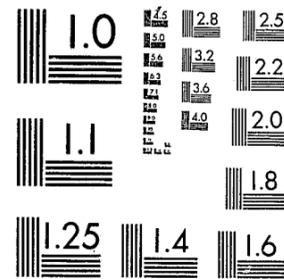


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National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

DATE FILMED

1/12/82



STATE OF
SOUTH DAKOTA

LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING
COMMISSION

80004

ANNUAL REPORT

1977

U.S. Department of Justice
National Institute of Justice

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STATE OF SOUTH DAKOTA

LAW ENFORCEMENT STANDARDS AND TRAINING COMMISSION

DIVISION OF CRIMINAL INVESTIGATION

CRIMINAL JUSTICE TRAINING CENTER

POST OFFICE BOX 1237

PIERRE, SOUTH DAKOTA 57501

PHONE 605-224-3584

CHAIRMAN
DONALD G. LICHT

EXECUTIVE SECRETARY
BERNIE CHRISTENSON

January 12, 1978

WILLIAM J. JANKLOW
ATTORNEY GENERAL

The Honorable Richard Kneip
Governor of South Dakota

and

Members of the South Dakota Legislature

Gentlemen:

The Annual Report of the Law Enforcement Officers Standards and Training Commission, as required by SDCL 23-3-33, is hereby submitted.

November 1977 marks the fourth year in which law enforcement training has been in operation at the new Criminal Justice Training Center. The law enforcement training program has been expanded in the last few years and some new ideas are being developed to assist local law enforcement officers throughout the State.

The continuing support of Commission activities, by the Governor and members of the Legislature is very gratifying and will result in improved law enforcement service to the State of South Dakota.

Sincerely,

DONALD G. LICHT
Chairman
Law Enforcement Officers
Standards and Training Commission

DGL:cl

NCJRS

JUL 6 1978

ACQUISITION

FORWORD

The South Dakota Law Enforcement Standards and Training Commission would like to express sincere thanks to all law enforcement agencies who have assisted in making the law enforcement training program successful.

If it had not been for the hours of dedicated service supplied by various law enforcement agencies, the training program would not have been a success.

The Commission is also grateful for the confidence given them by the Governor's Office and the South Dakota Legislature.

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Members of the Law Enforcement Officers Standards and
Training Commission for 1977.

EX OFFICIO MEMBERS

CHAIRMAN
Donald G. Licht, Director
Division of Criminal Investigation
Pierre

John E. Otto
Special Agent in
Charge - FBI
Minneapolis

William J. Janklow
Attorney General
Pierre

APPOINTED MEMBERS

Leroy Campbell
Lieutenant
Municipal Police
Sioux Falls

Vacant
Attorney at Law
SD Bar Association

Dennis Eisnach
Superintendent
SD Highway Patrol
Pierre

Lyle Swenson
Sheriff
SD Sheriff's Association
Mitchell

Charles Kaufman
Director, Statewide
Educational Services
University of South Dakota
Vermillion

C. M. West
Mayor
SD Municipal League
Philip

James A. Melgaard
Yankton County
County Commissioner's
Association
Yankton

Bernard Christenson
Executive Secretary
Law Enforcement Training
Pierre

Staff of the Law Enforcement Officers Standards and Training Commission for 1977.

STAFF

EXECUTIVE SECRETARY
Bernard Christenson
Training Coordinator
Division of Criminal
Investigation
Pierre

SECRETARY
Connie Lutz
Division of Criminal
Investigation
Pierre

James W. Antonen
Assistant Training
Coordinator
Division of Criminal
Investigation
Pierre

SECRETARY
Shirley Clark
Division of Criminal
Investigation
Pierre

LAW ENFORCEMENT OFFICERS STANDARDS AND TRAINING ACT

The Law Enforcement Officers Standards and Training Act contained in SDCL 23-3 became effective October 1, 1971. All law enforcement officers were "grandfathered" if they were employed as such on October 1, 1971. The Law Enforcement Officers Standards and Training Commission was created and was given the power to promulgate rules, require submission of reports by law enforcement agencies, establish minimum educational and training standards, certify law enforcement officers, establish minimum curriculum, approve training programs, and perform other administrative functions.

The Commission was also given the power to administer grants, establish training programs, reimburse expenses to officers, and set qualifications of law enforcement officers.

The Division of Criminal Investigation was designated to coordinate and administer the law enforcement training program. The Division of Criminal Investigation was also designated to operate the Law Enforcement Training Center which is now known as the Criminal Justice Training Center.

COMPLIANCE WITH MINIMUM STANDARDS

All full time and part time law enforcement officers are required to be certified within their first year of employment, including elected officials.

As of December 31, 1977, there are 964 municipal and county law enforcement officers in South Dakota. Of the 964 law enforcement officers, 878 officers are certified. Of the 86 officers who are not yet certified, 10 officers are in violation of SDCL 23-3-41. The remaining 76 officers are within their first year of employment.

It is estimated there is a 20% turnover in municipal and county law enforcement. Turnover has decreased 5% the past year.

SUMMARY OF ATTENDANCE AT TRAINING COURSES AT THE CRIMINAL JUSTICE TRAINING CENTER DURING 1977.

<u>FIVE WEEK SCHOOLS</u>		
January 3 - February 4	44	
February 14 - March 18	39	
April 4 - May 6	36	
September 12 - October 14	29	
October 17 - November 18	36	
		194
<u>FINGERPRINT CLASSIFICATION SCHOOLS</u>		
February 7 - 11	16	
December 5 - 9	13	
		29
<u>INTERMEDIATE SUPERVISORS SCHOOL</u>		
February 28 - March 4	16	16
<u>CRIMINAL INVESTIGATION SCHOOL</u>		
March 28 - April 1	26	26
<u>TRAFFIC ENFORCEMENT & ACCIDENT INVESTIGATION</u>		
January 26 - 27	15	
May 9 - 27	30	
		45
<u>BREATHALYZER OPERATOR TRAINING SCHOOLS</u>		
February 7 - 11	20	
March 28 - April 1	20	
		40
<u>RADIO DISPATCHER TRAINING SCHOOL</u>		
December 12 - 16	21	21
<u>FIREARMS INSTRUCTOR CERTIFICATION SCHOOL</u>		
May 10 - 13	20	20
<u>LAW ENFORCEMENT STRESS SITUATION SEMINAR</u>		
May 6	20	
October 14	20	
November 18	30	
		70

EMERGENCY VEHICLE OPERATIONS COURSE

January 25 - 26	15	
January 26 - 27	14	
June 6 - 10	<u>13</u>	42

RADAR OPERATOR/INSTRUCTOR SEMINAR

November 7	14	<u>14</u>
------------	----	-----------

TOTAL ATTENDANCE ALL SCHOOLS AT CENTER 517

SUMMARY OF ATTENDANCE AT TRAINING COURSES CONDUCTED IN THE FIELD DURING 1977.

