

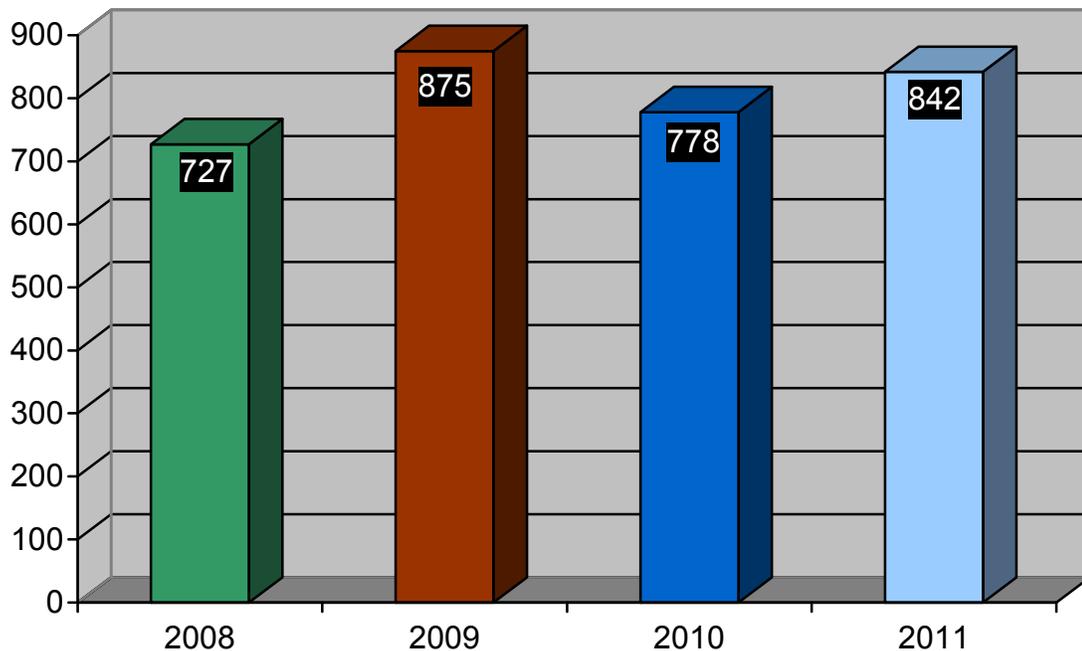
DIVISION OF CRIMINAL INVESTIGATION

The Division of Criminal Investigation is a comprehensive statewide law enforcement agency made up of the Division of Criminal Investigation (DCI), State Forensic Laboratory (SDFL), and Law Enforcement/911 Training (LET). The Division of Criminal Investigation oversees an operation of about 120 employees and approximately \$11 million in expenditures.

Forty-seven Special Agents located in 15 field offices and 4 regions throughout the state assist local law enforcement agencies and prosecutors in the investigation of major crimes. These Agents are certified law enforcement officers and provide expertise in the investigation of homicides, rapes, dangerous drugs, child abuse, arson, digital evidence, white collar crime, explosives, outlaw motorcycle gangs, medicaid fraud, and burglaries. DCI also provides specialized service in the area of polygraph examination, crime scene documentation, hostage negotiations, composite sketch art, and expert courtroom testimony.

The graph below represents the number of DCI Agent case investigations from 2008 through 2011.

