

CHAPTER 2:01:02
MINIMUM STANDARDS

Section

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2:01:02:01. Minimum standards for employment. A person may be employed or certified as a law enforcement officer only if the person:

- (1) Is a citizen of the United States;
- (2) Is at least ~~21~~ twenty-one years of age at the time of appointment;
- (3) Has fingerprints taken by a qualified law enforcement officer;
- (4) Is of good moral character;
- (5) Is a graduate of an accredited high school or has a high school equivalency certificate acceptable to the ~~commission~~ Law Enforcement Officers Standards and Training Commission;
- (6) Is examined and certified, on forms prescribed by the commission, by a licensed physician, physician assistant, or nurse practitioner, to be able to perform the duties of a law enforcement officer;
- (7) Is interviewed in-person by the hiring agency or its designated representative before employment. The interview must include questions to determine the person's general suitability for law enforcement service, appearance, personality, temperament, ability to communicate, and other characteristics reasonably necessary to ~~the performance of~~ perform the duties of a law enforcement officer;
- (8) Has undergone a background investigation by the hiring agency that includes an inquiry into the person's driving history, criminal history, previous employment, personal references, credit reports, social media accounts, and law enforcement training records;
- (9) Takes the oath of office ~~as required by SDCL 9-14-7 or 3-1-5. The oath may be taken before the nearest available judge of a court of record~~;
- (10) Has not unlawfully used any prescribed drug, controlled substance, or marijuana within one year before the time of application for certification; and

~~(11) Is eligible to reapply for certification, if the person has for any reason failed to successfully complete the basic law enforcement training program; and~~

~~(12) Has not had:~~

~~(a) Had certification revoked, or suspended, consented;~~

~~(b) Consented to decertification, had;~~

~~(c) Had an application for certification refused, committed;~~

~~(d) Committed an act in violation of chapter 2:01:11, or has been;~~

~~(e) Been dismissed from a basic law enforcement training program as a result of an act in violation of any basic academy handbook; or has been~~

~~(f) Been dismissed from a basic law enforcement training program due to an academic failure or ~~skills~~ skill failure, unless.~~

Notwithstanding subdivision (11), the commission may upon application by the person declares declare the that person eligible for employment or certification.

Source: SL 1975, ch 16, § 1; 2 SDR 37, effective November 20, 1975; 8 SDR 82, effective January 13, 1982; 11 SDR 135, effective April 14, 1985; 12 SDR 1, effective July 17, 1985; 14 SDR 81, effective December 6, 1987; 25 SDR 34, effective September 16, 1998; 28 SDR 150, effective May 2, 2002; 32 SDR 225, effective June 26, 2006; 42 SDR 19, effective August 13, 2015; 47 SDR 41, effective October 12, 2020; 47 SDR 130, effective June 6, 2021.

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

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

2:01:02:01.01. Waiver of age for select persons. Upon application to the Law Enforcement Officers Standards and Training Commission by a law enforcement agency, the commission may waive the minimum age requirement under subdivision 2:01:02:01(2) for any person who is at least eighteen years of age and has successfully completed a technical college law enforcement program in this state with which the commission has an active, formal reciprocity certification articulation agreement. To be considered, the person must not have pled guilty or no contest to, or been convicted of, any offense since the person's eighteenth birthday. In reviewing the application, the commission shall consider the person's education, experience, and level of maturity, as well as the applying agency's level of support.

Source:

General Authority: SDCL 23-3-35(21), 23-3-42.

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

2:01:02:02.01. Exception from prohibition on employment or certification for suspended impositions of sentence. Any person seeking certification as a law enforcement officer who has received an order pursuant to SDCL 23A-27-13, or the equivalent in another jurisdiction, for any offense punishable by imprisonment for more than one year, may be declared eligible upon application by the person to the Law Enforcement Officers Standards and Training Commission. Upon a showing that the ends of justice and the best interests of the public and the person seeking certification are met in certifying the person, the commission may declare the person eligible for employment or certification.

Source:

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~~ as an officer after a showing that ~~he~~ the officer has violated any of the conditions of § 2:01:11:01 or has been dismissed from the basic law enforcement training program ~~for disciplinary reasons~~ pursuant to § 2:01:06:14.

