

SDSA

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Starpoints

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WELCOME FROM SDSA PRESIDENT, SHERIFF ANDY HOWE



2015 South Dakota Sheriffs' Association President, Sheriff Andy Howe, Clay County

Greetings to my fellow sheriffs, their staffs, and to our Honorary Members! I am Andy Howe, Sheriff of Clay County. Our county seat is Vermillion, South Dakota. My office consists of 8 sworn deputies (2 of which are volunteer reserves), 10 corrections officers, and 2 clerical staff members. I took office as Clay County Sheriff in 2003 and am now in my 4th term of office. Prior to that, I served 3 years as a Corrections Officer here and then 12 years as a Clay County Sheriff's Deputy. I am a proud veteran of the United States Marine Corps and after that service; I attended and graduated

from the University of South Dakota. I am now the 2015 President of the South Dakota Sheriffs' Association and am honored to serve you in this position.

I am pleased to report on our South Dakota Sheriffs' Association's joint spring conference which we hosted together with the South Dakota Police Chiefs' Association in Deadwood on April 22-24. We had a great conference and found the topics presented to be informative and of value to our law enforcement executives. Additionally, as always, this conference provided valuable networking opportunities where we were able to learn from each other and make connections that will help us work together toward our common goals.

This year, the SDSA will host two joint conferences. Our fall conference will be a joint conference with our neighbors and good friends in the North Dakota Sheriffs and Deputies Association. This will be our third joint conference with them. Every odd numbered year we meet together and every other joint conference is in South Dakota. In 2013, North Dakota hosted us in Bismarck and set the bar high for a great, informative conference. It will be my goal to host them in Aberdeen in a manner equal to the hospitality we received in Bismarck. We have much in common and our partnership is very important to us.

I am now in my 6th month as SDSA President and I am enjoying it very much. I have taken this position after 5 years of serving on the Executive Board and I have had the pleasure of working with a great group of sheriffs as well as our Executive Director Staci Ackerman. Staci stays very busy keeping this association moving in a forward direction both in our day to day functions and in a broader sense

with legislative matters and new initiatives developed or discovered during the networking opportunities at the various conferences and training events. So far this year, thanks to an experienced and capable staff at home in Clay County; I have been able to attend the South Dakota Sheriffs' Institute training in Pierre in January where we provided training to newly elected sheriffs. This training was designed to help them hit the ground running and to provide them with guidance and suggested resources to help them be successful in taking over the Office of Sheriff in their counties. Additionally, I've been able to be active with legislative issues and help provide assistance to Staci and our lobbyist Dick Tieszen to further our goals and give our law enforcement officers a voice in Pierre during the legislative session. I was pleased to help represent South Dakota at the Western States Sheriffs' Association's annual conference in Las Vegas, NV in March. That was a very informative conference and provided an opportunity to learn of many issues and concerns that our associates in the West struggle with more than we do such as illegal immigration and federal land management disagreements at a level we don't see here. At the same time, we learned of many common issues such as mental health issues in jails with limited access to resources and funding. Issues like that seem to affect us all. I've been very busy this year as President and it's only June. I look forward to our fall conference as well as the opportunity to help represent South Dakota at our National Sheriffs' Association conference in Baltimore, MD in late June.

This has been a challenging year to be a Law Enforcement executive. Each year does have its challenges but this year with high profile and contentious problems in Missouri, Ohio, South Carolina, and California to name a few, we have been exposed to considerable scrutiny and animosity by many who are less than supportive of us as public servants. "Less than supportive" is an understatement of course. Some protesters have called for the execution of police officers and officers have been murdered in their vehicles, specifically targeted due to their profession. This animosity is not new. Most of us recall the days of the infamous Rodney King video and the riots that followed. What is different now is the immediacy of the information sharing via the internet and social media in particular along with the sometimes deliberate misinformation that guides many to a conclusion based on anger, hatred and all too often, an absence of facts. In South Dakota we are right in step with law enforcement nationwide, working to keep the public's trust. I believe we have a strong relationship with our citizens here. Our honorary membership program is evidence of that. At our spring conference we discussed the issue of body worn cameras for police officers and, in addition

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RESPONSIBILITIES OF THE SHERIFF'S OFFICE

Imagine the medical field if you will. When students begin medical school they all receive the same basic foundation. Once that is completed they branch off into their areas of primary expertise. Law enforcement is not much different. Police departments have jurisdiction within their municipalities. Each community is different and the focus of each police department is tailored to meet those needs. The Division of Criminal Investigation primarily focuses on investigating felonies. The Highway Patrol has a primary focus of traffic enforcement and accident investigations. They are all valuable resources when it comes to assisting our sheriffs. We have a great relationship among our law enforcement agencies in South Dakota. A testimony to that is our spring conference which is hosted by the SD Sheriffs and Police Chiefs Associations each year. We have over 120 sheriffs, police chiefs, and other local, state, and federal law enforcement administrators attending.