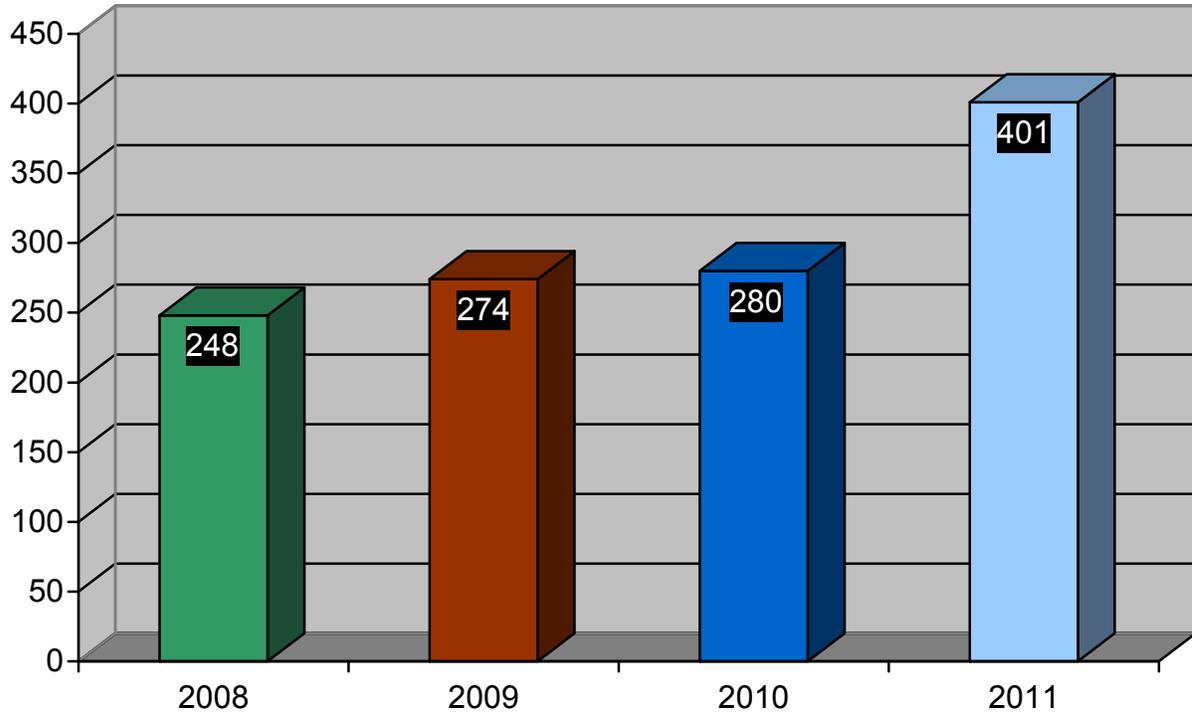
DCI Agents Cases 2008 - 2011



The graph below represents the number of search warrants DCI Special Agents participated in from 2008 through 2011. The total warrants served in 2011 were 401. Most of these warrants

were drug or violent crimes related and were a joint collaboration with local and federal law enforcement.

DCI Search Warrants 2008 - 2011



In 2011, the Division continued its desire to have all Agents with more than one year of experience become a Certified Crime Scene Investigator by the International Association of Identification. The bulk of the requirement is passing an examination. The examination covers materials from two crime scene textbooks and is proctored by an IAI Certified Crime Scene Investigator. The DCI is one of the only law enforcement agencies in the country that has made this a mandatory certification as part of the promotional process. The Agents are considered certified by an accrediting body and may testify in court with a unique qualification that few have in the upper Midwest.

The Agents also fulfill many requests to provide training on a local level to police departments, sheriff's offices, and the public. Some of the topics include clandestine methamphetamine identification, drug identification, crime scene processing, and internet safety.

The Division of Criminal Investigation maintains a reserve unit comprised of 11 law enforcement officers with decades of law enforcement experience among them. The unit was established to support the DCI during times when extra assistance is a necessity. The working time donated by the Reserves is a significant savings of money to the State. These Reserve Agents reside in Rapid City, Pierre, Mitchell, Sioux Falls, Watertown, Spearfish, and Sturgis. In 2011, Reserve Agents performed 484 hours of work for the DCI.

The DCI currently has one agent assigned to the Joint Terrorism Task Force (JTTF). The FBI oversees the JTTF and is the main funding source to keep it operational. The South Dakota JTTF works under and with the JTTF in Minneapolis, MN, which oversees the Dakotas. The JTTF has been in existence for several years but was expanded to all FBI offices around the world after the attacks on the World Trade Center and Pentagon. DCI was the first agency in South Dakota to dedicate a full-time officer to the Task Force. The Minnehaha County Sheriff's Office also has a full-time member on the JTTF along with the Sioux Falls Police Department, which has a part-time member. All members receive a top-secret security clearance and training germane to their temporary assignment.

The DCI also participates in a joint endeavor in Central South Dakota. In 2001, the Northern Plains Safe Trails Drug Task Force (NPSTDTF) was formed by the FBI. This Task Force is comprised of three FBI Agents, four DCI Agents (one of which worked child sexual assault crimes), one Pierre Police Department Officer, and a representative from each Tribe in central and western South Dakota. The Mellette County Sheriff's Office and the Mobridge Police Department participate on a part-time basis. Individuals assigned to the Task Force are deputized to work federal and state land. Six tribes are affiliated with the Task Force, which is headquartered in Pierre. Because most of their cases originate on tribal land, those cases are prosecuted in federal court. In 2011, the NPSTDTF arrested 60 defendants.

The Tri-State Drug Task Force located in Sioux City, Iowa, was formed in 1995. The overall mission of the Tri-State Drug Task Force is to unite and coordinate available resources for the purpose of investigation, apprehension, and prosecution of mid- to upper-level drug traffickers and manufacturers in Northwest Iowa, Southeast South Dakota, and Northeast

Nebraska. This co-located multi-jurisdictional Task Force coordinates efforts among federal, state, and local agencies in three states in order to maximize the impact on targeted individuals and organizations. The Task Force cooperates and coordinates with agencies outside its geographic boundaries as well as with nonmember agencies within the boundaries. The DCI contributes one agent to this Task Force. In 2011, the Tri-State Drug Task Force arrested 115 defendants.