RADIO DISPATCHER SCHOOLS

Rapid City	February 1 - 2	45	
Aberdeen	April 19 - 20	28	
Mitchell	April 26 - 27	<u>25</u>	98

FIREARMS AND VEHICLE PULLOVER SCHOOLS

Yankton	May 18 - 20	10	
Mitchell	May 25 - 27	7	
Aberdeen	June 1 - 3	22	
Mobridge	June 7 - 9	8	
Spearfish	June 15 - 17	18	
Winner	June 22 - 24	16	
Watertown	June 29 - July 1	31	
Rapid City	July 12 - 14	13	
Huron	July 27 - 29	<u>23</u>	148

CRIME SCENE PHOTOGRAPHY SCHOOL

Sturgis	February 4	12	12
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REPORT WRITING, EVIDENCE PRESERVATION AND CRIME SCENE INVESTIGATION SEMINARS

Brookings	February 2	27	
Belle Fourche	June 1	<u>14</u>	41

FINGERPRINTING TECHNIQUES SEMINARS

Brookings	April 13	26	
Yankton	April 14	16	
Sioux Falls	April 15	20	
Aberdeen	May 17	<u>18</u>	80

SEARCH, SEIZURE AND TESTIFYING SEMINARS

Belle Fourche	July 13	16	
Miller	October 27 - 28	16	
Aberdeen	December 1 - 2	32	
Watertown	December 8	<u>22</u>	86

FIREARMS AND SPECIAL WEAPONS AND TACTICS

Sturgis	June 22	13	
Sturgis	June 29	10	
Pierre	March 26	<u>5</u>	28

EMERGENCY VEHICLE OPERATIONS COURSE

Rapid City	February 16 - 17	16	
Rapid City	February 17 - 18	16	
Rapid City	March 1 - 2	15	
Rapid City	March 2 - 3	16	
Rapid City	March 15 - 16	16	
Rapid City	March 16 - 17	<u>16</u>	95

DWI SEMINARS

Miller	August 29	29	
Watertown	August 30	47	
Mitchell	August 31	64	
Mobridge	October 7	<u>34</u>	174

RADAR OPERATOR/INSTRUCTOR SEMINARS

Mitchell	October 31	21	
Yankton	November 1	14	
Sioux Falls	November 2	15	
Watertown	November 3	40	
Aberdeen	November 4	30	
Rapid City	November 8	15	
Sturgis	November 9	<u>16</u>	151

TOTAL ATTENDANCE ALL FIELD SCHOOLS

913

CURRICULUM DEVELOPMENT

Law Enforcement Training has attempted to develop additions to the curriculum and implement them into the Law Enforcement Training Program. As instructors and materials change, alterations are made in the areas needed.

An attempt is being made to develop pre testing and post testing on all courses taught by Law Enforcement Training. Law Enforcement Training staff shares an outstanding relationship with the University of South Dakota and other Colleges and Universities involved in the criminal justice program.

At the present time, there are four (4) credits given for the basic certification course to all students interested. One (1) credit is at the Freshman level and three (3) are at the Junior level. All of the courses relating to the criminal justice education field are being considered for college credit.

The University of South Dakota has been asked to designate qualifying staff at the Law Enforcement Training Center as Adjunct Clinical Professors. This designation adds credit to the staff as well as the training program.

ADVANCED CERTIFICATION

The South Dakota Law Enforcement Officers Standards and Training Commission authorized three levels of certification beyond the current Basic General Law Enforcement Certification.

SUPERVISOR CERTIFICATION
COMMAND CERTIFICATION
EXECUTIVE CERTIFICATION

The requirements for officers to receive an advanced certification is based upon a points system of education, training, and experience resulting in the officer's eligibility to take a statewide test for each superior certification.

The Points System

- 1 Month of Service = 1 Point
For each successful month of service in the law enforcement profession, the officer will be eligible for one (1) point.
- 1 College Credit = 1 Point
For each successful (minimum grade of C) one college credit (based upon the State of South Dakota College/University credit system), the officer will be eligible to receive one (1) point.
- 1 Hour of DCI or Approved Training = 1 Point
For each successful hour of LET/DCI or approved training in the field of law enforcement, the officer will be eligible for one (1) point.
- 1 College Credit in the Field of Criminal Justice = 5 Points
For each successful (Minimum grade of C) one college credit in the field of criminal justice studies, the officer will be eligible to receive five (5) points.
- Associate of Arts Degree = 75 Points
For an Associate of Arts Degree from an approved college, the officer will be eligible to receive 75 points.
- Baccalaureate Degree = 150 Points
For a Baccalaureate Degree from an approved college, the officer will be eligible to receive 150 points.
- Masters Degree = 300 Points
For a Masters Degree from an approved university, the officer will be eligible to receive 300 points.
- Doctors/JD Degree = 500 Points
For a Doctors Degree or Law Degree from an approved university or law school, the officer will be eligible to receive 500 points.

The Eligibility Requirements

Supervisors Test

For an officer to be eligible to test for the Supervisors Certification, a minimum of 150 points will be needed, plus at least one year of law enforcement experience.

Command Test

For an officer to be eligible to test for the Command Certification, a minimum of 300 points will be needed, plus at least three years of law enforcement experience.

Executive Test

For an officer to be eligible to test for the Executive Certification, a minimum of 500 points will be needed, plus at least five years of law enforcement experience.

Prerequisites

The officer must be employed full time in the law enforcement profession. The officer must have the basic certification of the South Dakota Law Enforcement Standards and Training Commission, and continue to meet the standards and training requirements of the Commission.

The officer is responsible to the Commission in furnishing accurate records of education, training and experience.

An officer with the basic certification, who has not attended the Five Week General Law Enforcement Training Program, may apply to the Commission to attend the Five Week Program and gain additional points through this effort.

All college/university credits and degrees, in order to receive points, must be from a SDLEOSTC approved institution of higher education.

College/university points may not exceed the number of points limited to each specific degree level, unless such points are earned after the officer holds such a degree level.

EXAMPLE: Officer Joe Blow has three years of experience on the Gold Struck PD, with one year of general college work (32 hours) and has further obtained eight (8) college credits (at night school) in criminal justice studies from the state college. Additionally, Joe has attended 42 hours of DCI or Approved LET in-service training while at the Gold Struck PD.

Officer Joe Blow's eligibility points are totalled as follows:

36 points for experience as a police officer
 32 points for previous college credits
 40 points for eight additional credits in
 criminal justice studies
 42 points for the DCI or approved in-service
 training

150 total points

Joe Blow is now eligible to take the test for the
 Supervisor Certification.