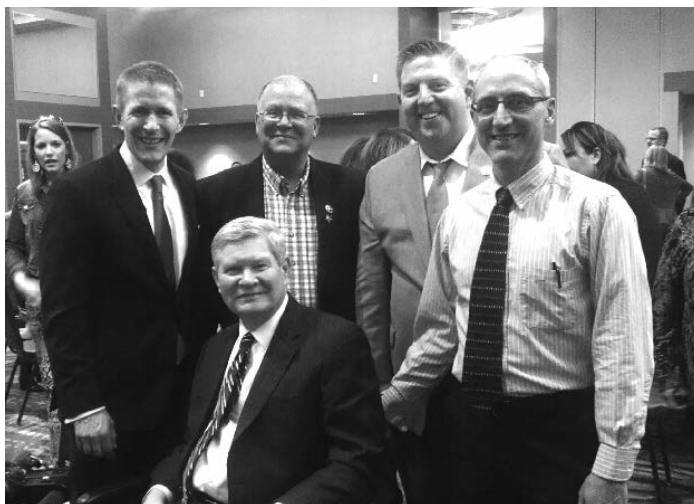
South Dakota has about 1,900 certified law enforcement officers. They are all certified under the same training standards. While many of the daily tasks they perform are often the same they each have their own unique primary area of focus. The Office of Sheriff has several responsibilities which are unique which can create staffing and funding issues.

The sheriff has jurisdiction within the county. As populations have declined several municipalities have opted to no longer continue operating a police department. In 1970 South Dakota had a population of 666,000 and by 2010 we had 816,000. The increase was seen in our urban areas and we saw a drastic decrease in our rural areas. This has brought about a complex issue for our counties across the state.

Years ago we had police departments in many of our cities. The highway patrol had duty stations in those communities as well. In the 1970's your county may have had a sheriff's office, police department, and a highway patrolmen living within it. Today due to the population shift, we have seen a decrease in those numbers. As a result, many certified law enforcement officers live in and work in, or around, the urban areas. An example would be a county who once had a sheriff, three to five police departments, and a highway patrolman stationed in it may now only have a sheriff's office. How many total law enforcement are still employed within your county? In the example above thinking about staffing 40-50 years ago there likely may have been one sheriff. The police departments operating may have had two or three officers each for an average of around seven. If you include the highway patrolman with the police and sheriffs office numbers that county may have had nine or ten officers. Each municipality also likely had a jail cell or two to put prisoners in. Sometimes these were staffed but more often officers checked in on the prisoners and then returned to their other duties or went home. Times have changed and as a result of law suits and new laws, how we operate jails is different.

While the sheriff provides law enforcement for the entire county when a municipality still operates within the county the city generally provides those services. If the municipality decides they no longer wish to operate a police department they may either contract with the sheriff's office for patrol services or decide to

provide no service. Regardless if a police department exists the sheriff is still responsible for the service of warrants and civil process paperwork such as summons to appear in court and protection orders. The sheriff also is tasked with handling mental and alcohol commitments. With the sensitive nature of these matters they can be very time consuming. From start to finish they could take anywhere from 4 to 6 hours and can require travel away from the county to treatment facilities above and beyond that time frame.



SDSA Board Members attending the reception for former US Attorney Brendan Johnson in March to thank him for his service to South Dakota. Pictured L to R: US Attorney Brendan Johnson, Retired Senator Tim Johnson, Sheriff Barry Hillestad, Sheriff Troy Wellman, and Sheriff Andy Howe.

Another area is prisoner care and transport. When any law enforcement agency makes an arrest they take that person to a jail. In our state we have 66 counties but less than 30 jails. This means transportation outside of the county for those officers who make an arrest. When a person is brought to jail that individual now becomes the responsibility of the county in which they were arrested. State law requires fingerprints and DNA to be taken on certain qualifying offenses. Regardless of who makes the arrest the county sheriff's office where the arrest occurred must make sure to obtain the prints and DNA. The sheriff or his/her staff also take care of collecting bond or taking care of the prisoner if that person is unable to post bond.

There are many requirements sheriffs must follow if a person is incarcerated and unable to post bond to ensure they receive due process. They work very closely with the clerk of courts and judiciary to make sure prisoners are scheduled into court within the time frame required. While the arresting officer is responsible for completing their own reports, the sheriff must make sure those reports get to the states attorney and clerk of courts. When court appearances are required for prisoners the sheriff's office is responsible to make sure that person is transported to court for their appearances. With less than half our counties operating jails this responsibility also has the sheriff's office staff on the road. The

transporting of prisoners outside of the jail is one area of prisoner care that can be very dangerous.

The cost to house prisoners in South Dakota averages about \$80 a day. Each county pays for the costs of those expenses through the use of property tax dollars. Sheriffs in South Dakota have participated in several criminal justice projects over the past few years. Over the past ten years they have looked at the non-violent offenses and sought out ways to keep the public safe and still reduce jail expenses. One such program is the 24/7 program. A majority of those on the program are drunk driving offenders or other non-violent crimes where alcohol may have influenced the crime they committed. The goal is to keep them from drinking while their case is handled within the judicial system.