Applicants who have been rejected for certification, have falsified information, or have been dismissed from the basic law enforcement training program may, after one year, reapply to the ~~commission~~ Law Enforcement Officers Standards and Training Commission for certification ~~provided if~~ if the reasons for rejection have been eliminated and a new application is submitted. The commission, upon application by the original appointing authority and a determination of good cause, may, ~~when it determines there is good cause~~, allow one new certification application for the applicant from the original appointing authority reapplying for certification prior to the expiration of one year.

Source: 2 SDR 37, effective November 20, 1975; 3 SDR 75, effective May 2, 1977; 8 SDR 82, effective January 13, 1982; 14 SDR 81, effective December 6, 1987; 28 SDR 150, effective May 2, 2002; 31 SDR 94, effective January 4, 2005.

General Authority: SDCL 23-3-42.

Law Implemented: SDCL 23-3-42.

2:01:02:11. Expiration of certification. Certification expires on the last day of the twenty-fourth calendar month following ~~termination~~ separation from law enforcement employment. Upon ~~petition-application~~ the ~~commission~~ Law Enforcement Officers Standards and Training Commission may waive all or any of the basic training program for recertification of a person whose certification has expired under this provision. Certification does not expire if a certified law enforcement officer is in compliance with § 2:01:06:17 and, prior to the last day of the twenty-fourth calendar month following ~~termination of~~ separation from employment, becomes reemployed as a law enforcement officer by a local, state, or tribal law enforcement agency in South Dakota.

~~(1) A local, state, or tribal law enforcement agency in South Dakota;~~

~~(2) A law enforcement agency outside of South Dakota; or~~

~~(3) A federal law enforcement agency.~~

A law enforcement officer who is reemployed prior to the last day of the twenty-fourth calendar month following separation from employment but who has not remained in compliance with § 2:01:06:17 may not perform the duties of a law enforcement officer until the law enforcement officer or employing agency provides documentation to the commission or its executive secretary establishing the standards of § 2:01:06:17 have been satisfied.

A certified law enforcement officer who is reemployed prior to the last day of the twenty-fourth calendar month following separation from employment may have the requirements of § 2:01:06:17 prorated or waived at the discretion of the executive secretary.

Source: 8 SDR 82, effective January 13, 1982; 11 SDR 135, effective April 14, 1985; 12 SDR 1, effective July 17, 1985; 31 SDR 94, effective January 4, 2005.

General Authority: SDCL 23-3-42.

Law Implemented: SDCL 23-3-42.

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.~~ Repealed.

Source: 2 SDR 37, effective November 20, 1975.

~~**General Authority:** SDCL 23-3-35(1).~~

~~**Law Implemented:** SDCL 1-26-5, 1-26-5.1, 1-26-5.2.~~

CHAPTER 2:01:06
TRAINING PROGRAM

Section

2:01:06:01	Training program required for permanent status.
2:01:06:01.01	Priority for training.
2:01:06:02	Temporary or probationary appointment.
2:01:06:02.01	Emergency response appointment.
<u>2:01:06:02.02</u>	<u>Calculation of temporary or probationary appointment period.</u>
<u>2:01:06:02.03</u>	<u>Temporary or probationary period reset.</u>
2:01:06:03	Reciprocity.
2:01:06:03.01	Refresher course, <u>Repealed</u> .
2:01:06:04	Certificate of qualification.
2:01:06:05	Approved basic training course.
2:01:06:05.01	Dismissal from basic training course.
2:01:06:06	Successful completion of training 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	Repealed.
2:01:06:11	Repealed.
2:01:06:12	Repealed.
2:01:06:13	Repealed.
2:01:06:14	Dismissal.

2:01:06:15	Appeal.
2:01:06:16	Repealed.
2:01:06:17	Basic requirement for continuing education of officers.
2:01:06:17.01	Firearm requalification.
2:01:06:17.02	Issuance, denial, or revocation of qualification.
2:01:06:17.03	Waiver.
2:01:06:17.04	Notification of suspension or revocation of certification --Hearing.
2:01:06:17.05	Standards for authorization to act as firearms instructor.