Along with the authorization for the advanced certifications, the
 Commission also authorized the formation of advanced certification
 schools to train and assist officers in attaining the higher level
 of certification.

The first Command Certification School is tentatively scheduled to
 be held at the University of South Dakota at Vermillion on February
 13 - 24, 1978. Officers attending this 80 hour school will receive
 80 additional points and may elect to receive two hours of graduate
 or undergraduate credit from the University. At the end of the
 Command Certification School, the certification test will be given
 to the students.

It is anticipated that only one advanced certification school for
 each level will be scheduled per year.

TRAINING CENTER ACTIVITIES

Other organizational groups conducted various training seminars
 and meetings at the Criminal Justice Training Center during
 1977, for a total of approximately 2, 181 people.

Civil Service Board	Criminal Justice Planners
Law Enforcement Assistance Administration	South Dakota Highway Patrol
National Guard Seminars	Department of Health
Division of Drugs	National Secretaries Association
South Dakota Retirement Board	Police Task Forces
Game, Fish & Parks Department	Division of Forestry
South Dakota Transactional Analysis	South Dakota Peace Officers Board
State Wide Educational Groups	& Others
Department of Environmental Protection	
Bureau of Personnel	
South Dakota Peace Officers Auxiliary	
Division of Public Safety	
South Dakota Crime Commission	
Division of Aeronautics	
Nurses Association	
Department of Social Services	

EXPENDITURES AND FINANCING

The total expenditures for calander year 1977 was \$148,084.11.
Of the total, \$55,495.31 was used to reimburse local law enforce-
ment officers for expenses while attending training sessions.
Of the total, \$92,588.80 was used for the training center operations.

Approximately 99% of all training conducted by Law Enforcement
Training staff at the Criminal Justice Training Center is for local
law enforcement employed by local government. This includes the
Sheriff's Office, City Police and Tribal Law Enforcement.

LEAA has been funding the Law Enforcement Training Program for
several years. Effective July 1, 1978, the South Dakota Penalty
Assessment Fund will be utilized to finance the South Dakota Law
Enforcement Training Program. The Penalty Assessment Law provides
that two dollars (\$2.00) or five percent (5%) of the fines on all
criminal offenses will be assessed for the training fund.

FUTURE PROJECTIONS

The Criminal Justice Training Center schedule remains jammed
with basic training activity because of the turnover in municipal
and county law enforcement.

In 1978, one and two day specialized training courses will continue
to be conducted throughout the State. This is intended to supple-
ment in-service training programs conducted by various law
enforcement agencies within South Dakota.

Specialized training courses planned for 1978 include:

- (1) Command Certification
- (2) Homicide Investigation
- (3) Criminal Investigation
- (4) Radio Dispatcher
- (5) Executive Certification
- (6) Intermediate Accident Investigation
- (7) Supervisory Certification

Law Enforcement Training will continue to meet the needs of the law
enforcement officers in providing up-to-date and job related training
in an attempt to prevent crime.

SUMMARY OF 1977

During 1977, 194 officers enrolled in the General Law Enforcement Training Session applying for certification as required by SDCL 23-3. Of the 194 applying, 187 were certified. The seven officers who were not certified failed to comply with the Rules or did not pass the examination with at least a seventy percent (70%).

A total of eleven law enforcement officers were kicked out of the training session for disciplinary reasons.

The Law Enforcement Officers Standards and Training Commission revoked the certification of three law enforcement officers who were found in violation of the Rules. Several hearings were held on contested cases during 1977.

Because of need, Rules were promulgated for the Reserve Law Enforcement Officer. The Rules for the certification of reserves and full time law enforcement officers are contained in this report.

During 1977, all reserve unit records in South Dakota were inspected by Law Enforcement Training staff. Upon satisfactory compliance, the units were certified and 140 certificates were issued.

APPENDIX A

MINIMUM STANDARDS FOR EMPLOYMENT

Subsequent to October 1, 1971, no person shall be temporarily or permanently employed as a law enforcement officer as defined in SDCL 23-3-27 unless he shall be:

- (1) A citizen of the United States.
- (2) At least 20 years of age and not more than 55 years of age at time of employment.
- (3) Required to have his fingerprints taken by a qualified law enforcement officer. Such fingerprints shall be submitted by the employing agency to local, state and national fingerprint files to disclose any criminal record.
- (4) Rejected for employment if he has been convicted by any state, or by the federal government, of any crime, the punishment for which could have been imprisonment in a federal or state penitentiary. (Applicants with convictions on all other offenses, except minor traffic violations, shall be reviewed by the Commission prior to their acceptance by the employing agency.)
- (5) Of good moral character as determined by a thorough background investigation by the employing agency.
- (6) A graduate of an accredited high school or have passed the General Educational Development test and have been issued an equivalency certificate by the Department of Public Instruction.
- (7) Examined by a licensed physician to determine if applicant is free of physical and mental defects that would prevent or restrict him from performing his duty as a law enforcement officer.
- (8) Interviewed personally prior to employment by the employing agency or its designated representative. Such interview will include questions to determine applicant's general suitability for law enforcement service, appearance, personality, temperament, ability to communicate, and other characteristics that may be set by the Commission at a future date.
- (9) Required to take a formal oath of office required by SDCL 3-1-5, 3-1-6, 7-12-10 and 9-14-6 or as may be otherwise required by law, such oath to be taken before the nearest available judge of a court of record.

APPENDIX B

LAW ENFORCEMENT OFFICERS STANDARDS AND TRAINING COMMISSION
CRIMINAL JUSTICE TRAINING CENTER
PIERRE, SOUTH DAKOTA 57501

APPROVED 200 HOUR BASIC TRAINING COURSE

I. PROGRAM ADMINISTRATION

1. Introduction and Orientation	1 hr.	
2. Examinations and Critique	5 hrs.	
3. Notebooks, Handouts and Research Papers	2 hrs.	
4. Coordinator's Time	3 hrs.	
5. Graduation	1 hr.	
	<u>12 hrs.</u>	

II. ADMINISTRATION OF CRIMINAL JUSTICE

1. Potential Emergencies	2 hrs.	
2. Criminal Justice System	2 hrs.	
3. Sheriff's Office	2 hrs.	
4. Corrections	2 hrs.	
5. Crime Prevention	4 hrs.	
6. Juvenile Investigation	4 hrs.	
	<u>17 hrs.</u>	