Other projects sheriffs have participated in are the adult and juvenile criminal justice reforms. These reforms are all geared towards keeping non-violent offenders out of our jails and prisons and still holding them accountable for their actions. If they are out in the work force contributing to society they are then not utilizing county tax dollars to care for them. It also goes beyond that because if a father or mother is incarcerated the family may then end up utilizing our welfare system in order to care for their families. Programs such as drug and alcohol courts focus on getting the individual sober and working. These programs have an 80% plus success rate. Just because they are not immediately incarcerated does not mean they are not held accountable for their daily actions. There are many tools utilized. There is the 24/7 program where they submit to a daily PBT. They may also be required to wear a drug patch or electronic GPS for monitoring their activities. If an individual does not follow what the court has ordered they can still be lodged in jail.

Explaining these programs and reforms are very important because it plays a role in the daily activity of our sheriff's offices. While they are ultimately aimed at saving our prisons and jails costs they have now shifted the work from daily "in jail" care to your local sheriff's office managing the various program requirements. In states where these reforms have been successful they did see a temporary increase in county jail populations. Because certain offenses now generally are seeing jail sentences instead of prison sentences we have seen some counties impacted substantially. Ultimately within three to five years counties should also see a decrease in our jail populations.

There is a saying that we deal with less than 5 % of the population 95% of the time. With a decrease in recidivism we should see a decrease in our jail costs in the years to come. In the meantime we have counties facing very difficult decisions on whether to build new, remodel, or even where they can house their prisoners. When a county without a jail discovers the jail they contract with has reached capacity they must find alternative locations. The county who operates the jail gets priority for those beds. As an example, recently two counties in South Dakota were looking at having to transport their prisoners 100-170 miles one way to a jail. Some in western South Dakota already do. Fortunately short term solutions have been found but the long term needs in some areas have yet to be addressed.

Counties with jails are also impacted. They use to supplement their jail budgets by housing federal or out of county prisoners which generated additional operating revenue. Now because the jail beds are full they have to turn those agencies away. This is a loss of revenue for those counties. Pennington County and Clay County have been utilizing electronic monitoring of non-violent or work release prisoners. Through the use of a GPS system they are able to still monitor and verify the person's location while saving daily jail costs. If a person violates the conditions of the program there are immediate sanctions one of which could be they are returned to jail.

Sheriffs have also seen an increase in calls for service. As society advances we learn from our past which also changes how we respond to events. Fifty years ago how law enforcement handled things was much different than it is today. Our laws have progressed so we can better help victims and some such as domestic violence laws now have mandatory arrests. It is no longer the victims choice to press charges.



SDSA Executive Board Members. From L to R Sheriff Troy Wellman, Sheriff Barry Hillestad, Executive Director Staci Ackerman, Sheriff Andy Howe, Sheriff Bill Stahl, and Sheriff Steve Manger. Not pictured is Sheriff Brian Dean.

Another advancement made over the past 30 years which has increased costs is the awareness of the dangers of drinking and driving and enforcement of those laws. Through grants available at the state and federal levels we have been able to pay for additional officers out on our highways for saturation patrols or sobriety check points. These are all good things which have made our roads safer. However, with everything comes a cost. Where we have not kept up is the funding to pay for the associated costs of the increased enforcement. As mentioned previously just because an arrest is made does not mean the job is done. During these enforcement efforts we see an increase in the number of people coming into the jails for DUI arrests. The sheriff's office is tasked with processing the arrests and our county states attorneys are tasked with the prosecution. The county also provides a court

Responsibilities of the Sheriff's Office – continued

appointed attorney when the individual indicates they are not able to afford one. Some counties also need to bring in extra jail staff to handle the increased number of bookings which often ends up being overtime pay.

We also have improved our drug enforcement and interdiction efforts through advancements such as increased training to identify persons under the influence of drugs and the use of K-9's for detection. We have been able to make our communities and roads safer by apprehending those who are manufacturing, selling, or transporting these illegal drugs within our state. While some of these people are local area residents many who are caught are merely passing through our state. These people are not local tax payers and are often the most costly to house in our jails. Many are drug addicts themselves and their medical needs can be very costly. With increased enforcement and interdiction these people do move on or find other transportation routes.

The main function of law enforcement the general public thinks of is what we call routine patrol. That can be answering calls for service which come in through 911 or non-emergency lines, traffic enforcement, accident investigation, and general patrol for suspicious activities. As calls for services have increased over the years and the number of law enforcement within our counties has decreased. This has put a strain on many sheriffs' offices.

Over the decades we have seen a steady population shift within our state. People have been moving from rural areas to urban areas. As this occurs some municipalities seek to cut costs by eliminating their police department. On the other end of the spectrum are counties which have grown in population. With the increased population come increased calls for assistance arrests and prosecution costs have also increased. Simply put, whether you are in an urban or a rural area, the population shift we have seen in the past several decades has had a financial impact on our county budgets.

