

Law Enforcement Officers Standards and Training Commission
Notice of Public Hearing to Adopt Rules

A public hearing will be held in the Roosevelt Room at the Lodge at Deadwood, 100 Pine Crest Lane, Deadwood, South Dakota, on April 21, 2021, at 10:30 a.m. MST, to consider proposed and amended rules 2:01:02:01, 2:01:02:04.02, 2:01:06:17, 2:01:11:01, 2:01:11:02, 2:01:11:03, 2:01:11:04, 2:01:11:07, 2:01:11:09, 2:01:11:10, 2:05:01:01, 2:05:03:02, 2:05:03:03, 2:05:03:04, 2:05:03:06, and 2:05:03:09.

The effect of the proposed rules and proposed amendments to the rules is to require that a hiring agency conduct an adequate background investigation for officers (2:01:02:01) and for 911 telecommunicators (2:05:01:01), and that the commission is notified when an officer ceases employment with a law enforcement agency (2:01:02:04.02). Rules are amended to require at least two hours of response-to-resistance training for law enforcement officers to meet their continuing educational requirements and provide that an officer who fails to maintain all required continuing educational requirements will have their certification become inactive (2:01:06:17). Rules are amended requiring the executive secretary to place on a national decertification index the officer's name in the case of a revocation or suspension of the officer's certification (2:01:11:01) and that the investigation into allegations of misconduct will continue even if an officer consents to decertification (2:01:11:09). The definition of "moral turpitude" has been amended to refer to the statutory definition for officers (2:01:11:02) and for 911 telecommunicators (2:05:03:02); and the rule regarding "conduct unbecoming of a law enforcement officer" has been amended to require officers to cooperate with investigations, disclose arrests, intervene in situations when another officer is subjecting a person to excessive force and prohibit the use of marijuana or controlled substances (2:01:11:10). A similar rule is amended (2:05:03:09) for 911 telecommunicators. The procedures for filing a complaint against law enforcement officers (2:01:11:03) and 911 telecommunicators (2:05:03:03) are amended to simplify the process and to permit a thorough investigation and oversight of any decision to dismiss a complaint (2:01:11:04 and 2:05:03:04). The rule regarding the burden of proof at a hearing on a complaint is amended for law enforcement officers (2:01:11:07) and 911 telecommunicators (2:05:03:06) to strike unneeded language.

There are multiple reasons for adopting the proposed rules and amendments to existing rules. The rules are intended to strengthen background investigations into officers when they are hired and to provide notification to the commission when an officer leaves a department. Additionally, response-to-resistance training ensures adequate training for officers when they are faced with escalating force. Placement of names on the national decertification index ensures that other agencies are aware when an officer consents to decertification or when an officer's certification is revoked or suspended. Amending the rule relating to "conduct unbecoming" ensures the maintenance of the high professional standard expected of law enforcement officers. Adopting the amended rules regarding the complaint process and determination by the commission to dismiss a complaint strengthens the transparency of commission actions and the public's ability to file a complaint against a law enforcement officer.

Persons interested in presenting data, opinions, amendments, and arguments for or against the proposed rules may appear in-person at the hearing or mail them to the Law Enforcement Officers Standards and Training Commission, 1302 East Highway 14, Pierre, South Dakota 57501. Materials sent by mail must reach the Law Enforcement Officers Standards and Training Commission by 5:00 p.m. on April 16, 2021, to be considered.

After the public hearing, the Commission will consider all written and oral comments it receives on the proposed rules. The Commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

For Persons with Disabilities: This hearing will be located at a physically accessible place. Please contact the Commission at least 48 hours before the public hearing if you have special needs for which special arrangements can be made by calling (605) 773-3584.

Copies of the proposed rules may be obtained without charge from:

Law Enforcement Training
1302 E. Highway 14
Pierre, South Dakota 57501

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