Complaint #240005 - Members of a police department accused of conduct unbecoming, disagreement with a behavioral health unit nurse concerning the transport of a patient on mental health hold to jail. Addressed by local agency. Did not rise to a certification issue.
- Complaint #240007 - A sheriff did not fully conduct an investigation involving a 5-year-old child and a 4-year-old child taking photos of private areas. Referred to appropriate agency. Not a certification issue.
- Complaint #240008 - Local officers accused of conduct unbecoming. Officers did not believe a 911 call was legitimate. Referred to the local agency, not a certification issue.
- Complaint #240009 - An officer accused of committing perjury regarding a speed limit zone. Complaint sent to the local agency, not a certification issue.

- Complaint #240010 - A chief of police and an officer engaged in conduct unbecoming by failing to document or investigate a case of child abuse. Not a certification issue.
- Complaint #240012 - A chief of police accused of conduct unbecoming, spoke to the complainant's child at school and the complainant felt it was inappropriate. Not a certification issue.
- Complaint #240013 - A chief of police is accused of conduct unbecoming, failure to act immediately on a child custody issue, and disregarded duties. Submitted to the local state's attorney's office. Not a certification issue.
- Complaint #240024 - A deputy was accused of conduct unbecoming, used unreasonable force causing an injury, Reviewed internally, not a certification issue.

Members proceeded with the scheduled hearing of **Chase Frank**. Chairman Satterlee turned the proceedings over to Hearing Officer Jack Hieb. The hearing is held to determine whether Frank falsified information to obtain certification as a law enforcement officer in violation of SDCL § 23-3-35(3) and ARSD 2:01:11:01. Kelly Marnette, Assistant Attorney General, is representing the commission. Mr. Frank is present without counsel. The record will reflect a stenographic transcription of the hearing will be made and copies of the transcripts will be available upon request and tender of the cost thereof. See file for exhibits.

Concluding testimony, review of exhibits and documents, questions by commission members, summarization, and closing statements, members moved into executive session on a **motion** by Commission Member Wollman, **second** by Commission Member Allender. Members moved out of executive session on a **motion** by Commission Member Gaikowski, **second** by Commission Member Peterson. **Motion** by Commission Member Wollman, based upon the testimony provided and exhibits presented and admitted, this commission finds that the burden of proof has not been met that the Respondent intentionally falsified his application to Law Enforcement Training. We make this finding based upon previous and subsequent truthful disclosures of marijuana usage, second by Commission Howe, motion **approved**. The hearing is concluded.

Members took a short recess and reconvened with a quorum present.

Hearing Officer Hieb proceeded with the next scheduled hearing for **Tate Fremo**. The hearing is held to determine whether Fremo possesses the requisite minimum standards (good moral character) required to be employed or certified as a law enforcement officer, to-wit: on or about April 2, 2022, while employed as a correctional officer at the Hughes County Jail, Fremo stole a portable preliminary breath test device (PBT) and breath sample tubes from his employer. Fremo was terminated by the Hughes County Sheriff. Mr. Fremo is represented by Attorney Jason Glodt. Kelly Marnette, Assistant Attorney General, is representing the commission. The record will reflect a stenographic transcription of the hearing will be made and copies of the transcripts will be available upon request and tender of the cost thereof. See file for exhibits.

Concluding testimony, review of exhibits and documents, questions by commission members, summarization, and closing statements members moved into executive session on a **motion** by Commission Member Rasmussen, **second** by Commission Member VanDusen. Members moved out of executive session on a **motion** by Commission Member Wollman, **second** by Commission



Member Peterson. **Motion** by Commission Member Allender, we, the commission, sustained the determination by Training Administrator Prim that Tate Fremo has failed to meet the burden that he possesses the requisite to be of good moral character and fitness in the State of South Dakota at this time, and to authorize the Chair to sign the ruling and necessary documents related to this determination, **second** simultaneously Commission Members Gaikowski and Howe, motion **approved**. The hearing is concluded.

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 VanDusen, motion **approved**.

The next meeting is scheduled for April 16, 2024, in conjunction with the Chiefs and Sheriffs Conference and Training at the Deadwood Lodge.