Many years ago it was placed into statute that counties would get funding primarily through property taxes and vehicle registration fees. State government looked at funding for our roads and bridges this past legislative session and gave counties some new options for those purposes. This summer they are also studying county government as it relates to law enforcement, corrections, and the mechanisms of funding.

Counties have the option to opt out of the property tax freeze. However, in many areas our schools have already passed opt outs or are considering doing so. If a community is faced with a opt out for a school or a jail which has the best chance of passing? Most property owners and voters are not the consumers of our criminal justice system. It is difficult to advocate more of their hard earned dollars to something they do not use. Each of us likely drives, walks, or rides on our roads almost daily. We also have children or grandchildren in our school systems. Being good stewards of the money we make we like to see how our tax dollars are spent. With law enforcement much of what we do is never seen by the public. It is often difficult for us to articulate the full scope of what it is a sheriff or deputy sheriff does during the course of their day. It is even more difficult to show what crimes have been prevented by having those officers out in your

communities. Have you ever slowed down in certain areas because you know law enforcement patrols that area frequently? Thieves and burglars watch community patterns. Drugs dealers and manufacturers look for locations where they can operate undisturbed. They know when people come and go and when, or if, there are any law enforcement around. We are well aware they watch us and our patterns. If they don't know when or where officers will show up they will move on to communities with less of a law enforcement presence.

Being a sheriff is not an easy job. We have asked sheriffs about their impressions when they first took office. Most of them have previous law enforcement experience either with a sheriff's office, police department, or other agency. They say they ran for the job thinking they understood what they needed to do and were up for the challenge. However, after taking office they soon realize just how big the duties and responsibilities are for the Office of Sheriff. We encourage you to get to know your sheriff and learn more about the issues and challenges they face. South Dakota is a very large and very diverse state. Our counties are just as diverse and so are the challenges they face.



Congratulations to Sheriff Wolf from Gregory County on his retirement.



Sheriff Keith Gall (left) presents retiring Ziebach County Sheriff Bob Menzel with a SDSA retirement badge in honor of his service to Ziebach County and to South Dakota.

SOUTH DAKOTA SHERIFFS' ASSOCIATION

Sheriffs Institute



Retired Davison County Sheriff, Past President of the SD Sheriffs' Association and National Sheriffs Association, and former South Dakota US Marshall, Lyle Swenson helped kick the week off with the History of the Office of Sheriff. Sheriff Swenson is a valuable part of our association past and knows the history of how the association began and why we are where we are today. He is also a tireless advocate for the elected Office of Sheriff.

training. Some wanted to further their understanding of a topic or brush up on issues they may not encounter frequently. Other sheriff's offices would saw value in sending their deputies to the training. During the past seven years we have had almost 30 new sheriffs come in to office. Most of them occurred due to retirements but several others were newly elected sheriffs. If the goal was to help educate and inform new sheriffs we felt it important we offer the training more than once every four years, especially due to retirements often occurring mid-term.

It has been renamed to the Sheriffs Institute. It is still a 40 hour course and primarily targeted to newly elected or appointed sheriffs. However, we also encourage veteran sheriffs or their deputies to attend. The main course is still held every four years. An interim shorter session is done every two years. Vet-

Many years ago the South Dakota Sheriffs Association began hosting a "New Sheriffs Training". The association saw a need to help educate newly elected sheriffs on the duties and responsibilities unique to the Office of Sheriff. The New Sheriffs Training was a 40 hour course they held every four years after the sheriff's general election.

Over time we saw an increase in sheriffs who had been in office for several years want to attend portions of the



Lyman County Sheriff and SDSA Executive Board Member, Steve Manger helped instruct How to Survive the Office of Sheriff as well as the training relating to unattended deaths and suicides. Sheriff Manger was elected to the position following the retirement of his father who had held the position before him. Now in his second term as sheriff he had a lot of advice to the newly elected sheriffs on surviving in office. The one common theme I have heard from sheriffs after they have been in office for a few months or years was they "thought they knew" what the sheriff's office was responsible for. However, they quickly learn there is much more to the job. The toll the weight of the responsibility has on sheriffs can cause some to want to throw in the towel. The key is to provide them a support network to turn to with questions and encourage them to persevere. With his background of real life experiences Sheriff Manger proved to be a great resource for the newly elected sheriffs.



Lake County Sheriff Tim Walburg has become our "go to" sheriff on civil process training. It is a responsibility under the Office of Sheriff the public likely knows the least about. Civil process service is also one which consumes a great deal of time and has a lot of liability. Sheriff Tim Walburg became knowledgeable in this area while serving as chief deputy prior to becoming the sheriff. Many people are aware of civil papers such as the service of summons to appear in court or protection orders. Warrants of execution on judgements and property sales would likely be the areas the public is least aware of. These areas can deal with substantial dollar amounts and often involve a lot of time to complete. The South Dakota Sheriffs' Association has begun offering civil process training annually due to it being such an important part of the sheriffs responsibility.

eran sheriffs are encouraged to attend because they have a lot of valuable real world experiences to share. Often times there is more than one way situations can be handled. We have found the best lessons learned are often those learned from what others have experienced. Sheriffs are also encouraged to send deputies to the training. They will likely be the future leaders of those agencies and it helps foster a better understanding for them of why and what the sheriff's office handles other agencies may not.