III. POLICE PRACTICES AND PROCEDURES

1. Patrol		
A. Police Radio Communications	2 hrs.	
B. Vehicle Pullover	4 hrs.	
	<u>6 hrs.</u>	
2. Traffic		
A. DWI Arrests	3 hrs.	
B. Accident Investigation Reports	1 hr.	
C. Accident Investigation	16 hrs.	
	<u>20 hrs.</u>	
3. Skills		
A. Emergency Vehicle Operation	12 hrs.	
B. Physical Training	15 hrs.	
C. Techniques and Mechanics of Arrest	2 hrs.	
D. Handcuffing	1 hr.	
E. Defensive Tactics	4 hrs.	
F. EMT	22 hrs.	
G. Firearms	16 hrs.	
H. Fingerprinting	4 hrs.	
	<u>76 hrs.</u>	

4. Investigations

A. Polygraph	2 hrs.
B. Burglary	2 hrs.
C. Sketches and Drawings	2 hrs.
D. Police Photography	2 hrs.
E. Interviews and Interrogation	4 hrs.
F. Taking Statements	1 hr.
G. Report Writing	2 hrs.
H. Homicide	2 hrs.
I. Physical Evidence	2 hrs.
J. Crime Scene	6 hrs.
K. Narcotics	3 hrs.
	<u>28 hrs.</u>

IV. LEGAL ASPECTS

1. Juvenile Court Procedures	4 hrs.
2. The Courts	3 hrs.
3. Motor Vehicle Code	2 hrs.
4. Search and Seizure	8 hrs.
5. Criminal Procedure	4 hrs.
6. South Dakota Criminal Code	5 hrs.
7. Motor Vehicle Search	2 hrs.
	<u>28 hrs.</u>

V. HUMAN BEHAVIOR

1. Police Role	2 hrs.
2. Police Community Relations	2 hrs.
3. Civil Rights	2 hrs.
4. Social Movements	2 hrs.
5. Crisis Intervention	5 hrs.
	<u>13 hrs.</u>

200 hrs.

APPENDIX C

TITLE 2

ATTORNEY GENERAL

ARTICLE 2:01

LAW ENFORCEMENT OFFICERS

Chapter

- 2:01:01. Commission Meetings--Officers.
- 2:01:02. Minimum standards.
- 2:01:03. Administration of grants and funds.
- 2:01:04. Practice and procedure.
- 2:01:05. Rule making procedure.
- 2:01:06. Training program.
- 2:01:07. Reserve law enforcement officers.
- 2:01:08. Reserve officer certification.
- 2:01:09. Reserve unit certification.

CHAPTER 2:01:01

COMMISSION MEETINGS--OFFICERS

Section

- 2:01:01:01. Repealed.
- 2:01:01:02. Repealed.
- 2:01:01:03. Repealed.
- 2:01:01:04. Repealed.
- 2:01:01:05. Repealed.

- 2:01:01:01. Repealed.
- 2:01:01:02. Repealed.
- 2:01:01:03. Repealed.
- 2:01:01:04. Repealed.
- 2:01:01:05. Repealed.

CHAPTER 2:01:02

MINIMUM STANDARDS

Section

- 2:01:02:01. Minimum standards for employment.
- 2:01:02:02. Felons to be rejected--Misdemeanants to be reviewed.
- 2:01:02:03. Repealed.
- 2:01:02:03.01. Exceptions from rejection--Conviction considered in determining moral character.
- 2:01:02:04. Repealed.
- 2:01:02:04.01. Notice of appointment as a law enforcement officer.
- 2:01:02:05. Filing of fingerprints.
- 2:01:02:06. Waiver.
- 2:01:02:07. Revocation of certification of law enforcement officer.
- 2:01:02:08. Discontinuance of employment of law enforcement officer.
- 2:01:02:09. Moral turpitude.

2:01:02:01. Minimum standards for employment. No person shall be temporarily or permanently employed as a law enforcement officer, as defined in SDCL 23-3-27, unless he shall:

- (1) Be a citizen of the United States;
- (2) Be at least twenty years of age and not more than fifty-five years of age at time of appointment;
- (3) Have his fingerprints taken by a qualified law enforcement officer;
- (4) Be of good moral character as determined by a thorough background investigation by the employing agency;
- (5) Be a graduate of an accredited high school or have passed the general educational development test and have been issued an equivalency certificate by the division of elementary and secondary education of the department of education and cultural affairs;
- (6) Be examined by a licensed physician to determine if applicant is free of physical and mental defects that would prevent or restrict him from performing his duty as a law enforcement officer;
- (7) Be interviewed personally prior to employment by the employing agency or its designated representative. Such interview will include questions to determine applicants' general suitability for law enforcement service, appearance, personality, temperament, ability to communicate, and other characteristics reasonably necessary to the performance of the duties of a law enforcement officer;
- (8) Required to take a formal oath of office as required by law. Such oath may be taken before the nearest available judge of a court of record.

General Authority:SDCL 23-3-35(2).
Law Implemented:SDCL 23-3-42, 23-3-35(2).

2:01:02:02. Felons to be rejected--Misdemeanants to be reviewed. An applicant shall be rejected for employment if he has been convicted by any state, or by the federal government, of any crime, the punishment for which could have been

imprisonment in a federal or state penitentiary. Applicants with convictions on all other offenses, except minor traffic violations, shall be reviewed by using criteria based on the seriousness of the offense, amount of time that has elapsed since the offense was committed, the record of the individual since the offense was committed, and other pertinent and sundry information.

General Authority:SDCL 23-3-42.
Law Implemented:SDCL 23-3-42.

2:01:02:03. Repealed.

2:01:02:03.01. Exceptions from rejection--Conviction considered in determining moral character. Section 2:01:02:02 shall not apply to any convicted person who has received a reprieve, commutation or pardon. In the case of any person who has received a suspended imposition of sentence, § 2:01:02:02 shall not apply after such person's citizenship has been restored under SDCL 23-57-7. If such reprieve, commutation, pardon, or suspension shall be given by any authority and not be based upon proof of innocence, nothing in this section shall prohibit the consideration of such conviction in determining moral character under § 2:01:02:01(4).

General Authority:SDCL 23-3-42.
Law Implemented:SDCL 23-3-42, 23-57-7,
23-59-1.

2:01:02:04. Waiver, reciprocity.

Commission Note: The substance of this section has been amended and transferred to §§ 2:01:02:06 and 2:01:06:03.

2:01:02:04.01. Notice of appointment as a law enforcement officer. Written notice of appointment as a law enforcement officer shall be given to the commission within then days of such appointment.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35(1).

2:01:02:05. Filing of fingerprints. Fingerprints taken under § 2:01:02:01(3) shall be distributed to local, state, and national fingerprint files to disclose any criminal record. Two complete sets of such fingerprints shall be provided

to the commission.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35(1), 23-3-42.

2:01:02:06. Waiver. The Commission may waive any of the requirements of § 2:01:02:01, subdivisions (2), (5), (6), or (7) before the appointment of a law enforcement officer upon formal application to the commission by the law enforcement agency requesting such waiver, a showing that such agency's jurisdiction includes fewer than seven hundred fifty persons, and a showing that such waiver is necessary to maintain an adequate law enforcement staff in the requesting agency.

