

**LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION
MICKELSON CRIMINAL JUSTICE CENTER
Pierre, SD
August 19, 2014**

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order by Chairman Gortmaker at the hour of 9:00 a.m. on August 19, 2014, in the Commission Conference Room at the George S. Mickelson Criminal Justice Center.

Roll call of members present included Bryan Gortmaker, Chairman; Tom Wollman, Lincoln County State's Attorney; Ken Tracy, Mayor, City of Mitchell; Marty Jackley, Attorney General; Joe Weir, Special Agent, FBI; Doug Barthel, Sioux Falls Chief of Police; Jeff Holcomb, Southeast Tech President; John Long, SS Agent BIA OJS; and Col. Craig Price, Superintendent, SD Highway Patrol. Others present included Scott Rechtenbaugh, Executive Secretary, Kim Knecht, Assistant Training Administrator and Diana Tibbs, 911 Basic Coordinator. Commission Members Dennis Falken, Brookings County Commissioner and Mike Leidholt, Hughes County Sheriff were absent.

Chairman Gortmaker declared a quorum present and started the order of business with review of the previous meeting's minutes.

- May 13, 2014 minutes of the South Dakota Law Enforcement Officers Standards and Training Commission were approved on a **motion** by Commission Member Barthel, **second** by Commission Member Tracy, motion **approved**.

Hearing Officer Rob Anderson proceeded with the scheduled continued hearing in the matter of the certifiability of **Brent Goehring** as a South Dakota law enforcement officer. The May 13, 2014 adversary hearing to determine whether Goehring possesses the requisite minimum standards required to be employed or certified as a law enforcement officer was tabled until Goehring received a psychological evaluation conducted by Dr. Fred Magnavito or a board certified psychologist. Goehring completed a psychological evaluation conducted by Dr. Magnavito on June 9, 2014.

Mr. Goehring and Moody County Sheriff Troy Wellman are present via telephone. Goehring is without legal counsel. Kelly Marnette, Assistant Attorney General, is present for the State. The record will reflect a stenographic recording of the hearing will be made and copies of the recording will be available upon request. See file for exhibits.

Upon conclusion of testimony, questions, exhibit review and discussion the evidentiary portion of the hearing concluded. Members entered into executive session on a **motion** by Commission Member Wollman, **second** by Commission Member Tracy to further discuss their consideration. Proceedings resumed before the commission at 10:00 a.m. on a **motion** by Commission Member Holcomb, **second** by Commission Member Price. **Motion** by Commission Member Barthel to approve eligibility for reciprocity certification, **second** by Commission Member Price, motion **approved**. The hearing proceedings were concluded.

Hearing Officer Rob Anderson continued with the scheduled hearing in the matter of the certification of Derek Daniels as a reserve officer. This is an adversary hearing to determine whether Daniels possesses the requisite minimum standards for employment or certification as a reserve law enforcement officer. Mr. Daniels submitted an application for certification as a reserve officer to Law Enforcement Training on May 22, 2014. Background check revealed Daniels received a suspended imposition of sentence for Driving Under the Influence 3rd offense.

Derek Daniels is present without counsel. Kelly Marnette, Assistant Attorney General, is acting legal counsel for the State. The record will reflect a stenographic recording of the hearing will be made and copies of the recording will be available upon request. See file for exhibits.

Upon conclusion of testimony, questions, review of exhibits and discussion the evidentiary portion of the hearing concluded. Members entered into executive session on a **motion** by Commission Member Long, **second** by Commission Member Wollman to further discuss their consideration. Proceedings resumed before the commission at 9:40 a.m. **Motion** by Commission Member Weir to deny the application for certification as a reserve officer based upon the facts presented, **second** by Commission Member Barthel motion **approved**. Assistant Attorney General Marnette will prepare Findings of Fact and Conclusions of Law. Commission members agreed to authorize the LEOSTC Chairman to have the authority to sign off on behalf of the commission for the Findings of Fact and Conclusions of Law on a **motion** by Commission Member Barthel, **second** by Commission Member Tracy, motion **approved**. The hearing proceedings were concluded.

Chairman Gortmaker called a brief recess and members returned to session at 10:19 a.m. with a quorum present.

The order of business continued with the following certification reinstatement requests:

Keith Baker, Brown County Sheriff's Office. Craig Nelson, Brown County Jail Administrator and Baker are present. Baker voluntarily left the Sheriff's Office in February 2012 for a job in agriculture in Groton. Baker's certification expired in February 2014. Baker was hired by the Brown County Sheriff's Office in June 2014. **Motion** by Commission Member Barthel to approved the certification reinstatement for Keith Baker contingent upon completion of the required firearms qualification and Domestic Violence training, **second** by Commission Member Long, motion **approved**.