Topics covered which are predominately unique to the Office of Sheriff are:

- **History of the Office of Sheriff**
- **Sheriffs Duties & Responsibilities**
- **How to Survive in the Office of Sheriff**
- **Unattended Deaths, Suicides, and Coroners**
- **Concealed Weapons Permits & Firearms Laws**
- **Contract Law Enforcement & Mutual Aid**
- **Juvenile Laws & Responsibilities**
- **Civil Process Service**
- **Emergency Mental and Alcohol Commitments**
- **Jail Operations and/or Jail Contracting**
- **Bookkeeping & Records Retention**
- **Warrants and Extraditions of Fugitives**
- **Courthouse Security (Criminal Court and Civil Court)**
- **Inmate Transportation**

This year we had 39 sheriffs, deputies, and administrative staff who attended our training. Among those, ten were newly elected sheriffs. The support of the honorary membership program helps us offer this training to sheriffs at no cost. Sheriffs, deputies, or other experts in the field of study donate their time for instruction. We coordinate the training with the SD Law Enforcement Training Center. They are able to offer some rooms to attendees at no cost based on availability as well as providing a state of the art training room for the week at no cost. Our only expenses are for actual printed materials. Thank you to all who helped make this year's Sheriffs Institute a success!

SPRING 2015 CONFERENCE



This year's vendor hall had over 40 vendors from around the state and across the US. Everything from equipment, to uniform apparel, to the latest in law enforcement technology was on hand for law enforcement leaders to explore.



Agencies at the state and federal level provided sheriffs and chiefs with updates from their agencies. The SD Division of Criminal Investigation helped coordinate a workgroup made up of sheriffs, police chiefs, and states attorneys to study body worn camera policies, procedures, and privacy related issues. We also had a presentation by the Aberdeen Police Department who have been using body worn cameras for several years. A short presentation and discussion was also held on the impacts being seen in Colorado regarding the legalization of marijuana. An expert from the Colorado Information & Analysis Center spoke to the group about Violent Extremism and Terrorism abroad and within the United States. Concluding the weeks training were two former police chiefs who instructed the Bureau of Justice Assistance VALOR Executive Briefing. The briefing focused on current trends and threats facing law enforcement. They gave examples of model policies as well as a case study of police under attack. They studied the law enforcement response to the attack on the LAPD by former officer Christopher Dorner.



SD Sheriffs & Police Chiefs Executive Board Members and Staff: Left to Right (back row): Chief Lee McPeck, Chief Lyndon Overweg, Sheriff Bill Stahl, Sheriff Troy Wellman, and Sheriff Steve Manger Left to Right (front row): Lori Martinec-SDML, Chief William Wainman, Chief David Kull, Sheriff Andy Howe, Sheriff Barry Hillestad, and Staci Ackerman-Executive Director

LATI PRESENTATION



Past SDSA Presidents, Sheriff Kurt Hall, and Sheriff Fred Lamphere presented a class on civil process service to the law enforcement students at Lake Area Technical Institute.



This year the SD Police Chiefs and Sheriffs awarded Brule County Deputy, Lester Plank with the Medal of Honor. Deputy Plank helped to rescue SD Highway Patrol Officer John Koenig during a shootout in rural Kimball. Pictured L to R is: Chamberlain Police Chief Joe Hutmacher, Sheriff Darrell Miller, Janet Plank, Deputy Lester Plank, Sheriff Steve Manger, and Trooper John Koenig."

SOUTH DAKOTA SHERIFFS' ASSOCIATION

Scholarships

Congratulations to Brookings High School Senior, Bailey Mergen, on being awarded a \$500.00 scholarship from the SD Sheriffs' Association! Bailey is the son of Alan and Susan Mergen of Brookings. Bailey has been active in his school and church throughout high school. He was active in baseball, golf, and FCCLA. Through his church he attended numerous camps and is attending the National Youth Gathering in New Orleans this summer. Also through his church he went to New Orleans after Katrina and his group helped with neighborhood clean ups. He enjoys hunting and fishing. Bailey will be attending the law enforcement program at Lake Area Technical Institute next fall. Following graduation he hopes to become a law enforcement officer with a sheriffs' office or other agency in South Dakota.



Pictured from L to R: Sheriff Martin Stanwick, Bailey Mergen, and Deputy Michael Giegling

Photo caption for Taylor White: Congratulations to Taylor White on being awarded a \$500.00 scholarship from the SD Sheriffs' Association! Taylor is a recent graduate from Flandreau High School. He plans to attend South Dakota State University for Criminal Justice and Nursing. During the summer of 2014 he attended the Youth Trooper Academy in Pierre. Throughout the past years he has also participated in several law enforcement ride-a-longs. He also is a member of the Flandreau Fire Department as way to give back to his local community. Taylor enjoys snowmobiling, camping, hunting, and spending time with family and friends.