General Authority:SDCL 23-3-42.
Law Implemented:SDCL 23-3-42.

2:01:02:07. Revocation of certification of law enforcement officer. Upon the application of any person or upon the application of any member of the division of criminal investigation and upon proof that a certified law enforcement officer has been convicted of any misdemeanor involving moral turpitude or a felony, falsified any information required to obtain certification or been discharged for cause from present employment as a police officer, the commission shall revoke the certification of such law enforcement officer.

General Authority:SDCL 23-3-42.
Law Implemented:SDCL 23-3-42.

2:01:02:08. Discontinuance of employment of law enforcement officer. No temporary or probationary law enforcement officer may continue such employment after a showing that he has violated any of the conditions of § 2:01:02:07, or has been dismissed from the training program for disciplinary reasons as provided in § 2:01:06:14. Applicants who have been rejected for certification, have falsified information or been dismissed from the training program may, after one year, reapply to the commission for certification providing the reason or reasons for rejection have been eliminated and upon submission of an amended application.

General Authority:SDCL 23-3-42.
Law Implemented: SDCL 23-3-42.

2:01:02:09. Moral turpitude. For the purposes of this chapter, the phrase "misdemeanor involving moral turpitude," shall include but shall not be limited to: assault; assault and battery; larceny or embezzlement of less than fifty dollars; shoplifting; any misdemeanor involving fraud or misrepresentation; obscenity and public indecency; any firearm violation; sexual offenses; resisting an officer or legal process; vandalism or injury to property; aiding in an escape; misuse of credit cards; a second or subsequent conviction for driving under the influence of alcoholic beverages or drugs or with more than the legally permissible amount of blood alcohol which conviction is within four years of the date of application to become a law enforcement officer; a criminal conviction involving interference with another's civil rights; a criminal conviction for having practiced a profession without a required license; or a criminal conviction involving malfeasance, misfeasance or nonfeasance in public office.

General Authority:SDCL 23-3-35(2).
Law Implemented:SDCL 23-3-35(2).

CHAPTER 2:01:03

ADMINISTRATION OF GRANTS AND FUNDS

Section

2:01:03:01. Priority of use.
2:01:03:02. Expenditure of funds.

2:01:03:01. Priority of use. Gifts or grants to the commission received under the authority of SDCL 23-3-37 shall be used in the administration of authorized functions of the commission in statewide law enforcement training programs conducted by the division of criminal investigation in the office of the attorney general. Any balances remaining shall be used in other approved statewide police training programs and thirdly, in local programs designed to reach the greatest number of law enforcement officers available for training.

General Authority:SDCL 23-3-35(11).
Law Implemented:SDCL 23-3-38.

2:01:03:02. Expenditure of funds. All expenses of the commission and its programs shall be paid on warrants drawn by the state auditor on vouchers approved by the

chairman of the commission.

General Authority:SDCL 23-3-35(11).
Law Implemented:SDCL 23-3-38.

CHAPTER 2:01:04

PRACTICE AND PROCEDURE

Section

2:01:04:01. Repealed.
2:01:04:01.01. Rules not applicable to rule making procedure.
2:01:04:02. Repealed.
2:01:04:02.01. Burden of proof.
2:01:04:03. Repealed.
2:01:04:03.01. Who may file.
2:01:04:04. Repealed.
2:01:04:04.01. Content of application, filing.
2:01:04:05. Repealed.
2:01:04:05.01. Investigation.
2:01:04:06. Repealed.
2:01:04:06.01. Initial recommendation to be made at the option of the executive secretary.
2:01:04:07. Notice of recommendation.
2:01:04:08. Opportunity for hearing upon any application.
2:01:04:09. Contents of petition for contested case.
2:01:04:10. Executive secretary may initiate contested case hearing on his recommendation.
2:01:04:11. Executive secretary may initiate contested case hearing on an application.
2:01:04:12. Commission members may initiate contested case hearing.
2:01:04:13. Hearing officer to hear contested cases.
2:01:04:14. Notice of contested case hearing.
2:01:04:15. Intervention in contested case.
2:01:04:16. Service of petition in intervention.
2:01:04:17. Hearing procedure.
2:01:04:01. Repealed.
2:01:04:01.01. Rules not applicable to rule making procedure. Nothing in this chapter shall apply to the promulgation, amendment or repeal of rules by the commission.

General Authority:SDCL 23-3-35(11).
Law Implemented:SDCL 1-26-13, 23-3-35(11).

2:01:04:02. Repealed.

2:01:04:02.01. Burden of proof. Whenever these rules require the showing, proof, finding or other demonstration of any fact upon the application of any person, such showing proof, finding or other demonstration must be established

by a preponderance of the evidence.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-42.

2:01:04:03. Repealed.

2:01:04:03.01. Who may file. Any person interested and affected by any of the provisions of SDCL 23-3 or the rules or orders of the commission promulgated thereunder may, if he has genuine interest in a questionable interpretation thereof, file an application for declaratory or other ruling as provided in this chapter.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 1-26-15, 23-3-42.

Commission Note: The substance of this section was transferred from § 2:01:05:01.

2:01:04:04. Repealed.

2:01:04:04.01. Content of application, filing. The application shall be submitted in duplicate, identifying all parties known to the applicant by name or by class to be affected by the outcome of such ruling. The application shall also clearly identify the statute, rule or order sought to be interpreted and concisely state the factual considerations which necessitate the ruling. The applicant shall sign and verify the same to be true to the best of his knowledge and belief. The application and copy shall be filed with the executive secretary who shall immediately transmit copies thereof to the members of the commission.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 1-26-15.

2:01:04:05. Transferred to: § 2:01:05:01.01.

2:01:04:05.01. Investigation. Except in the event of an application for declaratory ruling, the executive secretary shall conduct a thorough investigation as to the facts stated in the application.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35(1).

Commission Note: The substance of this section was transferred from § 2:01:05:03.

2:01:04:06. Amended and transferred to: § 2:01:04:17.

2:01:04:06.01. Initial recommendation to be made at the option of the executive secretary. On any application, or other request permitted under these rules or SDCL 1-26, the executive secretary shall make an initial recommendation of whether to grant or deny the relief requested. Such recommendation shall be made no later than thirty days after the application has been submitted. This time limit may be extended if a written request stating good cause for such extension is granted by the chairman of the commission and written notice of such extension, including the length of the extension is given by mail, to the applicant.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 1-26-27, 1-26-29,
23-3-35(1), 23-3-42.