2:01:06:02. Temporary or probationary appointment. A person qualified under chapter 2:01:02 who has not completed the training program required by § 2:01:06:01 or whose certification has expired under § 2:01:02:11, may be appointed on a temporary or probationary basis as a noncertified law enforcement officer ~~but~~ for a period not to exceed twelve cumulative months. The person may not work in an enforcement capacity until the ~~appointed~~ person has successfully completed the state qualifying firearms course and received instruction from the appointing agency on its use of force or response to resistance policy. ~~The commission~~ Law Enforcement Officers Standards and Training Commission may waive the requirement to complete the state qualifying firearms course upon written request of a law enforcement agency documenting that the appointed person is a certified officer with another agency and has successfully completed a firearms qualification course within the year prior to the appointment. In municipalities of the third class, the commission may extend the one-year temporary or probationary period for an additional year if a written request has been received by the commission from the hiring agency prior to the expiration of the first year.

Source: 2 SDR 37, effective November 20, 1975; 11 SDR 135, effective April 14, 1985; 12 SDR 1, effective July 17, 1985; 42 SDR 101, effective January 12, 2016.

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

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

2:01:06:02.02. Calculation of temporary or probationary appointment period. The Law Enforcement Officers Standards and Training Commission shall count any time the officer served as a noncertified law enforcement officer and subtract said time from the period authorized by § 2:01:06:02 to complete the training program required by § 2:01:06:01. The commission will allow the officer the remaining balance of time to complete the training program required by § 2:01:06:01.

Source:

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

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

2:01:06:02.03. Temporary or probationary period reset. Notwithstanding § 2:01:06:02.02, the Law Enforcement Officers Standards and Training Commission shall grant a person an additional twelve months to complete the training program required by § 2:01:06:01 if said person:

(1) Separated from a law enforcement agency during the person's temporary or probationary period;

(2) Has not been employed as a noncertified law enforcement officer for three or more years from date of first appointment; and

(3) Is appointed to a South Dakota law enforcement agency.

Source:

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

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

2:01:06:03. Reciprocity. The ~~commission~~ Law Enforcement Officers Standards and Training Commission may waive any portion of the training program requirement of § 2:01:06:01, except firearms, ~~EVOE~~ emergency vehicle operations course, use of force, and the written reciprocity examination, upon formal application of a person requesting the waiver. The application must show that the person ~~to be exempted from the training program~~ has completed a basic law enforcement certification course of equivalent content and quality in another jurisdiction no more than two years prior to the date of the appointment or has been employed within the prior two years as a fully empowered certified law enforcement officer in another jurisdiction and has completed a basic law enforcement certification course of equivalent content and quality. The commission's executive secretary shall administer to the applicant a written examination to determine the applicant's state of competence. Upon completion of the examination, the executive secretary or designee ~~shall~~ must notify the applicant of the training to be completed before the applicant may be certified. After the applicant successfully completes the required training and if the applicant meets the minimum standards for certification of § 2:01:02:01, the commission ~~shall~~ must issue the applicant a certificate as a certified law enforcement officer.

Upon application, the Commission may permit a person to undertake the reciprocity certification process outlined in § 2:01:06:03 if that person:

(1) Completed a basic law enforcement certification course of equivalent content and quality in another jurisdiction more than two years prior to the date of the appointment; or

(2) Separated as a fully empowered certified law enforcement officer in another jurisdiction more than two years prior to the date of the appointment and has completed a basic law enforcement certification course of equivalent content and quality.

In determining whether to permit the person to undertake the reciprocity certification process, the commission shall consider in totality the person's law enforcement experience, law enforcement training, and related substantive experience. Prior to considering the application, the executive secretary shall conduct a review of the person's law enforcement experience, law enforcement training, and related substantive experience and provide a recommendation to the commission.

Source: SL 1975, ch 16, § 1; transferred from § 2:01:02:04, 2 SDR 37, effective November 20, 1975; 8 SDR 82, effective January 13, 1982; 14 SDR 81, effective December 6, 1987; 32 SDR 113, effective January 3, 2006; 47 SDR 41, effective October 12, 2020.

General Authority: SDCL ~~23-3-44~~ 23-3-35(1), 23-3-42.

Law Implemented: SDCL 23-3-44.

2:01:06:03.01. Refresher course. ~~Any law enforcement officer who has maintained certification in South Dakota but has not worked for a local, state, or tribal law enforcement agency in South Dakota for a period of five consecutive years must upon the acceptance of employment as a law enforcement officer in South Dakota notify the commission of his employment and, within one year, complete a refresher course prescribed by the executive secretary or demonstrate, to the satisfaction of the commission, proficiency in South Dakota law enforcement~~ Repealed.

