

OFFICE OF ATTORNEY GENERAL

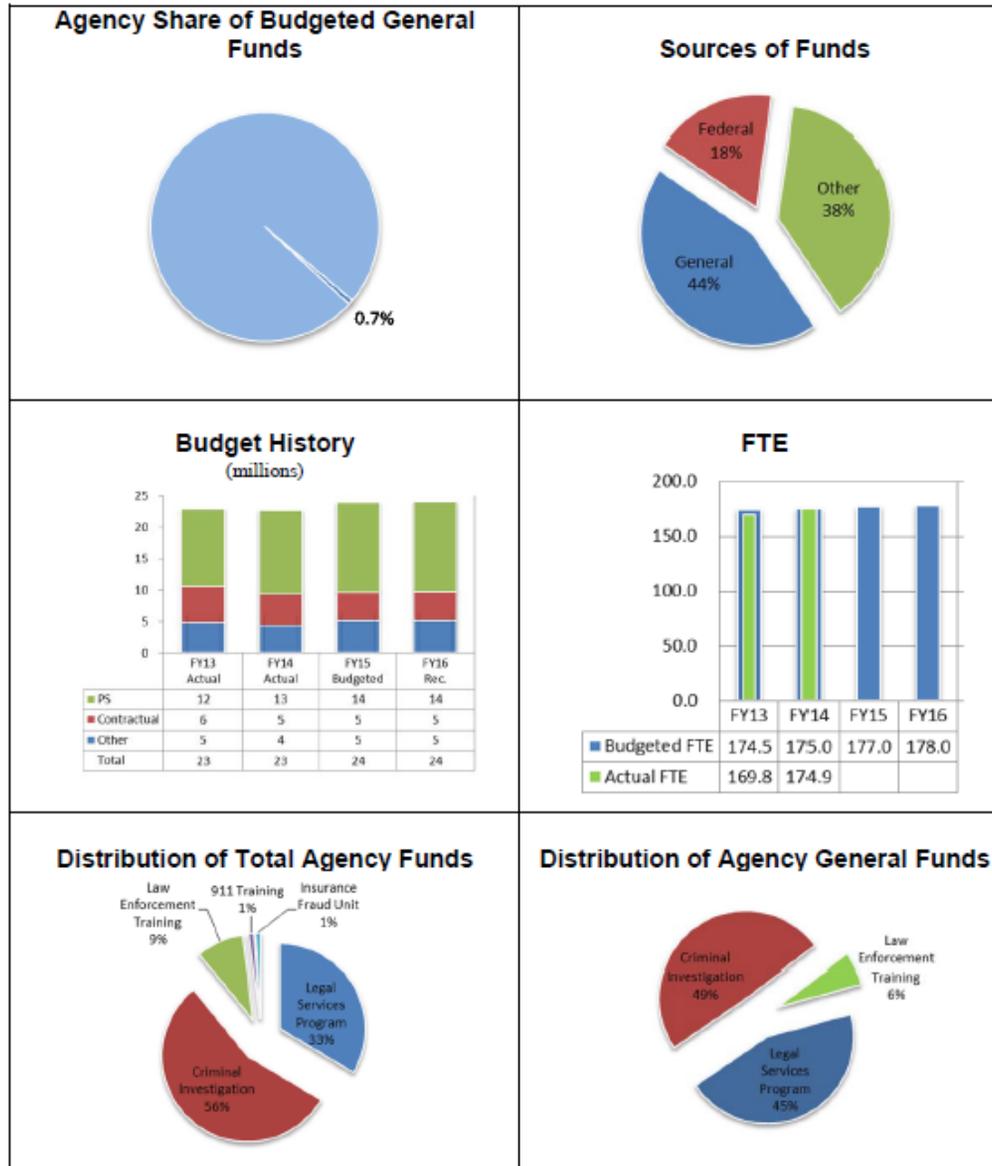


I.

FY16 Budget Briefing Attorney General

Information contained in this document is based on the Governor's original FY16 recommended budget.
This document may not correspond with the final FY16 budget adopted by the Legislature.

A.