2:01:04:07. Notice of recommendation. The executive secretary shall send notice of his recommendation on any application by mail to the applicant, the commission members and all other interested parties. Such notice shall contain a brief statement of both the nature of the decision and the executive secretary's reasons for the decision, the procedures to follow if an interested person desires to contest the recommendation, and the place where copies of the recommendation may be obtained.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 1-26-15, 1-26-16,
1-26-18, 23-3-35(1), 23-3-42.

2:01:04:08. Opportunity for hearing upon any application. Thirty days after issuance of notice under § 2:01:04:07, the executive secretary's recommendation will become the commission's final decision unless a person adversely affected or having a beneficial interest in the executive secretary's recommendation petitions the commission for a contested case hearing within such time.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 1-26-16, 1-26-18,
23-3-42, 23-3-35(1).

2:01:04:09. Contents of petition for contested case. A petition for a contested case hearing shall request a hearing before the commission and shall contain a statement of the petitioner's interested in the case, a statement of the relief and decision requested of the commission, a statement alleging relevant facts and issues known to the petitioner upon which he bases his request of the commission, and the signature of the petitioner or any other person who will represent the petitioner before the commission. The signature on a petition, or any other pleading, shall constitute a certificate by the signor that he has read the petition or pleading, that to the best of his knowledge, information, and belief there are good grounds to support the claim, and that it is not filed for purposes of delay.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35(1), 23-3-42.

Commission Note: The substance of this section was transferred from § 2:01:05:02.

2:01:04:10. Executive secretary may initiate contested case hearing on his recommendation. The executive secretary, if he desires, shall have the option of initiating a contested case hearing concerning his recommendation without waiting for a petition from an interested person. In such event, notice of a contested case hearing under § 2:01:04:14 shall be given and may be in lieu of the notice specified by § 2:01:04:07.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35(1).

2:01:04:11. Executive secretary may initiate contested case hearing on an application. The executive secretary, if he desires, may initiate a contested case hearing on an application without making an initial recommendation. The applicant shall, within ten days, be notified of the executive secretary's decision to refer the application to a contested case hearing. Such hearing shall not be conducted before a hearing examiner but shall be before the commission, and the notice required by § 2:01:04:14 shall be given in addition to, or in conjunction

with, the notice required by this section.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35(1).

2:01:04:12. Commission members may initiate contested case hearing. Whenever two or more commission members request, in writing, a review of the executive secretary's recommendation, the executive secretary shall issue the notice required in § 2:01:04:14.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 1-26-16, 1-26-18,
23-3-42.

2:01:04:13. Hearing officer to hear contested cases. Except as otherwise provided by these rules, the chairman of the commission or any member of the commission appointed by the chairman shall act as a hearing examiner in all contested case hearings whenever any petition requesting a contested case hearing is filed under these rules.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 1-26-18.1,
1-32-6.1, 23-3-35(1).

2:01:04:14. Notice of contested case hearing. At least ten days notice of a contested case hearing shall be given by the executive secretary to all interested persons including the person who filed the original application, the petitioner requesting the contested case hearing, any law enforcement officers and agencies having a beneficial interest in the executive secretary's recommendation, and all members of the commission.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 1-26-16, 1-26-17.

2:01:04:15. Intervention in contested case. The commission or hearing officer may allow any person beneficially interested in the controversy to intervene in a contested case hearing upon filing with the executive secretary, no later than the hearing date, a petition conforming to § 2:01:04:09. Such petition in intervention shall also state which side of the controversy at issue intervenor is

supporting.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 1-26-18,
23-3-42.

2:01:04:16. Service of petition in intervention. The executive secretary shall, if time permits before the contested case hearing, mail copies of any duly filed petition in intervention to all parties to the contested case hearing including any beneficially interested law enforcement agency and officer, the members of the commission, and the person petitioning for the contested case hearing.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 1-26-18, 23-3-35(1),
23-3-42.

2:01:04:17. Hearing procedure. All petitions for contested case hearings to be heard shall be upon notice and the procedure shall be as follows:

- (1) Presentation by petitioners;
- (2) Crossexamination of petitioners, proponents, witnesses or staff by adverse party or parties;
- (3) Presentation by party or parties adverse to the issue;
- (4) Crossexamination of adverse witnesses or staff by party or parties advocating the issue;
- (5) Summary by advocating party; and
- (6) Summary by adverse party.

The Commission or hearing officer may, if practicable, recess the hearing to a subsequent date and may require the opponents and proponents to file briefs to aid in determination of the case.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35(1),
23-3-35(11).

Commission Note: The substance of this section was transferred from § 2:01:04:06.

RULE MAKING PROCEDURE

Section

- 2:01:05:01. Repealed.
2:01:05:01.01. Investigation of proposal, report.
2:01:05:02. Repealed.
2:01:05:02.01. Consideration of a petition for rules.
2:01:05:03. Repealed.
2:01:05:03.01. Executive secretary responsible for administrative functions of rule making process.
2:01:05:04. Repealed.
2:01:05:04.01. Executive secretary shall hold a public hearing on proposed rules.
2:01:05:05. Executive secretary shall make a record of public comment for commission.
2:01:05:06. Emergency rules.
2:01:05:07. Request for explanation of the adoption of a rule.

2:01:05:01. Transferred to: § 2:01:04:03.01.

2:01:05:01.01. Investigation of proposal, report. The executive secretary shall make an investigation and secure the advice and counsel of experts in the field and submit such report and recommendations to the commission within fifteen days of receipt of a petition for rules.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35(11).

Commission Note: The substance of this section was transferred from § 2:01:04:05.

2:01:05:02. Transferred to: § 2:01:04:09.

2:01:05:02.01. Consideration of a petition for rules. The executive secretary shall notify the petitioner of the time and place of the board meeting at which his request will be considered, and the petitioner shall be given an opportunity to be heard at the meeting.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 1-26-4, 1-26-13.

2:01:05:03. Transferred to: § 2:01:04:05.01.

2:01:05:03.01. Executive secretary responsible for administrative functions of rule making process. The secretary shall be responsible for the filing of

notice and proposed rules with the secretary of state, publication of the notice to the public, and the submission of copies of proposed rules to the interim rules review committee, code counsel and the attorney general. Upon adoption of rules, the executive secretary is delegated the responsibility of filing a copy of the rules adopted, certified by him as a true and correct copy, a certified statement of the fact and means of publication, and an endorsement of the attorney general's and code counsel's approval with the secretary of state.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 1-26-4, 1-26-4.1,
1-26-6.5, 23-3-35(11).

2:01:05:04. Repealed.

2:01:05:04.01. Executive secretary shall hold a public hearing on proposed rules. Public hearings shall be held in a community or communities which the executive secretary selects unless the commission directs otherwise.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 1-26-4, 23-3-35(1).