Major Rick Miller, SD Highway Patrol Assistant Superintendent, appeared before members on behalf of the Highway Patrol, **Brandon Marienau** and **Jeff Talbot** asking for certification reinstatement.

Brandon Marienau. Marienau was certified in 1991 and was employed with the SD Highway Patrol until his retirement in 2009. Marienau was employed as a part-time officer with the Canton Police Department from November 2010 to February 2011. Marienau is currently a flight paramedic supervisor with Avera McKennan Careflight. Marienau's certification expired in February 2013. Marienau is currently in the re-hire process as a part-time officer with the SD Highway Patrol. Marienau will attend the SD Highway Patrol in-house academy and will receive training in the areas covered during the reciprocity training week. **Motion** by Commission Member Wollman to approve certification reinstatement based upon completion of the scheduled patrol in-house required training. The training requirements are to be completed by November 1, 2014, **second** by Commission Member Holcomb, motion **approved**.

Jeff Talbot. Talbot was certified in 1979 and was employed with the SD Highway Patrol until his retirement in 2006. Talbot was a member of the Minnehaha County Reserve Unit from November 2006 - April 2012. Talbot is an instructor at Southeast Technical Institute. Talbot's certification expired in April 2014. Talbot is currently in the re-hire process as a part-time officer with the SD Highway Patrol. Talbot will attend the SD Highway Patrol in-house academy and will receive training in the areas covered during the reciprocity training week. **Motion** by Commission Member Long to approve certification reinstatement based upon completion of the scheduled patrol in-house required training. The training requirements are to be completed by November 1, 2014, **second** by Commission Member Holcomb, motion **approved**.

Marlene Haines, Communications Supervisor, appeared before members on behalf of the City of Mitchell Department of Public Safety and Crystal Van Sickle asking for 911 telecommunicator certification reinstatement.

Crystal Van Sickle was re-hired by the Mitchell Department of Public Safety in June 2014. Van Sickle's telecommunicator certification lapsed in July 2012. Van Sickle was employed with the Mitchell Department of Public Safety from December 2007 - July 2010 and left in good standing. Van Sickle obtained her telecommunicator certification in 2005 while employed with the Winner Police Department. Van Sickle has recently completed the agency's modified training program. LET staff recommendation is that Van Sickle attend the Liability and 3-day NCIC training for certification reinstatement. **Motion** by Commissioner Wollman to approve Van Sickle's telecommunicator certification reinstatement with the staff provisions (completion of the liability and NCIC training), **second** by Commissioner Tracy, motion **approved**.

Chairman Gortmaker continued the order of business with the following grant request:

The South Dakota Sheriffs' Association submitted a request to host a one-day, 8-hour, session on *Defensible Policies, Procedures and Operations on Hot Jail Issues* on November 13, 2014. The session will cover subject areas of highest legal liability. The session will be conducted by instructors from the National Institute for Jail Operations (NIJO). The \$5,215.00 cost of the seminar is for the NIJO presenter fees. Travel costs, printing of any materials, audio-visual requirements and other expenses related to the onsite training will be provided by or reimbursed by the South Dakota Sheriffs' Association. There is no minimum class size and will be able to handle a maximum of 150 attendees, which is the maximum seating capacity of the training location. **Motion** by Commission Member Price to approve the Sheriffs' Association grant request, **seconded** by Commission Member Barthel, motion **approved**.

Executive Secretary Rechtenbaugh presented the following applications for reciprocity certification:

Nicholas Nelson, Pennington County Sheriff's Office, completed 584 hour basic police training at Black River Technical College in Arkansas in April 2005. His background check revealed no adverse information. Nelson was employed with the Blytheville Police Department. He is in good standing and no derogatory information. Nelson successfully completed the reciprocity exam on May 20, 2014. Nelson is scheduled to attend the September reciprocity training week. **Motion** by Commission Member Long to approve reciprocity certification contingent upon completion of the reciprocity training week and skills testing, **second** by Commission Member Price, motion **approved**.

Cody Brua, Edmunds County Sheriff's Office, completed 40 hours of basic training during the reciprocity basic session conducted at the Kansas Law Enforcement Training Academy on August 9, 2013. His certification is in good standing. Brua was employed by the Eastborough Police Department. No disciplinary action noted. Brua had successfully completed a 720-hour course at the Parks Law Enforcement Academy in the State of Washington. His background check revealed no adverse information. Brua successfully completed the reciprocity exam on May 28, 2014. Brua is scheduled to attend the September reciprocity training week. **Motion** by Commission Member Tracy to approve reciprocity certification contingent upon completion of the reciprocity training week and skills testing, **second** by Commission Member Holcomb, motion **approved**.