B. GOVERNORS RECOMMENDED

	<u>Actual FY13</u>	<u>Actual FY14</u>	<u>Budgeted FY15</u>	<u>Agency Request FY16</u>	<u>Gov Rec FY16</u>	<u>Gov Rec % Change Inc/Dec for FY16</u>	<u>% Change From FY2015</u>
Personal Services							
Employee Salaries	9,757,388	10,318,666	11,352,423	11,949,212	11,419,649	67,226	0.6%
Employee Benefits	2,623,726	2,984,967	2,920,940	2,944,142	2,938,938	17,998	0.6%
FTE	169.8	174.9	177.0	180.0	178.0	1.0	0.6%
Funding Types							
General	6,909,125	7,546,670	7,865,202	8,909,609	7,950,426	85,224	1.1%
Federal	1,675,320	1,230,026	1,657,183	1,706,439	1,657,183	0	0.0%
Other	3,796,669	4,526,937	4,750,978	4,277,306	4,750,978	0	0.0%
Total PS	12,381,114	13,303,633	14,273,363	14,893,354	14,358,587	85,224	0.6%
Operating Expenses							
Travel	1,101,659	927,119	1,068,443	1,073,223	1,072,363	3,920	0.4%
Contractual Services	5,735,615	5,066,128	4,550,895	4,577,820	4,575,990	25,095	0.6%
Supplies & Materials	892,826	774,477	961,116	999,146	961,866	750	0.1%
Grants and Subsidies	2,133,594	2,154,382	2,340,344	2,340,344	2,340,344	0	0.0%
Capital Outlay	670,999	438,715	734,357	781,055	743,257	8,900	1.2%
Other	0	14	31,884	31,884	31,884	0	0.0%
Funding Types							
General	3,059,006	2,640,410	2,056,001	2,673,852	2,616,662	560,661	27.3%
Federal	2,567,937	2,210,481	2,621,933	2,622,377	2,621,933	0	0.0%
Other	4,907,751	4,509,944	5,009,105	4,507,243	4,487,109	(521,996)	(10.4%)
Total OE	10,534,694	9,360,836	9,687,039	9,803,472	9,725,704	38,665	0.4%
Totals							
Funding Types							
General	9,968,131	10,187,080	9,921,203	11,583,461	10,567,088	645,885	6.5%
Federal	4,243,257	3,440,508	4,279,116	4,328,816	4,279,116	0	0.0%
Other	8,704,420	9,036,881	9,760,083	8,784,549	9,238,087	(521,996)	(5.3%)
Total	22,915,808	22,664,469	23,960,402	24,696,826	24,084,291	123,889	0.5%

C.

MAJOR EXPANSIONS AND REDUCTIONS

Budget Item	Governor's Recommendation				FTE
	General Funds	Federal Funds	Other Funds	Total Funds	
Attorney - Legal Services	101,425	-	-	101,425	1.0
Misc. Operating Expenses - DCI	22,464	-	-	22,464	-
General Fund/LEOT Fund Swap	521,996	-	(521,996)	-	-
Total	645,885	-	(521,996)	123,889	1.0

Attorney - Legal Services. Increase of **\$101,425** from general funds for a new attorney position to assist county and local jurisdictions with violent crime and drug possessions. The increase includes \$85,224 for salary and benefits and \$16,201 for various operating expenses for the new position.

Miscellaneous Operating Expenses - DCI. General fund increase of \$22,000 for Connect SD computer software maintenance and \$2,464 for rent.

General Fund/Law Enforcement Officer Training (LEOT) Fund Swap. Increase of **\$521,966** from general funds and a corresponding decrease of **\$521,996** in LEOT funds to pay for space billing. In an effort to correct the on-going deficit in the LEOT fund, the LEOT Work Group and the Government Operations and Audit Committee studied this issue over the interim. This funding swap was one of the possible solutions identified by the work group.

II. CIVIL LITIGATION

A. NOTABLE PENDING CIVIL LITIGATION

Name of Case	Summary	Amount at Risk
Planned Parenthood v. Daugaard	Challenge to 2011 Anti-Coercion Legislation	Attorneys Fees / Costs of Litigation: @\$200,000 Life Protection Subfund (for defense costs): \$74,031.35
Tobacco Diligent Enforcement 2004	Challenge to State's 2004 enforcement of SDCL 10-50B under Tobacco MSA	@\$25 million
Gilt Edge Superfund Site	Superfund Site Cleanup of Gilt Edge Mine Site Remediation in progress	State share of operation and maintenance of site after remediation complete is ten percent (under federal CERCLA). No estimate possible of these future costs, which will depend on type and success of remediation
Rick Law v. State	Challenge to Smoking Ban (SDCL 34-46-13 through -19) and its alleged damage to video lottery operator	Damages unspecified at this time.
Clean Air Act litigation	Numerous appeals and direct challenges to EPA Air regulations, including greenhouse gas regulations, failure to approve State's SO2 compliance, challenge to California emission standards that severely restrict sales of ethanol processed in Great Plains (including SD).	
Rosenbrahn v. Daugaard	Challenge to State's marriage laws	Damages not claimed. Attorneys Fees after appeal: @\$150,000 (estimated)
Duerre v. Vonk	Right of public to use waters held in public trust which are located over privately-held land, without affirmative action from Legislature declaring that such waters may be used for recreation	Damages not claimed.

B. CIVIL LITIGATION CASES OPENED

TYPE		FY 2013	FY 2014	FY 2015 (thru Dec. 1st)
Administrative Cases	Handled for various agencies and licensing boards; includes challenges to land in trust applications filed with BIA	88	97	37
General Civil Court Cases	Handled for various agencies and licensing boards, as well as national anti-trust and environmental litigation with other states	37	26	22
Civil Prisoner Litigation Cases (federal and state courts)	Defense of DOC and State in actions brought by prisoners in correctional facilities	17 New Cases	19 New Cases; 2 Appeals	15 New Cases; 4 Appeals
Consumer Protection Civil Litigation	Multi-state joined, and state actions filed, to protect consumers	11	7	3
CWA/SDWA Loans and Grants	Legal counsel activities regarding financial documents required to issue grants and loans	67 Total of \$109,317,580 involved	47 Total of \$43,316,621 involved	18 Total of \$45,266,218 involved
TOTAL	All numbers reflect new cases opened per fiscal year only . Does not include cases opened in prior fiscal years that are still in active litigation.	220	198	99

C. CIVIL PRISONER LITIGATION

○ FY 2014 Civil Prisoner Cases:

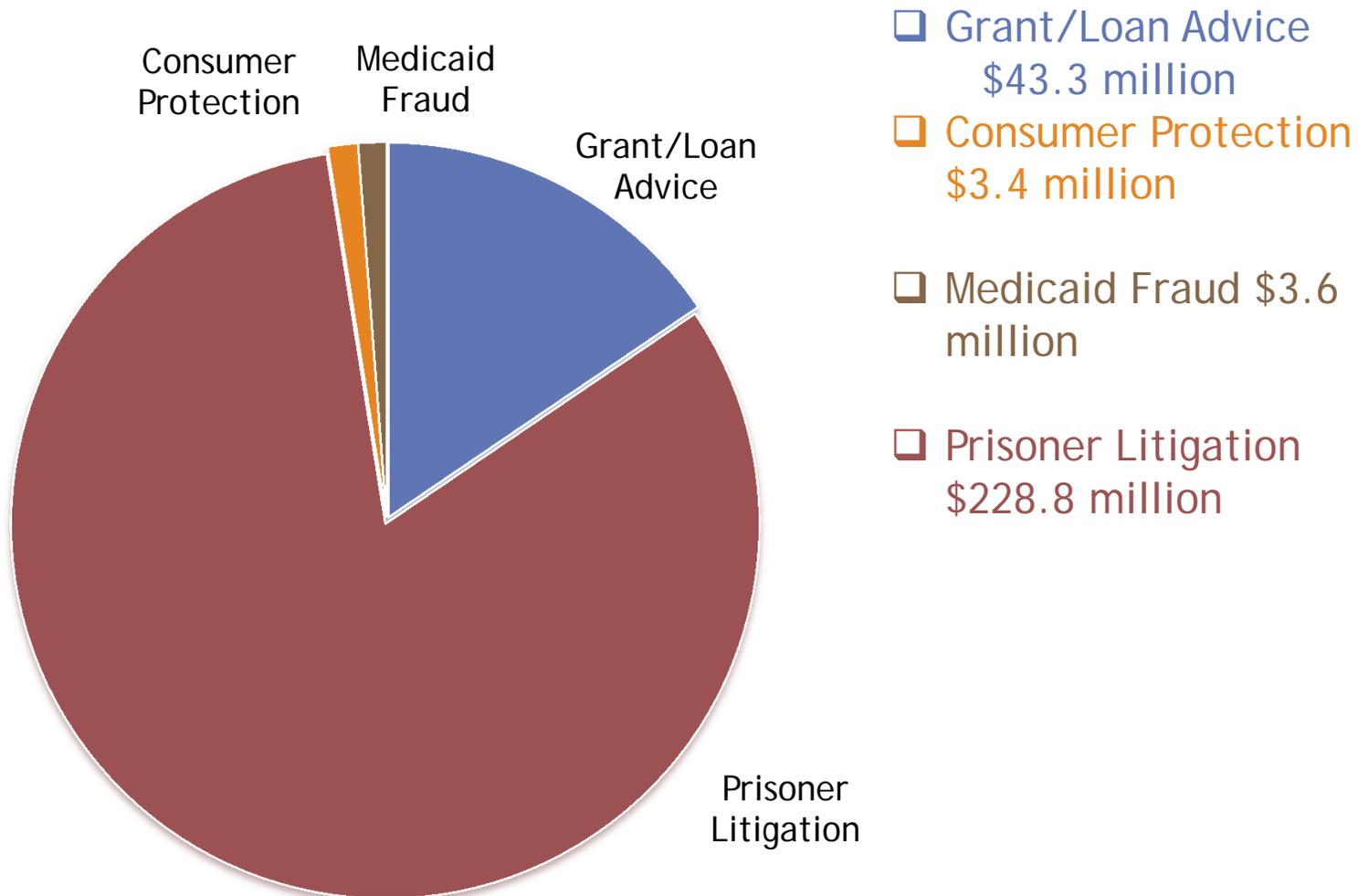
- 19 New Cases Filed
- 2 Appeals Filed
- 8 Cases Resolved (summary judgment or dismissal) in State's favor
- Total amount no longer at risk (based on amounts claimed in Complaints) due to 2014 case resolutions: \$228 million

○ FY 2015 to date Civil Prisoner Cases:

- 15 New Cases Filed
- 4 Appeals Filed
- 9 Cases Resolved (summary judgment or dismissal) in State's favor
- Total amount no longer at risk (based on amounts claimed in Complaints) due to 2015 case resolutions: \$820 million

D. 2014 CIVIL DIVISION SUMMARY

AMOUNT RECOVERED/PRESERVED
\$279.1 MILLION



E. FY14 TOBACCO ACTIVITIES

- ◉ 1999-present: PMs paid States \$100.5 billion
- ◉ Master Settlement Agreement: 1998
- ◉ South Dakota:
 - Allocable Share: .348945380
 - \$368,776,514 received to date
 - @ \$21-26 million annually
 - 2014 payment: \$26,560,429.96
- ◉ AG lawyers in FY 2014 were involved in enforcement of MSA provisions (including SDCL ch. 10-50B); and defense of State's diligent enforcement activities required by MSA
- ◉ A challenge to the State's 2004 diligent enforcement activities is on-going in a national arbitration

F. FY14 MFCU

Total Recoveries:	\$3,556,829
Total Budget:	\$ 406,324
⦿ 25% State Share	\$ 101,581
⦿ 75% Federal Share	\$ 304,743