2:01:05:05. Executive secretary shall make a record of public comment for commission. The executive secretary shall keep accurate minutes of the oral testimony given at the public hearing, send copies of such minutes to the persons who submitted oral and written comments, and send copies of such minutes to the commission along with any written comments which are submitted.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 1-26-4, 1-26-7,
23-3-35(1).

2:01:05:06. Emergency rules. The executive secretary shall file emergency rules adopted by the commission, along with the commission's statement of the existence of an emergency and the reasons for so deciding with the secretary of state.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 1-26-5, 1-26-5.1,
1-26-5.2.

2:01:05:07. Request for explanation of the adoption of a rule. A person who desires a statement from the commission of its reasons for adoption of a rule under SDCL 1-26-7.1 shall file a written request with the executive secretary describing any objections he might have. The statement shall be issued at the next regular meeting of the commission if requested no later than thirty days after adoption of the rules.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 1-26-7.1.

CHAPTER 2:01:06

TRAINING PROGRAM

Section

- 2:01:06:01. Training program required for permanent status.
- 2:01:06:02. Probation--No longer than one year.
- 2:01:06:03. Reciprocity.
- 2:01:06:04. Certificate of qualification.
- 2:01:06:05. Approved basic training course.
- 2:01:06:06. Satisfactory completion of course.
- 2:01:06:07. Place of training.
- 2:01:06:08. Time course is conducted.
- 2:01:06:09. Student discipline during basic training course.
- 2:01:06:10. Firearms.
- 2:01:06:11. Guests of opposite sex.
- 2:01:06:12. Alcoholic beverages.
- 2:01:06:13. Arrest.
- 2:01:06:14. Dismissal.
- 2:01:06:15. Appeal.

2:01:06:01. Training program required for permanent status. No person shall be certified as a law enforcement officer until such person has satisfactorily completed a training program approved by the commission.

General Authority:SDCL 23-3-41.
Law Implemented:SDCL 23-3-41.

2:01:06:02. Probation--No longer than one year. A person qualified under Chapter 2:01:02 who has not completed the training program required by § 2:01:03:01 may only be appointed on a temporary or probationary basis as a noncertified law enforcement officer. No law enforcement officer may remain employed in a temporary or probationary capacity for more than one year after appointment.

General Authority:SDCL 23-3-41, 23-3-35(3).
Law Implemented:SDCL 23-3-41, 23-3-35(3).

2:01:06:03. Reciprocity. The commission shall waive the training program requirement of § 2:01:03:01 upon formal application of any person requesting such waiver, and a showing that the person to be exempted from the training program has completed a course of equivalent content and quality in another jurisdiction no more than two years previous to the date of his appointment or that he has been continuously employed as a certified law officer in another jurisdiction since the date of such equivalent training.

General Authority:SDCL 23-3-44.
Law Implemented:SDCL 23-3-44.

2:01:06:04. Certificate of qualification. Upon completion of the training program required by § 2:01:03:01 or upon the waiver of such program under § 2:01:03:03, and upon receipt of a statement signed by the head of the employing agency verifying compliance with chapter 2:01:02, the commission shall issue to the law enforcement officer a certificate evidencing satisfaction of the requirements of these rules and stating such officer to be a certified South Dakota law enforcement officer.

General Authority:SDCL 23-3-35(1),
23-3-35(2), 23-3-35(3).
Law Implemented:SDCL 23-3-42, 23-3-44, 23-3-35(1),
23-3-35(2), 23-3-35(3).

2:01:06:05. Approved basic training course. The commission shall approve a basic training course for certification as a law enforcement officer which shall consist of a five week curriculum of at least two hundred hours training and shall include the following subject areas:

- (1) Program administration;
- (2) Administration of criminal justice;
- (3) Police practices and procedures;
- (4) Legal aspects; and
- (5) Human behavior.

General Authority:SDCL 23-3-35(2),
23-3-35(4), 23-3-41.
Law Implemented:SDCL 23-3-42, 23-3-35(4).

2:01:06:06. Satisfactory completion of course. No person may be certified as a law enforcement officer by the commission unless he or she has successfully completed the approved basic training course with a passing score of seventy percent or higher on all written examinations administered in connection with the course.

General Authority:SDCL 23-3-35(2).
Law Implemented:SDCL 23-3-35(2), 23-3-41.

2:01:06:07. Place of training. Unless otherwise stated by the executive secretary, the approved basic training course shall be conducted at the criminal justice training center in Pierre, South Dakota.

General Authority:SDCL 23-3-35(6).
Law Implemented:SDCL 23-3-35(6).

2:01:06:08. Time course is conducted. The approved basic training course shall commence at such times as the executive secretary shall deem appropriate.

General Authority:SDCL 23-3-35(1), 23-3-35(4)
Law Implemented:SDCL 23-3-35(1), 23-3-35(4).

2:01:06:09. Student discipline during basic training course. The executive secretary shall post and enforce such restrictions as are reasonably necessary to maintain the orderly instruction of students. He may make other restrictions, as are reasonably necessary under circumstances that arise, to maintain the efficient operation of the school.

General Authority:SDCL 23-3-35(2), 23-3-35(11).
Law Implemented:SDCL 23-3-41, 23-3-42.

2:01:06:10. Firearms. No persons except those certified by the commission under these rules may possess any firearm in any part of the criminal justice training center or while attending the approved basic training course unless such firearm has been checked and registered with the executive secretary or a person designated by him for that purpose.

General Authority:SDCL 23-3-35(11).
Law Implemented:SDCL 23-3-35(1), 23-3-35(11),
23-3-42.

2:01:06:11. Guests of opposite sex. Students will not be permitted to have guests of the opposite sex in any part of the criminal justice training center building after 9:00 p.m. At no time will guests of the opposite sex be allowed in the dormitory area.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35(1), 23-3-42.

2:01:06:12. Alcoholic beverages. No student attending any course in the criminal justice training center shall bring any beverage containing alcohol into the criminal justice training center building.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35(1), 23-3-42.

2:01:06:13. Arrest. No student shall be arrested for any crime the punishment for which may be imprisonment in any jail or penitentiary. Any person so arrested, against whom prosecution is not successful, may return to any subsequent approved basic training course session provided his appointment as a probationary or temporary law enforcement officer will not expire before completion of the new training course session.

General Authority:SDCL 23-3-35(1), 23-3-35(2).
Law Implemented:SDCL 23-3-42.

2:01:06:14. Dismissal. The executive secretary shall have the option of dismissing from the school any person who violates any restriction set forth by the executive secretary reasonably necessary to the administration and order of the approved basic training course or any part of this chapter. Such option may be exercised when dismissal is reasonably necessary to maintain order during the approved basic training course.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35(1).

2:01:06:15. Appeal. The executive secretary's decision to dismiss shall be appealable under chapter 2:01:04.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 1-26-18.