Pictured L to R: Taylor White, Sheriff Troy Wellman



Pictured you see Watertown PD Officer Tiffany Schlotterbeck with her father Sheriff Chad Schlotterbeck!

Congratulations to Watertown Police Officer Tiffany Schlotterbeck on her recent graduation from USD! It is exciting to see previous scholarship winners graduate and enter the law enforcement field. Tiffany won us over with her essay back in 2012. Her parents have been giving back through service to their communities Tiffany's entire life. Her father was in the military and then went into law enforcement himself. Tiffany's mom is an EMT. While in high school Tiffany would do ride a longs with her father which further spurred her interest in law enforcement. Her parents are very proud of her accomplishments. In the years since Tiffany received her SDSA scholarship her father was elected Sheriff of Hamlin County.



Pictured is our SDSA 1st Vice President and Day County Sheriff, Barry Hillestad, the 5th grade class from Waubay. Students graduated this spring from the PRIDE program. PRIDE was created by the Day County Sheriffs Office as an alternative to the DARE program. A curriculum was developed and approved by the Waubay school. PRIDE stands for Powerful, Respectful, Intelligent, Decisions Everyday.



News Release

South Dakota Department of Revenue

445 E. Capitol Ave., Pierre, S.D. | 605-773-3311 | dor.sd.gov

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For Immediate Release: Thursday, April, 30, 2015

Contact: Jonathan Harms, Communications Director, 605-773-3311

Transient Vendor Season in South Dakota

PIERRE, S.D., -- Many transient vendors begin selling products and services in South Dakota starting in the spring.

While many of these vendors are legitimate, the South Dakota Department of Revenue and the Attorney General's Consumer Protection Office advise people to take common-sense steps to ensure vendors are reputable, before doing business with them.

"Every single spring the Attorney General's Consumer Protection Division receives numerous complaints against transient vendors," said Attorney General Marty Jackley. "The main goal is to trick consumers into making hasty decisions in purchasing an inferior product, generally at an inflated price. Catching the consumer or business off guard is their most effective tactic."

"A goal for some bad acting transient vendors can be to take advantage of consumers, and we want to help shield South Dakota citizens from that effort. It is also our responsibility to ensure fair taxes are paid by these traveling businesses," Doug Schinkel, director of the Department of Revenue's business tax division said. "If a vendor is unwilling to provide business licenses, consider choosing another vendor. If concerns or questions arise, contact the Department of Revenue."

If you are considering hiring a person to provide repair or construction services, please be advised to:

- Ask for a price quote, in advance, in writing.
- Question the contractor about a permanent address and telephone number, and do not assume that if the information they provide is local, they are a local business. Transient vendors often have business cards printed with local mailing services or motel addresses and telephone numbers.
- Ask for a list of local references and check them before making a decision.

- Ask if the contractor has worker's compensation and general liability insurance. If vendors are not properly insured, homeowners may be liable for accidents that occur on their property.
- Be careful about paying for work in advance; before making final payments, make sure transient vendors have paid their local suppliers or you may be held liable for unpaid materials.
- Make sure you are completely satisfied with the work before paying the bill, and do not pay more for the job than originally quoted unless you have given written approval for the additional work or cost.
- Ask the contractor for an excise tax license.

Out-of-state vendors often travel to South Dakota to sell items like fruit, seafood, meat packages, paintings, magazine subscriptions, rugs, T-shirts, sunglasses, household cleaners, furniture, stuffed animals and asphaltting and roofing services. Asking the right questions when approached by those vendors can help you avoid making a purchase you may regret:

- Question the salesperson about the product, warranties, guarantees, etc.
- Get something in writing with the company's name, address and phone number.
- Ask to see their current South Dakota tax license. State law requires everyone selling products or services to have a current South Dakota sales or contractors' excise tax license. To verify if the license is valid, call the Department's toll-free helpline at (800) 829-9188.

All sellers must provide you with a contract or receipt at the time of sale showing the date, the merchant's name and address, and a statement informing you of your right to cancel the contract within three days. After proper cancellation, the seller has 10 days to refund your money.

If you have doubts about the vendor or think you may have been the victim of a scam, call your local police department or county sheriff's office immediately. You can also contact the Attorney General's Consumer Protection Office at (800) 300-1986 or by email at consumerhelp@state.sd.us. Be prepared to give as much information as you can about the vendor, including the name of the company and salesperson; company address and telephone number; and make, model and license number (if possible) of the vehicle the vendor was driving. Without tips from the public, law enforcement officials may not be able to catch illegal vendors before they move on to the next community.

For more information on transient vendors, contact the South Dakota Department of Revenue's toll-free helpline at (800) 829-9188, press "1" for the Business Tax Division.

Welcome from SDSA President, Sheriff Andy Howe — continued

to discussing the merits and/or pitfalls of these cameras; we will discuss policy concerns and attempted to form a uniform standard on issues such as retention, redaction and other policies. This might help to answer questions in the future but many older law enforcement officers silently miss the days when our sworn testimony was accepted and we didn't need to allow the judge and jury to be a witness to the crime or confession via video to get a conviction. It's clear though that interview room and patrol car cameras have been valuable crime fighting tools. Body worn cameras may be the next generation of this technology and hopefully valuable as well.