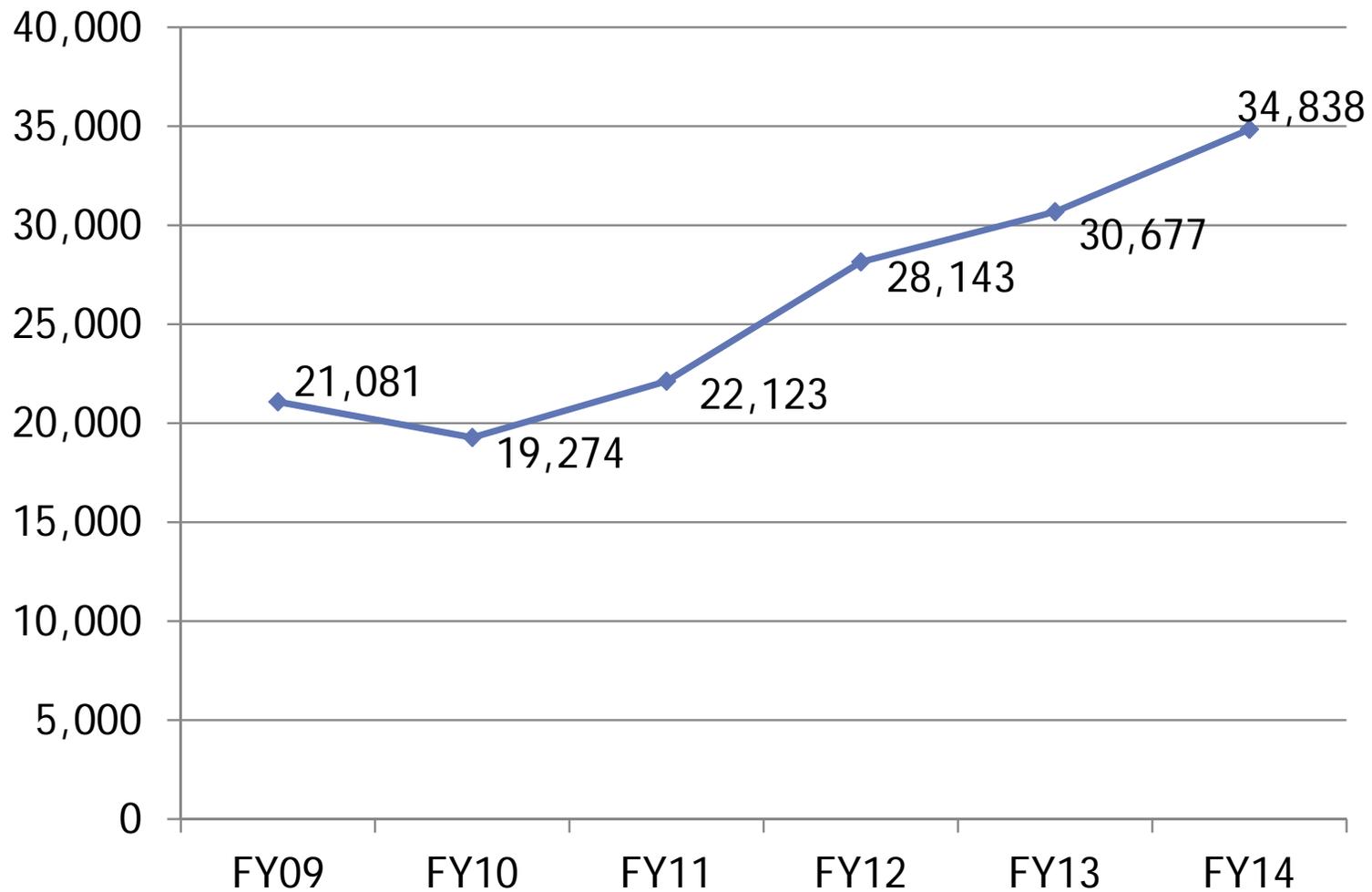
Return on Investment:

Recoveries ÷ Budget = \$8.75, per \$1 spent

- ⦿ Majority of Recoveries come from out of state Pharmaceutical companies. Vast majority of Providers in South Dakota are honest and ethical. These recoveries benefit South Dakota taxpayers.

G. CONSUMER CONTACTS

PHONE CALLS/E-MAIL/HELPLINE/CORRESPONDENCE



III. CRIMINAL DIVISION

A. NOTABLE CASES

1. Death Penalty Cases

- Rodney Berget
- Charles Rhines
- Briley Piper

2. Homicide

- Matt Tornquist, murder, jury conviction
- Maricella Diaz, murder, jury conviction
- Ronald Fischer, vehicular homicide trial conviction
- Kent Davidson, murder, pled guilty
- Danika Gonzalez, murder, convicted
- Joseph Patterson, murder