Source: 28 SDR 150, effective May 2, 2002.

General Authority: ~~SDCL 23-3-44.~~

Law Implemented: ~~SDCL 23-3-44.~~

2:01:06:14. Dismissal. The executive secretary of the Law Enforcement Officers Standards and Training Commission may dismiss, from the school, any person who violates any restriction or ~~rule~~ regulation established by the executive secretary to administer or maintain order during the basic training course. The executive secretary may dismiss any person who engages in conduct ~~which~~ that would be grounds for revocation or suspension of certification if the person was certified. The executive secretary may dismiss from the school any person who fails to meet academic or skills proficiency standards outlined in the student handbook.

Source: 2 SDR 37, effective November 20, 1975; 25 SDR 34, effective September 16, 1998.

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

Law Implemented: SDCL 23-3-35(1)(2)(4).

2:01:09:03. Required duty hours. A reserve law enforcement officer shall perform a minimum of ~~96~~ ninety-six hours of duty each calendar year, or a proportionate share thereof when an appointment is for less than an entire calendar year. A reserve law enforcement officer failing to perform the minimum hours required in a year is inactive and may not perform further duty as a reserve law enforcement officer until recertified by the ~~commission~~ commission's executive secretary. No reserve law enforcement officer may perform more than ~~40~~ forty hours of duty during any month except ~~as made~~ if necessary by ~~in~~ an emergency. The executive secretary ~~of the commission~~ may, upon written request of a law enforcement agency, authorize a reserve officer to perform more than ~~40~~ forty hours of duty during a month. Reportable duty hours are both hours worked ~~in the performance of a~~ performing reserve law enforcement officer duties and hours received in training as a reserve law enforcement officer.

Source: 3 SDR 75, effective May 2, 1977; 26 SDR 120, effective March 27, 2000; 31 SDR 94, effective January 4, 2005.

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

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

2:01:10:01. Definitions. Terms used in this chapter ~~are defined as follows~~ mean:

(1) "Commission," ~~a committee composed of ten members including three ex officio members named and appointed pursuant to SDCL 23-3-28 and 23-3-30~~ the Law Enforcement Standards and Training Commission codified by SDCL 23-3-28 and 23-3-30;

(2) "Executive secretary," an agent of the ~~division of criminal investigation~~ Division of Criminal Investigation appointed by the commission ~~to serve as executive secretary to the commission~~;

(3) "Polygraph," an instrument ~~which~~ that records permanently and simultaneously a subject's cardiovascular and respiratory patterns or other physiological changes pertinent to the detection of deception; and

(4) "Polygraph examiner," a person who uses a polygraph to test or question individuals for the purpose of detecting deception.

Source: 11 SDR 135, effective April 14, 1985; 12 SDR 1, effective July 17, 1985.

General Authority: SDCL 23-3-35~~(13)~~(1).

Law Implemented: SDCL 23-3-35(13), 36-30-1.

2:01:12:01. Definitions. Terms used in this chapter are defined as follows:

(1) "Commission," ~~a committee composed of ten members including three ex officio members named and appointed pursuant to SDCL 23-3-28 and 23-3-30~~ the Law Enforcement Standards and Training Commission codified by SDCL 23-3-28 and 23-3-30;

(2) "Executive secretary," an agent of the ~~division of criminal investigation~~ Division of Criminal Investigation appointed by the commission ~~to serve as executive secretary to the commission;~~

(3) "Computer Voice Stress Analyzer" ~~or "CVSA (CVSA),"~~ an instrument that detects, measures, and displays changes in voice frequency, which can be recorded permanently and simultaneously;

(4) "CVSA Examiner," a person who uses a ~~Computer Voice Stress Analyzer~~ CVSA to question individuals for the purpose of detecting deception.

Source: 31 SDR 94, effective January 4, 2005.

General Authority: SDCL 23-3-35~~(13)~~(1).

Law Implemented: SDCL 23-3-35(13), 23-3-35.1~~23-3-35.3~~.