Blake Swanson, SD Department of Game, Fish & Parks, completed 800-hours of Basic Police Officer Training on August 28, 2009, and was therefore eligible to serve as a Police Officer in the State of New Mexico. Swanson is in good standing in the State of New Mexico. Swanson was employed by the New Mexico Department of Game & Fish and there are no pending complaints. Swanson completed the law enforcement clinical component of the peace officer education program at Hibbing Community College

and is eligible to take the Minnesota POST license examination. He does not hold a peace office license in the State of Minnesota. Swanson's background revealed no adverse information. Swanson successfully completed the reciprocity exam on March 29, 2014. Swanson is scheduled to attend the September reciprocity training week. **Motion** by Commission Member Barthel to approve reciprocity certification contingent upon completion of the reciprocity training week and skills testing, **second** by Commission Member Wollman, motion **approved**.

Christopher Schafer, Brown County Sheriff's Office, completed the Law Enforcement Program at Alexandria Technical College and successfully passed the Minnesota Peace Officer License Exam in June 2009. Schafer holds a valid Minnesota Peace Officer License from August 2009 until present. Schafer was employed by the Springfield Minnesota Police Department. There are no pending complaints. Schafer's background check revealed no adverse information. Schafer successfully completed the reciprocity exam on June 10, 2014. Schafer is scheduled to attend the September reciprocity training week. **Motion** by Commission Member Wollman to approve reciprocity certification contingent upon completion of the reciprocity training week and skills testing, **second** by Commission Member Tracy, motion **approved**.

Nathan Nickeson, Southeast Technical Institute. Nickeson completed the Law Enforcement Technology Program at Southeast Tech in 2014. His background check revealed no adverse information. Nickeson successfully passed the reciprocity exam on July 30, 2014. Because of the articulation agreement between the SD Law Enforcement Officers Standards and Training Commission and Southeast Technical Institute, Hendrix only needs to demonstrate the skills test in EVOC and firearms. He must demonstrate the same level of skills in EVOC and firearms as required in the Basic Certification Course. Nickeson is scheduled to attend the EVOC and firearms skills testing in September. If he successfully completes the skills testing, he will be eligible for law enforcement officer certification. Nickeson will receive his South Dakota officer certification when he is hired by a law enforcement agency within two years of graduation. **Motion** by Commission Member Barthel to approve reciprocity certification contingent upon completion of the skills requirements, **second** by Commission Member Holcomb, motion **approved**.

Theodore Smith, McPherson County Sheriff's Office. Smith completed the Law Enforcement Technology Program at Western Dakota Tech in 2013. His background check revealed no adverse information. Smith successfully passed the reciprocity exam on August 5, 2014. Because of the articulation agreement between the SD Law Enforcement Officers Standards and Training Commission and Southeast Technical Institute, Hendrix only needs to demonstrate the skills test in EVOC and firearms. He must demonstrate the same level of skills in EVOC and firearms as required in the Basic Certification Course. Smith is scheduled to attend the EVOC and firearms skills testing in September. **Motion** by Commission Member Barthel to approve reciprocity certification contingent upon the successful completion of the skills requirements, **second** by Commission Member Holcomb, motion **approved**.

Micah Hofman, Southeast Technical Institute. Hofman completed the Law Enforcement Technology Program at Southeast Tech in 2014. His background check revealed no adverse information. Hofman successfully passed the reciprocity exam on August 7, 2014. Because of the articulation agreement between the SD Law Enforcement Officers Standards and Training Commission and Southeast Technical Institute, Hofman only needs to demonstrate the skills test in EVOC and firearms. He must demonstrate the same level of skills in EVOC and firearms as required in the Basic Certification Course. Hofman is scheduled to attend the EVOC and firearms skills testing in September. If he successfully completes the skills testing, he will be eligible for law enforcement officer certification. Hofman will receive his South Dakota officer certification when he is hired by a law enforcement agency within two years of graduation. **Motion** by Commission Member Tracy to approve reciprocity certification contingent upon completion of the skills requirements, **second** by Commission Member Holcomb, motion **approved**.