NOTABLE CASES

3. Aggravated Assault on Law Enforcement Officer

-Donald London

-Michael London

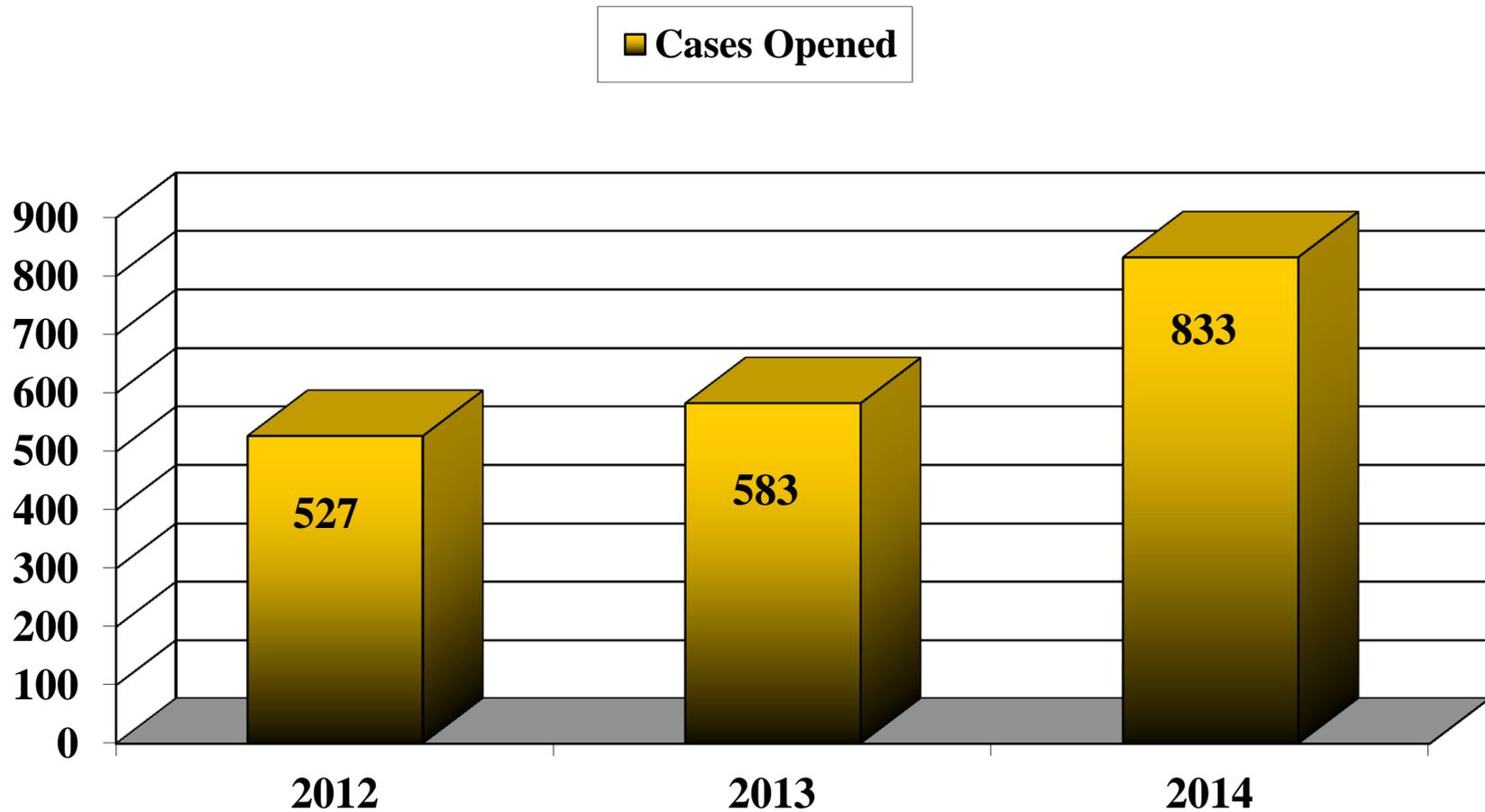
4. Felony Drug Cases

5. Voter Fraud

6. McNeely/DUI cases

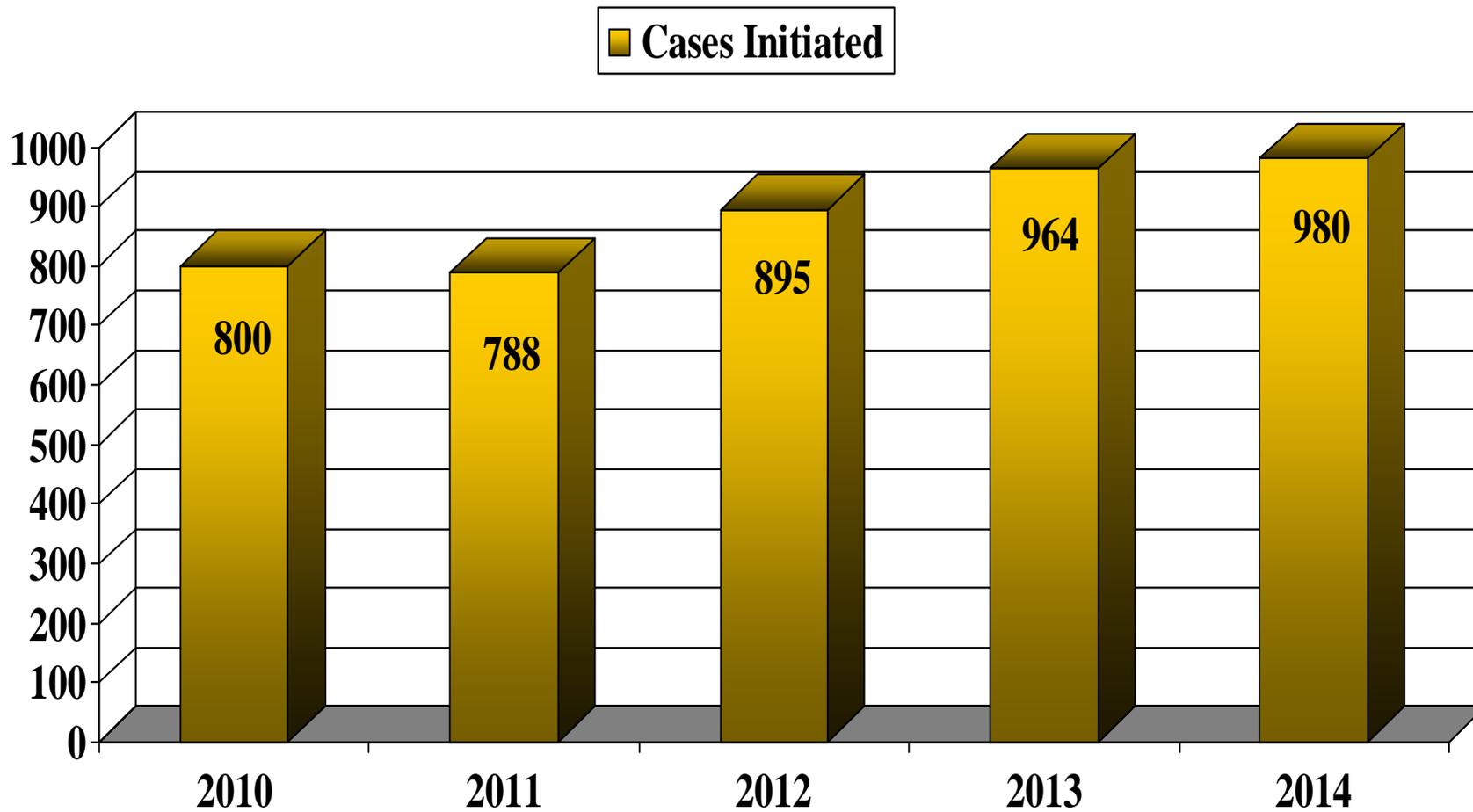
B. ATTORNEY CRIMINAL CASES

BY FISCAL YEAR



IV. DCI CRIMINAL CASES

A. FY14 DCI CASES



B. FY12-FY14 DCI COMPARISON

	<u>2014</u>	<u>2013</u>	<u>2012</u>
DCI Cases	980	964	895
Polygraphs	122	140	113
Electronic Crimes Unit Reports	797	841	277
Search Warrants	580	482	362
Arrests	519	580	378
Convictions	367	379	294
Lab Cases	576	714	611
Lab Items	6,071	7,219	6,245
Lab Assignments	1,139	1,446	1,251
Lab Assignments Completed	1,193	1,440	1,261
Total DNA Database Samples	49,555	45,779	41,629
Forensic/ Offender CODIS "hits"	62	67	60
DNA "hits"/SD Cases Aided	48	48	44
DNA "hits"/non-SD Cases Aided	15	21	19
Registered Sex Offenders	3,230	3,114	2,965
Registered Sex Offenders Non-Compliant	37	33	42
LET- Officers Participated in Basic Acedemy	120	112	104
LET- Officers Participated in Basic Acedemy Certified or Pending	115	108	94
LET- Officers received Advanced Training	4,232	3,838	4,048
LET- Advanced Training Courses Offered	43	49	60
24/7- PBT Participants	5,697	6,056	6,177
24/7- PBT Tests administered	875,387	987,496	959,217
24/7- SCRAM Participants	1,689	1,726	1,656
ID- Backgrounds	26,072	24,295	20,681
ID- Criminal Arrests Processed	28,650	27,973	24,029
Grants Managed	\$5,399,371	\$8,958,061	\$11,365,897
DCI Agent Miles Traveled	1,083,559	940,784	868,726



South Dakota SAVIN & Alert Notification Service

[Home](#)[Offender Search](#)[My Profile](#)[My Offender Notifications](#)

WELCOME TO SOUTH DAKOTA SAVIN SERVICE

**ABOUT SAVIN**

South Dakota SAVIN stands for Statewide Automated Victim Information & Notification. The South Dakota SAVIN program is a free, automated hotline that provides crime victims with vital information and notification 24 hours a day, 365 days a year. This service will allow you to obtain offender information and to register for notification of a change in offender status, such as offender release. **All registrations through South Dakota SAVIN are kept completely confidential.**

There are no costs for these services and citizens can register now.

GET REGISTERED

Welcome to the South Dakota Office of the Attorney General Site. Please feel free to search for offenders, sign up for an account if you have not already done so or register to be notified for events at a certain facility. If you would like to register for an account click on the 'Log In' option at the top of this page and then click the 'Register' link or just click [here](#).

FEEDBACK

We want to hear from you! Please take a minute to provide us with some [feedback](#) in order for us to make future enhancements to our site. This site is brand new so any comments or suggestions are greatly appreciated! You can also click the link in the bottom left corner of every page to go to the submit feedback page.