CHAPTER 2:01:15

SCHOOL SENTINEL MINIMUM STANDARDS

Section

2:01:15:01	Minimum standards for school sentinel training.
2:01:15:02	Submission of school sentinel training application.
<u>2:01:15:02.01</u>	<u>Refusal of school sentinel training application.</u>
2:01:15:03	Filing of fingerprints.
2:01:15:04	Reapplication for training as a school sentinel.
2:01:15:05	Expiration of training.

2:01:15:02.01. Refusal of school sentinel training application. The executive secretary of the Law Enforcement Officers Standards and Training Commission may refuse the application for any individual seeking to enroll in the school sentinel training program for:

- (1) Failure to meet standards set forth in § 2:01:15:01;
 - (2) Misrepresenting, falsifying, or omitting material information in the training application;
- or
- (3) Being barred from possessing firearms pursuant to SDCL chapter 22-14 or federal law.

A school board may resubmit an application for an individual whose application has been refused after one year.

Source:

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

Law Implemented: SDCL 23-3-35(16).

CHAPTER 2:05:01

MINIMUM STANDARDS

Section

- 2:05:01:01 Minimum standards for employment.
- 2:05:01:02 Felons to be rejected -- Misdemeanants to be reviewed.
- 2:05:01:02.01 Exception from prohibition on employment or certification.
- 2:05:01:02.02 Exception from prohibition on employment or certification for suspended impositions of sentence.
- 2:05:01:03 Notice of appointment of 911 telecommunicator.
- 2:05:01:04 Filing of fingerprints.
- 2:05:01:05 Discontinuance of employment of 911 telecommunicator.
- 2:05:01:06 Expiration of certification.

2:05:01:01. Minimum standards for employment. A person may be employed or certified only if the person:

- (1) Is a citizen of the United States;
- (2) Is at least ~~18~~ eighteen years of age at the time of appointment;
- (3) Has fingerprints taken by a qualified law enforcement officer;
- (4) Is of good moral character;
- (5) Is a graduate of an accredited high school or has a high school equivalency certificate acceptable to the ~~commission~~ Law Enforcement Officers Standards and Training Commission;
- (6) Is examined and certified, on forms prescribed by the commission, by a licensed physician, physician assistant, or nurse practitioner to be able to perform the duties of a 911 telecommunicator;
- (7) Has been interviewed and hired by an agency that determines the person's general suitability for a 911 telecommunication service, based on personality, temperament, ability to communicate, and other characteristics reasonably necessary to ~~the performance of~~ perform the duties of a 911 telecommunicator;
- (8) Has undergone a background investigation by the hiring agency that includes an inquiry into the person's driving history, criminal history, previous employment, personal references, credit reports, social media accounts, and law enforcement training records;
- (9) Has not unlawfully used any prescribed drug, controlled substance, or marijuana within one year before the time of application for certification; and
- (10) ~~Is eligible to reapply for certification if the person has, for any reason, failed to successfully complete the basic telecommunication program;~~
- (11) ~~Has not had:~~

(a) Had certification revoked, consented;

(b) Consented to decertification, had;

(c) Had an application for certification refused, committed;

(d) Committed an act in violation of chapter 2:05:03:01, or has been;

(e) Been dismissed from the a basic telecommunication training program as a result of an act in violation of any basic academy handbook; or has been

(f) Been dismissed from a basic telecommunication training training program due to an academic failure or skills skill failure, unless.

Notwithstanding subdivision (10), the commission may upon application by the person declares declare the that person eligible for employment or certification.

and

~~(12) Has not become ineligible for employment or certification as a 911 telecommunicator, as a result of dismissal from employment, unless the commission, upon application, declares the person eligible for employment or certification in this state.~~

Source: 25 SDR 124, effective April 8, 1999; 28 SDR 150, effective May 2, 2002; 32 SDR 225, effective June 26, 2006; 42 SDR 101, effective January 12, 2016; 47 SDR 41, effective October 12, 2020; 47 SDR 130, effective June 6, 2021.

General Authority: SDCL 34-45-26, 34-45-29.

Law Implemented: SDCL 34-45-26, 34-45-29(2)(3).