APPENDIX D
CHAPTER 2:01:07

RESERVE LAW ENFORCEMENT OFFICERS

Section
2:01:07:01. Definitions.

2:01:07:01. Definitions. The following terms as used in Chapters 2:01:07 through 2:01:09, inclusive, shall have the following meanings:

(1) "Commission" means the law enforcement standards and training commission established by SDCL 23-3-28;

(2) "Emergency" means unforeseen conditions or situations which involve imminent peril to the health, safety and welfare of the public;

(3) "Local law enforcement agency" means any municipal police department or county sheriff's office of the several political subdivisions of the State of South Dakota;

(4) "Reserve law enforcement officer" means a person appointed by any authorized governing body of a political subdivision as a law enforcement officer on a reserve basis to supplement and support permanent law enforcement officers; and

(5) "Reserve law enforcement officer unit" means a unit of reserve law enforcement officers training by local law enforcement agencies to perform reserve law enforcement officer duties and which as a unit has been certified by the State law enforcement standards and training commission.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35, 23-3-42,
23-3-27.

CHAPTER 2:01:08

RESERVE OFFICER CERTIFICATION

Section
2:01:08:01. Reserve officer certification.
2:01:08:02. Time of certification.
2:01:08:03. Required training program.
2:01:08:04. Contents of mandatory training program.
2:01:08:05. Transfer of certification credits not allowed.

2:01:08:01. Reserve officer certification. No person shall serve as a reserve law enforcement officer unless he meets the minimum standards set forth in Chapter 2:01:02 and is certified by the law enforcement standards and training commission as a reserve law enforcement officer.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35, 23-3-42,
23-3-27.

2:01:08:02. Time of certification. Every reserve law enforcement officer appointed by local law enforcement agencies shall be given 365 days from the effective date of their appointment to be certified by the commission as a reserve law enforcement officer.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35, 23-3-42,
23-3-27.

2:01:08:03. Required training program. Prior to being certified by the commission as a reserve law enforcement officer, every candidate for certification shall complete a training program of least one hundred hours, offered by the local law enforcement agency. Sixty hours of this training program shall be in accordance with § 2:01:08:04, and after May 1, 1977, no reserve law enforcement officer shall engage in any duty assignment until the sixty hour mandatory training program has been completed.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35, 23-3-42,
23-3-27, 23-3-39.

2:01:08:04. Contents of mandatory training program. The mandatory sixty hours training program referred to in § 2:01:08:03 shall offer training by instructors approved by the law enforcement standards and training commission in the following areas and in the following hourly minimums:

- (1) Note taking and report writing, three hours;
- (2) First aid, fourteen hours;
- (3) Preservation of evidence, two hours;
- (4) Police responsibility revue and testing, three hours;

- (5) Firearms, sixteen hours;
- (6) Arrest, search and seizure, five hours;
- (7) Vehicle pullover, five hours;
- (8) Criminal justice system, three hours;
- (9) Communications, one hour;
- (10) Accident investigation, two hours;
- (11) Traffic directions and enforcement, two hours;
- (12) Civil disorder control, two hours; and
- (13) Police community relations and ethics, two hours.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35, 23-3-42,
23-3-27, 23-3-39.

2:01:08:05. Transfer of certification credits not allowed. If a person certified as a reserve law enforcement officer desires to be certified as a full time law enforcement officer all the requirements of certification as a full time officer must be met. No credit will be available for prior service or training as a reserve officer.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35, 23-3-42,
23-3-27.

CHAPTER 2:01:09

RESERVE UNIT CERTIFICATION

Section

- 2:01:09:01. Establishing reserve law enforcement officer units.
- 2:01:09:02. Standards for certification.
- 2:01:09:03. Required duty hours.
- 2:01:09:04. Required records.
- 2:01:09:05. Inspection of records.
- 2:01:09:06. Records of duty hours required.
- 2:01:09:07. Revocation of unit certification.
- 2:01:09:08. Annual reports.

2:01:09:01. Establishing reserve law enforcement officer units. Every local law enforcement agency which desires to establish or maintain any number of reserve law enforcement officer positions in its agency, shall be certified by the

commission to operate a reserve law enforcement officers unit.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35, 23-3-42
23-3-27.

2:01:09:02. Standards for certification. Local law enforcement agencies making application to the commission for certification pursuant to § 2:01:09:01 will be required to have and maintain the training program as required by §§ 2:01:08:03 and 2:01:09:03, and comply with §§ 2:01:09:04 and 2:01:09:08, inclusive.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35, 23-3-42,
23-3-27.

2:01:09:03. Required duty hours. Every certified reserve officer who does not maintain a level of active duty in his unit of at least ninety-six hours for the previous twelve month period, shall automatically be placed on inactive status for one year and thereafter shall not perform any further reserve duty until recertified by the commission. No reserve officer shall be on duty for more than thirty hours per month unless the local law enforcement agency files a statement with the commission upon written request by the executive secretary or the commission explaining the need for such extended emergency service. If the commission believes that a state of emergency need is questionable, it may notify the local law enforcement agency of a time and place for a hearing to be held to determine the validity of the emergency.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35, 23-3-42,
23-3-27.

2:01:09:04. Required records. Local law enforcement agencies who maintain a reserve law enforcement officer unit shall keep records on all persons completing the training and teaching the training. A record of performance shall be kept for every person trained by a reserve unit. Records shall also be kept which show the name of the instructor teaching the course, the date and the subject

matter taught.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35, 23-3-42,
23-3-27.

2:01:09:05. Inspection of records. All records kept by local reserve units and local law enforcement agencies which pertain to the reserve officers unit shall be kept current and made available for inspection during normal business hours to the law enforcement standards and training commission or the state law enforcement training coordinator.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35, 23-3-42,
23-3-27.

2:01:09:06. Records of duty hours required. Local law enforcement agencies which have reserve law enforcement officer units shall keep current records indicating the number of duty hours worked per month for each reserve law enforcement officer employed by the reserve unit. These records shall be made available for inspection during normal business hours to the law enforcement standards and training commission or the state law enforcement training coordinator.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35, 23-3-42,
23-3-27.

2:01:09:07. Revocation of unit certification. Any local law enforcement agency maintaining a certified reserve officer unit shall continue to comply with the provisions of this chapter, and any violations of this chapter or any abuse of declaration of emergencies shall constitute cause for the commission to revoke the certification of the reserve unit.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35, 23-3-42,
23-3-27.

2:01:09:08. Annual reports. On or before July 1 of each year all units of local government certified to maintain a reserve officer unit shall file an annual report with the South Dakota law enforcement officers standards and training

commission on the LES Form 8 obtained from the commission.

General Authority:SDCL 23-3-35(1).
Law Implemented:SDCL 23-3-35, 23-3-42,
23-3-27.

END