Attorney General Home

You can also visit our main Attorney General website at the following URL <http://atg.sd.gov/> or give us a call at (866) 891-0330

C. SAVIN - BUDGETED FUNDS

- ⦿ One-time

 - \$500,000 General Funds

 - \$290,000 Other Funds

- ⦿ On-going

 - \$101,000 General Funds

 - 1.2 FTE

 - \$83,500 Salary/Benefits

 - \$17,500 Operating

V. AREAS OF INTEREST

A. DOC CASES INVESTIGATED BY CALENDAR YEAR - 2014

102 DOC cases investigated by DCI to include:

- ◉ 21 Assaults on Correctional Staff
- ◉ 19 cases of Inmate on Inmate Assaults, Rapes and one Murder
- ◉ 31 Drug cases (mostly synthetic cannabinoids - K-2)
- ◉ 5 Weapons cases

B. KIMBALL STANDOFF - COSTS

- ◎ 12 Departments responded (2 additional on standby)
 - Alcohol, Tobacco & Firearms
 - Buffalo Co. Sheriff's Office
 - Division of Criminal Investigation
 - Game, Fish & Parks
 - Highway Patrol
 - Jerauld Co. Sheriff's Office
 - Lyman Co. Sheriff's Office
 - Metro Communications
 - Minnehaha Co. Sheriff's Office
 - Mitchell Police Department
 - Sioux Falls Fire Rescue
 - Sioux Falls Police Department

- ◎ 135 personnel

- ◎ Overtime expenses
 - Div. Criminal Investigation- \$16,160
 - SD Highway Patrol - \$16,532
 - Sioux Falls PD - \$14,813
 - Minnehaha Co. SO - \$10,263
 - combined total \$57,768

C. 75TH STURGIS RALLY - 2015

- ◉ 40 plus Agents and Analysts rotated through in 14 days of operation to lower overtime costs
- ◉ Per Diem / Lodging / Mileage Expenses
- ◉ Assigned geographic areas of responsibility
- ◉ Anticipate much heavier than normal traffic due to predictions of record setting attendance at 75th anniversary Rally

D. CONTROLLED SUBSTANCES

METHAMPHETAMINE STATS

CALENDAR YEAR

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Meth labs	31	41	33	17	9	7	6	8	14	7	27	39	38
Meth arrests	467	503	700	724	522	312	162	311	443	402	669	1,229	1517
Meth seized	39 lbs.	14 lbs.	14 lbs.	21 lbs.	25 lbs.	45 lbs.	38 lbs.	19 lbs.	23 lbs.	10 lbs.	48 lbs.	79 lbs.	22 lbs.