2:05:01:02.02. Exception from prohibition on employment or certification for suspended impositions of sentence. Any person seeking certification as a 911 telecommunicator who has received an order pursuant to SDCL 23A-27-13, or the equivalent in another jurisdiction, for any offense punishable by imprisonment for more than one year, may be declared eligible upon application by the person to the Law Enforcement Officers Standards and Training Commission. Upon a showing that the ends of justice and the best interests of the public and the person seeking certification are met in certifying the person, the commission may declare the person eligible for employment or certification.

Source:

General Authority: SDCL 34-45-26, 34-45-29.

Law Implemented: SDCL 34-45-26, 34-45-29(3).

2:05:01:05. Discontinuance of employment of 911 telecommunicator. No temporary or probationary 911 telecommunicator may continue ~~such~~ employment as a 911 telecommunicator after a showing that the 911 telecommunicator has violated any of the conditions of § 2:05:03:01 or has been dismissed from the basic 911 telecommunicator training program ~~for disciplinary reasons~~ pursuant to § 2:05:02:10.

Applicants who have been rejected for certification, have falsified information, or have been dismissed from the basic 911 telecommunicator training program may, after one year, reapply to the ~~commission~~ Law Enforcement Officers Standards and Training Commission for certification if the reasons for rejection have been eliminated and a new application is submitted. The commission, upon application by the original appointing authority and a determination of good cause may, ~~when it determines there is good cause,~~ allow one new certification application for the applicant from the original appointing authority reapplying for certification prior to the expiration of one year.

Source: 25 SDR 124, effective April 8, 1999; 28 SDR 150, effective May 2, 2002; 31 SDR 94, effective January 4, 2005.

General Authority: SDCL 34-45-26, 34-45-29.

Law Implemented: SDCL 34-45-24, 34-45-29(2)(3).

2:05:01:06. Expiration of certification. Certification expires on the last day of the twenty-fourth calendar month following ~~termination of~~ separation from 911 telecommunicator employment. Upon ~~petition~~ application the ~~commission~~ Law Enforcement Officers Standards and Training Commission may waive any of the basic training program for recertification of a person whose certification has expired under this provision. The ~~petitioner~~ applicant must prove that the ~~petitioner~~ applicant remains capable of performing the duties of a 911 telecommunicator, notwithstanding the expiration of certification. Certification does not expire if a certified 911 telecommunicator, prior to the last day of the twenty-fourth calendar month following ~~termination of~~ separation from 911 telecommunicator employment, becomes reemployed as a 911 telecommunicator by ~~a local, state, or tribal public safety agency in South Dakota;~~

- (1) ~~A local, state, or tribal law enforcement agency in South Dakota;~~
- (2) ~~A law enforcement agency outside of South Dakota; or~~
- (3) ~~A federal law enforcement agency.~~

Source: 25 SDR 124, effective April 8, 1999; 31 SDR 94, effective January 4, 2005.

General Authority: SDCL 34-45-26, 34-45-29.

Law Implemented: SDCL 34-45-24, 34-45-29(3).

CHAPTER 2:05:02
TRAINING PROGRAM

Section

2:05:02:01	Priority for training.
2:05:02:02	Temporary or probationary appointment.
<u>2:05:02:02.01</u>	<u>Calculation of temporary or probationary appointment period.</u>
<u>2:05:02:02.02</u>	<u>Temporary or probationary period reset.</u>
2:05:02:03	Reciprocity.
2:05:02:03.01	Refresher course, <u>Repealed.</u>
2:05:02:04	Certificate of qualification.
2:05:02:05	Approved basic training course.
2:05:02:06	Successful completion of training course.
2:05:02:07	Place of training.
2:05:02:08	Time course is conducted.
2:05:02:09	Student discipline during basic training course.
2:05:02:10	Dismissal.
2:05:02:11	Appeal.
2:05:02:12	Training program fees.

2:05:02:02. Temporary or probationary appointment. A person qualified under chapter 2:05:01 who has not completed the training program required by SDCL 34-45-24 may be appointed on a temporary or probationary basis as a noncertified 911 telecommunicator, for a period not to exceed ~~one year~~ twelve cumulative months. In municipalities of the third class, the Law Enforcement Officers Standards and Training Commission may extend the one-year temporary or probationary period for an additional year if a written request has been received by the commission from the hiring agency prior to the expiration of the first year.

Source: 25 SDR 124, effective April 8, 1999.

General Authority: SDCL 34-45-26, 34-45-29.