Skyler Mathis, Sioux Falls Police Department, completed the 585-hour Basic Peace Officer Course approved by the Arizona Peace Officer Standards and Training Board in May 2013. Mathis was employed by the Tucson Police Department and there is no record of any disciplinary actions. His background check revealed no adverse information. Mathis successfully completed the reciprocity exam on August 7, 2014. Mathis is scheduled to attend the September reciprocity training week. **Motion** by Commission Member Tracy to approve reciprocity certification contingent upon completion of the reciprocity training week and skills testing, **second** by Commission Member Wollman, motion **approved**.

The following Canine Teams have met the certification or recertification requirements:

- Canine Team **Michael Dale and K9 Raica**, SD Highway Patrol, have met the requirements for Patrol Dog certification on May 15, 2014;
- Canine Team **Marcus Glass and K9 Jackson**, Rapid City PD, have met the requirements for Patrol Dog certification on May 15, 2014;
- Canine Team **Shane Mentzer and K9 Ajax**, Jerauld Co SO, have met the requirements for Drug Detection Dog certification on May 20, 2014;
- Canine Team **Michael Varilek and K9 Taz**, Corson Co SO, have met the requirements for Drug Detection Dog certification on May 20, 2014;
- Canine Team **Nicholas Butler and K9 Doerak**, Sioux Falls PD, have met the requirements for Patrol Dog certification on June 18, 2014 and Drug Detection Dog certification on July 30, 2014;
- Canine Team **Shannon Irish and K 9 Rio**, Sioux Falls PD, have met the requirements for Patrol Dog certification on June 18, 2014 and Drug Detection Dog certification on July 30, 2014;
- Canine Team **Eric Fay and K9 Garzo**, North Sioux City PD, have met the requirements for Patrol Dog (USPCA) certification on June 24, 2014;

Motion by Commission Member Price to approve all Canine Team certifications, **second** by Commission Member Long, motion **approved**.

During the February 19, 2014 meeting members discussed the minimum hours of training for a reserve officer to work independently. Members agreed to have the LET staff research other states working with reserve programs and report to the board. A copy of a reserve officer survey was distributed to members. Law Enforcement Training's reserve standards are consistent with other states. Currently a reserve officer works under the direct supervision of a certified law enforcement officer unless the reserve officer is certified or has at least 320 hours of training and experience as a reserve officer and is authorized by the chief officer to work independently. The survey resulted in a wide variety of what states are doing, anywhere from 80 hours, 297 hours, 335 hours to requiring reserve officers to attend a full basic course. The commission made no changes in the training hours for a reserve officer to work independently (the 320 hours plus the mandatory 100 hours of reserve officer training for a total of 420 hours).

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

The Consent of Decertification for Scent Discriminatory Canine Teams were received from Canine Handlers **Chad Carpenter and K9 Felony of Rib Mountain**, and **Shannon Riter and K9 Chase of Rib Mountain**, Division of Criminal Investigation. Canines Felony and Chase were retired in June 2014.

Basic Coordinator, Greg Williams, provided members with a curriculum delivery update. In 2009 Law Enforcement Training started the process to change the basic course curriculum, and implement the new structure of teaching the basic course in 2011. A trainee assessment of the basic course was recently conducted. The assessment gave a statistical analysis of ratings of the course before and after the change to the phase concept. Prior to the curriculum change, 65% was classroom instruction and 35% skills instruction. With the implementation of the curriculum change, it is now 65% skills instruction and 35% classroom instruction. There is a 92% favorable vs unfavorable rating from the trainee survey which speaks volumes for the curriculum change. Prior to the curriculum change there was a 12% dismissal rate. With the curriculum change implemented in the last two years the dismissal rate is 2%.

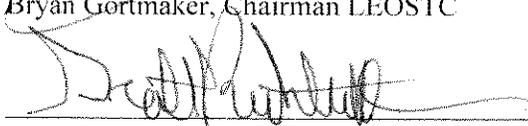
Attorney General Jackley provided a brief update on the LEOTF (Law Enforcement Officers Training Fund). There have been several meetings and discussions with the Government Operation Audit Committee on ways regarding a fix for the LEOTF. The Governor's Office could provide a possible decision in a couple of months. Meanwhile, agencies are to continue to spend within their means.

There being no further business to come before the meeting body, the meeting was adjourned on a **motion** by Commission Member Jackley, **second** simultaneously by Commission Members Price and Holcomb, motion **carried**. The November 12, 2014 date for the next meeting of the Standards and Training will be held in conjunction with the LECC meeting in Sioux Falls.

Approved November 12, 2014

Date


Bryan Gortmaker, Chairman LEOSTC


Scott Rechtenbaugh, Executive Secretary LEOSTC


Submitted By Recording Secretary