E. 2014 METHAMPHETAMINE

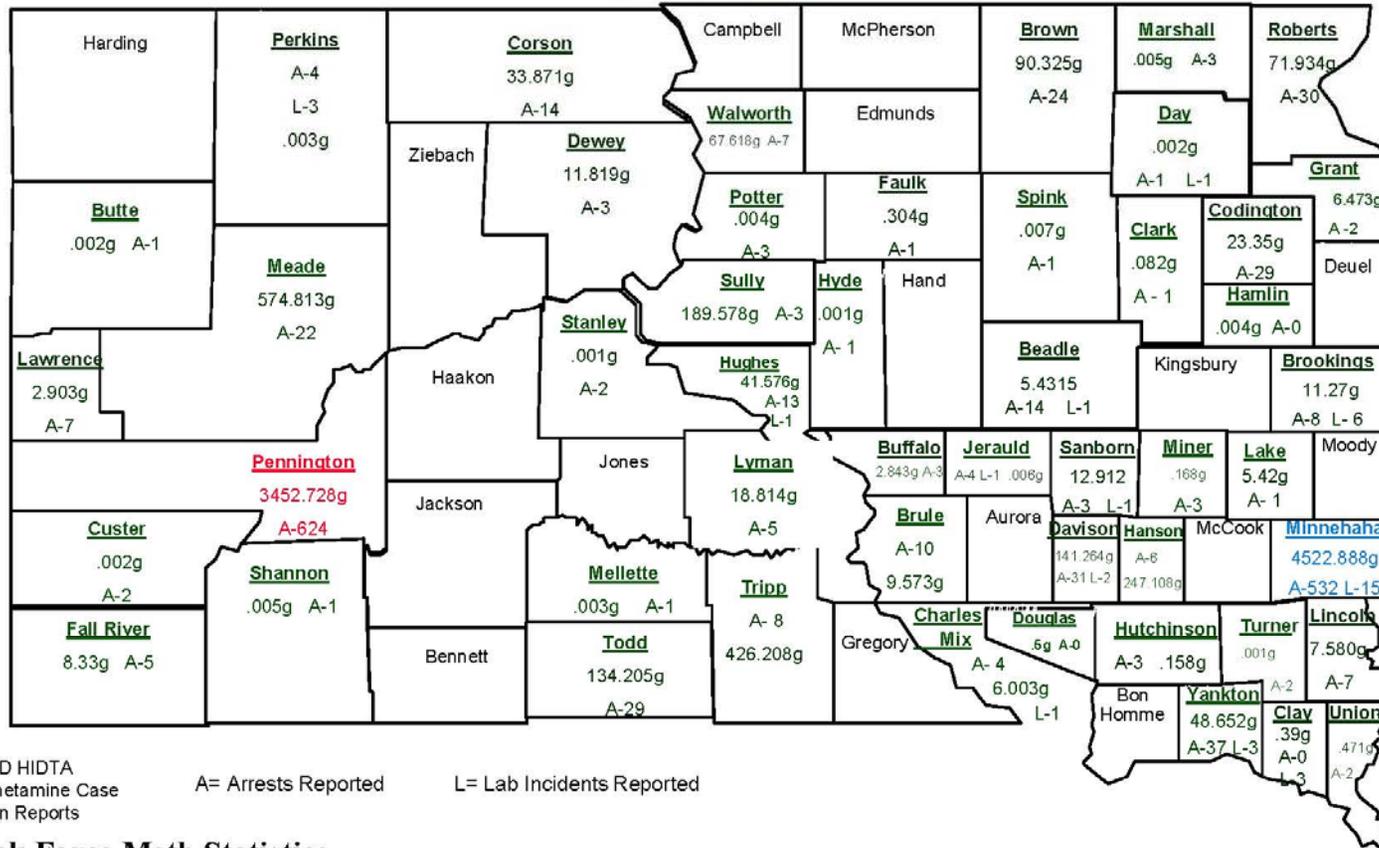
2014 South Dakota Methamphetamine

1517 Meth Arrests in 46 Counties

10177.603 grams Methamphetamine Seized

38 Lab Incidents

Updated: 12/31/14



Source: SD HIDTA
Methamphetamine Case
Information Reports

A= Arrests Reported

L= Lab Incidents Reported

2014 Task Force Meth Statistics

Pennington County Meth Task Force:

624 Arrests

3452.728 grams meth

Sioux Falls Meth Task Force:

532 Arrests

4522.888 grams meth

Statewide:

361 Arrests

2201.987 grams meth

F. SYNTHETIC DRUGS

LATEST TREND

- 25i or NBOMe



G. INTERNET CRIMES AGAINST CHILDREN - ICAC

Proactive ICAC Investigations -multiple agencies

Sturgis - August 2013

U/C ads placed on Backpage.com

9 arrests

Sturgis - August 2014

U/C ads placed on Backpage.com
and others

6 arrests

3 additional ICAC operations in 2014/15
yielding 3 arrests

H. OFFICER INVOLVED SHOOTINGS

2010-2015

- Pennington Sheriff 05-02-10
- Minnehaha Sheriff 08-13-10
- Pennington Sheriff 04-06-11
- Sioux Falls PD 05-18-11
- Rapid City PD 08-02-11
- SD Highway Patrol 09-06-11
- Rapid City PD/SDHP 01-10-12
- Moody Sheriff 02-16-12
- SD Highway Patrol 10-17-12

H. OFFICER INVOLVED SHOOTINGS

2010-2015

- Rapid City PD 02-21-13
- Pennington Sheriff/SDHP 06-17-13
- SD Highway Patrol 09-30-13
- Sioux Falls PD 10-14-13
- Rapid City PD 06-04-14
- Mitchell PD 11-08-14
- Rapid City PD 12-20-14
- Beresford PD 01-15-15

VI. LEOTF

A. FOR \$105.00 SPEEDING TICKET ON INTERSTATE HIGHWAY INCLUDING FINES & COSTS

This is where your \$\$\$ goes...

FINE

\$39.00 - to school district in the county where the violation occurred ▲

COSTS

\$30.00- to the Law Enforcement Officer Training Fund ▲

\$23.50- to the Unified Judicial System for court automation ▲

\$6.00- to the Court Appointed Attorney & Public Defender Fund ▲

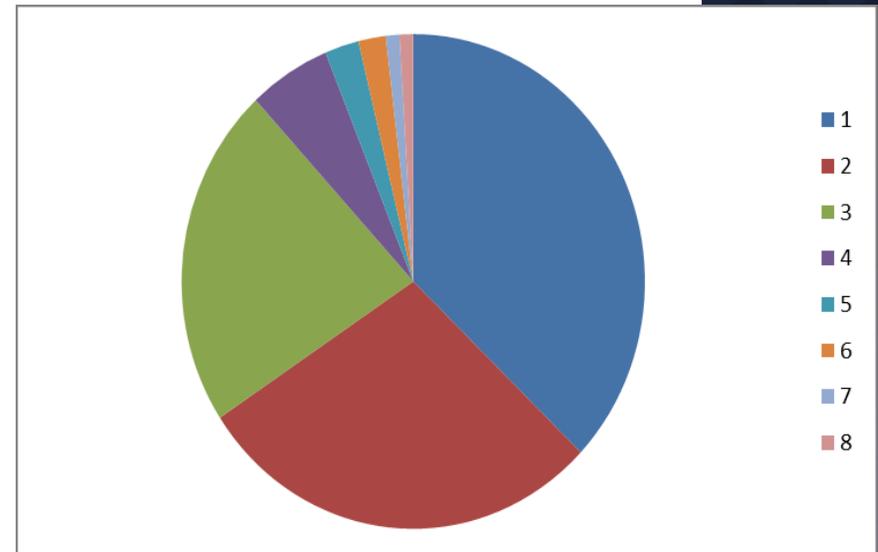
\$2.50- to the Victim's Compensation Fund ▲

\$2.00- to the Court Appointed Special Advocates Fund ▲

\$1.00- to the 911 Telecommunicator Training Fund ▲

\$1.00- to the Abused and Neglected Child Defense Fund ▲

\$105.00 TOTAL



B. LIQUIDATED COSTS DISTRIBUTION