Another issue we will face again in the near future is the repeated attempt to legalize marijuana in South Dakota. One avenue toward this will be the effort to legalize marijuana for medicinal purposes. Of course, and make no mistake about this, medicinal marijuana legalization initiatives are simply used by proponents as an avenue toward legalization for recreational purposes. This issue is one worthy of more time and space than I will take up here but South Dakotans simply can look at Colorado and the way the legalized marijuana industry has blown up to a level beyond the expectations of many if not most of Colorado's citizens and we will know that this should be avoided. Even if there may appear to be a national trend, South Dakotans are independent thinkers and I'm certain we would be willing to be an exception to this. I encourage all to be informed, study the effects that Colorado had demonstrated, and oppose this effort. We will learn more about this issue at our spring conference as well.

I know South Dakota sheriffs are up to these challenges. Those who accept this office are the type who face challenges and solve problems as a part of their nature. To our honorary members, thank you sincerely for your support. We couldn't make our association work this well without you. The training and meetings prevent isolation and foster common solutions to problems we all share. Thank you as well to South Dakota's sheriffs, deputies and all officers who serve our citizens. Your service is appreciated. I wish you all an enjoyable and safe summer.



The Pennington County Sheriffs Office recently hosted a "Shoot Don't Shoot" event for members of the Rapid City area media.

NO TO MARIJAUNA

By: Sheriff Byron Nogelmeier

Written November 2014

As I said in last week's Sheriff's Points I attended the South Dakota Sheriffs' Association Conference in Sioux Falls last week. I did attend an all-day session on the effects of marijuana in Colorado. WOW did my eyes get opened up. I knew the legalization of marijuana was the wrong thing to do but the things I heard and learned were mind boggling.

First of all it is inevitable that this issue will be coming to South Dakota. If I had to wager a bet there will be some type of Bill that will be presented to our legislature next spring. I hope that our legislatures don't get caught with their pants down and do something without doing their due diligence to learn about the cost and effect of the legalization of the so called medical marijuana.

First of all marijuana is NOT a medicine. Medicine is approved by the FDA. If there were no regulations then Opium and Heroin would be considered drugs in their raw form. We do get morphine from opium and it is approved by the FDA and it is prescribed by doctors and is a controlled drug. It has its place if used proper.

One of the names that may surface is Mason Tvert who is an [American marijuana](#) advocate and founder of [Safer Alternative For Enjoyable Recreation](#) and current communications director for the [Marijuana Policy Project](#) in [Colorado](#). If he shows up on the steps of the Capital in Pierre you can bet he is not there to go fishing or hunting.

Some of the things learned in the class is there are more marijuana dispensaries in Denver Colorado than there are Liquor stores and Starbucks. Burglaries of these dispensaries have gone up from 10 in 2009 to 78 in 2012. The burglaries are not for money they are stealing the marijuana. The THC level in marijuana which back in the day was at 2%-3% is now at 28%-32%. These high THC levels are having different effects on the people who are using marijuana. Should we change our laws and constitution so people can become stoned, hammered, high or blitzed?

In Colorado the average age of a patient that uses marijuana is a 41 year old male. In Californian the average age is 32 and has a drug addiction.

The cartels which have an abundant supply of money will be backing the legalization of medical marijuana and then the legalization of recreational marijuana.

The South Dakota Sheriffs' Association is not equipped to fight this fight alone. We will need everyone's help to defeat this myth about marijuana and its healthy effects.

THANKS for taking the time to read this and if you need more information I will be glad to talk to you.

God Bless you.

MESSAGE FROM THE EXECUTIVE DIRECTOR

Staci Ackerman, Executive Director



This has been a very busy year for our association. A couple of years ago our executive board and myself began working with county commissioners and officials to talk about how things have changed in law enforcement over the past 50 years. What we learned was among our own peers many didn't fully understand what the Office of Sheriff was required to do. I

began my law enforcement career at the age of 21 working for the Minnehaha County Sheriff's Office. During that time I worked within the jail as well as work release center. I eventually moved to the patrol division. There I patrolled several different cities who contracted with the sheriff's office. As part of my duties I would also attend city council meetings on occasion. Through my patrols I got to know many citizens and business owners. One of the first things I noticed is they would want to talk to me about things that they weren't sure about calling 911 with. They usually said they didn't want to bother 911 if it was nothing. Sometimes those "little things" did correlate to criminal activities we were aware of and helped provide us additional information. Most often no crime had been committed but the incident may have raised some flags which officers should be made aware of. All these things are important as you consider your sheriff's office. Ask yourself which body of government would you feel you could influence most by telling that elected official your situation and hoping they could implement change? I think we all would agree at the federal level it is almost impossible most of the time. When we look at our state legislature we are very fortunate. Most of us are able to get to know and have an exchange of ideas on the issues with our legislators. Those conversations then can bring about proposals for new legislation. When you get to your local elected officials (sheriffs, school board, county commission, city council, etc...) I would venture to say most of you know those individuals or would be able to easily visit with them. We are closest to government at this level. These people are elected by you and I to represent the people who live in their county. You are not competing against people who live many miles away making it easier to resolve issues. Your law enforcement is no different.