Law Implemented: SDCL 34-45-24, 34-45-29(3).

2:05:02:02.01. Calculation of temporary or probationary appointment period. The Law Enforcement Officers Standards and Training Commission shall count any time the 911 telecommunicator served as a noncertified 911 telecommunicator and subtract said time from the period authorized by § 2:05:02:02 to complete the training program required by SDCL 34-45-24. The commission will allow the 911 telecommunicator the remaining balance of time to complete the training program required by SDCL 34-45-24.

Source:

General Authority: SDCL 34-45-26, 34-45-29.

Law Implemented: SDCL 34-45-24, 34-45-29(3).

2:05:02:02.02. Temporary or probationary period reset. Notwithstanding §
2:05:02:02.01, the Law Enforcement Officers Standards and Training Commission shall grant a
person an additional twelve months to complete the training program required by SDCL 34-45-
24 if said person:

(1) Separated from a public safety agency during the person's temporary or probationary
period;

(2) Has not been employed as a noncertified 911 telecommunicator for three or more
years from date of first appointment; and

(3) Is appointed to a South Dakota public safety agency.

Source:

General Authority: SDCL 34-45-26, 34-45-29.

Law Implemented: SDCL 34-45-24, 34-45-29(3).

2:05:02:03. Reciprocity. The ~~commission~~ Law Enforcement Officers Standards and Training Commission may waive any part of the training required by SDCL 34-45-24 upon application requesting a waiver, and a showing that the applicant ~~meets~~:

_____ (1) Meets the minimum standards for certification set forth in § 2:05:01:01, ~~and has~~,
and

_____ (2) Has completed within two years prior to appointment, ~~completed~~ a training program of equivalent content and quality in another jurisdiction, or has been continuously employed as a certified 911 telecommunicator in another jurisdiction since the date of the equivalent training.

The executive secretary of the ~~law enforcement officers standards and training commission~~ shall administer a written test to the applicant to determine the applicant's competence. Upon successful completion of the test, the commission ~~shall~~ must issue the applicant a certificate as a certified 911 telecommunicator or ~~shall~~ notify the applicant of additional training to be completed before the applicant can be certified. Upon successful completion of the additional training, the commission ~~shall~~ must issue the applicant a certificate as a certified 911 telecommunicator.

Upon application, the Commission may permit a person to undertake the reciprocity certification process outlined in § 2:05:02:03 if that person has, more than two years prior to appointment, completed a training program of equivalent content and quality in another jurisdiction. In determining whether to grant reciprocity eligibility, the commission shall consider in totality the person's 911 telecommunicator experience, training, and related substantiative experience. Prior to considering the application, the executive secretary shall conduct a review of the person's 911 telecommunicator experience, training and related substantiative experience and provide a recommendation to the commission.

Source: 25 SDR 124, effective April 8, 1999.

General Authority: SDCL 34-45-26, 34-45-29.

Law Implemented: SDCL 34-45-24, 34-45-29(3).

2:05:02:03.01. Refresher course. ~~Any 911 telecommunicator who has maintained certification in South Dakota but has not worked for a local, state, or tribal law enforcement agency in South Dakota for a period of five consecutive years must upon the acceptance of employment as a 911 telecommunicator in South Dakota notify the commission of his employment and, within one year, complete a refresher course prescribed by the executive secretary, or demonstrate, to the satisfaction of the commission, proficiency in South Dakota 911 telecommunicator training~~ Repealed.

Source: 28 SDR 150, effective May 2, 2002.

General Authority: ~~SDCL 34-45-26, 34-45-29.~~

Law Implemented: ~~SDCL 34-45-24, 34-45-29.~~

2:05:02:10. Dismissal. The executive secretary of the Law Enforcement Officers Standards and Training Commission may dismiss, from the school, any person who violates any restrictions or ~~rule~~ regulation established by the executive secretary to administer or maintain order during the basic training course. The executive secretary may dismiss any person who engages in conduct ~~which~~ that would be grounds for revocation or suspension of certification if the person was certified. The executive secretary may dismiss from the school any person who fails to meet academic or skills proficiency standards.

Source: 25 SDR 124, effective April 8, 1999.

General Authority: SDCL 34-45-26, 34-45-29.

Law Implemented: SDCL 34-45-24, 34-45-29(2)(3).