The Office of Sheriff is the only elected law enforcement in our state. When you have issues or problems you can go directly to the sheriff. Whether the sheriff's office has 100 employees or one most of the time people are able to meet directly with the sheriff. Each law enforcement agency is different and often times we hear from Criminal Justice students they want to be a detective or forensic investigator. Everyone needs to start somewhere and those are not generally the law enforcement positions which hire entry level officers. I would like to share a story about an officer I have known since he was in a law enforcement explorer program in high school. His name is Steve Rowe and he currently is a deputy sheriff and school resource officer with the Lake County Sheriff's

Office. Steve's father was a Sioux Falls Police Officer and eventually Steve became an officer in Sioux Falls as well. He was a member of the honor guard and a field training officer during his time there. While there he noticed a steady increase in the 911 calls they received each year. Deputy Rowe explained many days you would go from one call to the next most of your shift. While working in Sioux Falls he had several opportunities to work with or assist sheriff's deputies from time to time. The Sioux Falls Police Department and Minnehaha County Sheriff's Office work very well together and share several services.

In 2013 Steve began working for Sheriff Tim Walburg in Lake County. He said it was there where he really learned what the job description of "Sheriff" was. Steve says it was a whole different world. As a deputy sheriff he may be tasked with serving civil papers, warrants, 24/7 program duties, court room security, working in the jail, keeping track of prisoners, and transportation of prisoners. Transports may be to the Yankton Human Services Center, Springfield, Mike Durfee Prison, and SD State Penitentiary. Steve says road deputy responsibilities still are the biggest part of his duties. Those may include vehicle patrol, foot patrol at events, and public speaking engagements. With the numerous other tasks that deputies and sheriffs have which must be taken care of on a daily basis in a small agency, you rely heavily on your co-workers as a resource. Deputy Rowe also explains you may get called out at all hours to assist in many types of investigations, autopsies, standoffs, and search warrants. He says he quickly learned they were the primary investigator and the follow up investigator. These are things in larger agencies you have others to handle them. The sheriff's office conducts interviews, organize searches, calls in other agencies or resources when needed, and are called up on by other agencies as well. Steve discovered as a deputy he was able to see his cases through from beginning to end.

As he has visited with me over the years, he said everyday he goes to work he realizes it is a whole new way of looking at life. Deputy Rowe said, "It is a privilege and honor that I get to be a deputy sheriff. I have gained a new knowledge base regarding the Office of Sheriff and how it works." Steve said each law enforcement agency services a unique purpose. Each has their own responsibilities and it is important we all work together to serve as we are sworn to do.

We would enjoy coming out to your communities and talking more about the Office of Sheriff. If you have a group or organization who may be interested in a presentation please contact us at (605) 940-6554 or by email at admin@southdakotasheriffs.org



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HONORARY MEMBERSHIP PROGRAM

Since its inception in 1953, the South Dakota Sheriffs' Association (SDSA) has made its main objective to help sheriffs and their deputies network on common problems and issues with each other as well as state attorneys and other law enforcement agencies in our state.

The Association also provides training, legislative representation and educational conferences for all of its Sheriff members and their staff. Each year, SDSA organizes two conferences with themes ranging from personnel management in law enforcement to current public safety trends - all in an effort to keep officials abreast of changing technologies, methods and resources.

While it is primarily funded from Sheriff memberships, the SDSA also solicits citizen and business membership each Spring to help fund several of its programs. Citizens and businesses become members by paying the membership dues by mail--\$20 for individuals, \$35 for families, and \$50 for businesses—or by simply visiting their local Sheriff's office and filling out a membership application. Each member receives a membership card and a subscription to the Association's newsletter.

To retain its membership base, renewal notices are mailed to current members along with updated credentials. According to

Executive Director Staci Ackerman, "many of our members support us because of the good work we're doing throughout the state and because it makes them proud to know that through their financial contributions, they are helping their County Sheriff."

Mrs. Ackerman also wanted to stress that citizen memberships are solicited by **MAIL ONLY**—SDSA never solicits memberships by telephone. Their "No Telemarketing" policy has been in effect since the Association's inception and is one of the policies that differentiates the SDSA from the law enforcement related telemarketing. Staci Ackerman says they **NEVER** make phone call solicitations and the public should be aware if they receive a phone call and the person identifies themselves as being with the South Dakota Sheriffs Association this should be reported.

Renewals run January through May and the new member prospects begin in March. Appeals are held periodically throughout the year and help with ongoing expenses.

For further information on membership in the SDSA, please contact Executive Director Staci Ackerman at admin@southdakotasheriffs.org or PO Box 187, Eureka, SD 57437.

Donations may be made mail or online by visiting our website and clicking on the honorary membership tab at: www.southdakotasheriffs.org