State Forensic Laboratory (SDFL)

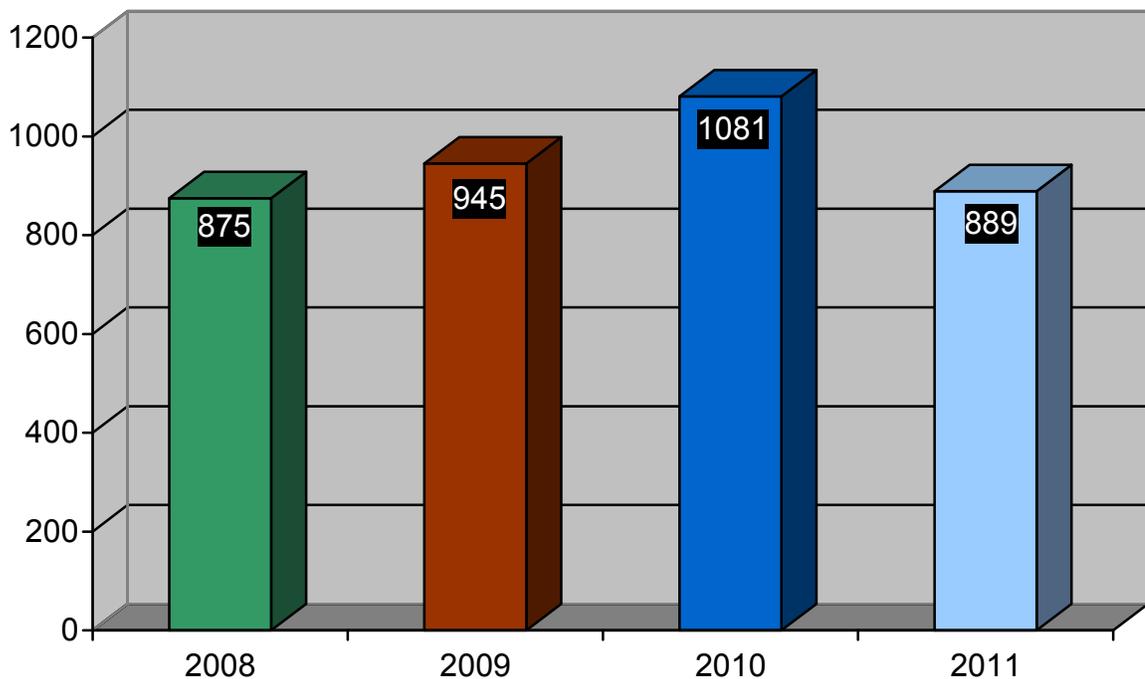
With 16 FTE (including administrative staff), the SDFL provides scientific services in the following areas:

- DNA/Serology
- Fingerprint
- Digital Evidence
- Firearms and Toolmark
- Trace Evidence (hair and fiber)

The SDFL is ISO 17025 accredited in all forensic disciplines.

The graph below represents the number of assignments completed by SDFL Criminalists from 2008 through 2011.

SDFL Completed Assignments 2008 - 2011



In 2011, 5,698 items of evidence were submitted to the SDFL for forensic examination. The laboratory staff received 84 court subpoenas and staff spent 504 hours preparing, traveling, and testifying. The SDFL assisted law enforcement with four crime scenes.

One hundred twenty-one firearms were collected for entry into NIBIN, a networked computer database of cartridge cases, fired shotgun shells, and bullet images for forensic laboratories.

The SDFL manages the South Dakota Offender DNA database (SDCL 23-5-14 through 18A) by providing the Department of Corrections, regional jails, and law enforcement with directions and materials used in collecting biological samples – cheek (buccal swabs) – from arrested violent and sex offenders that will be tested for DNA profiles incorporated in the arrested offender DNA database.

In 2011, 5,420 samples were received from law enforcement. To date, there are approximately 39,495 offender DNA profiles that have been entered into South Dakota's Combined DNA Index System (CODIS), a computer database managed by the FBI.

In 2011, 5,400 qualifying offenders were entered into CODIS and 83 DNA profiles from crime scene evidence were entered into CODIS. There were 70 CODIS hits in 2011.

Internet Crimes Against Children (ICAC) Task Force and Digital Evidence Section

The South Dakota ICAC Task Force is comprised of nine affiliate agencies. The Task Force is primarily focused on the investigation of children who are exploited via the internet or electronic means. The affiliate agencies include the Sioux Falls Police Department, Minnehaha County Sheriff's Office, Brookings Police Department, Watertown Police Department, Aberdeen Police Department, Mitchell Police Department, Rapid City Police Department, Pennington County Sheriff's Office, Pierre Police Department, and Immigration and Customs Enforcement and Air Force Office of Special Investigations, which were added in 2010. The ICAC Task Force is also in the process of adding several other agencies in South Dakota as ICAC affiliates. The DCI has four agents and two computer forensic examiners assigned to the Task Force.

In 2011, new computers were purchased with ICAC funding and all the Task Force members were trained in the use of forensic examination software so examinations of digital

evidence can be conducted on computers, cell phones, GPS units, and gaming devices to name a few. In 2011, the ICAC Task Force conducted approximately 757 forensic examinations, served 268 subpoenas, executed 109 search warrants, and investigated 355 cases concerning the exploitation of children.

The ICAC Task Force is also responsible for all cyber tips that are reported to the National Center for Missing and Exploited Children. In 2011, the ICAC Task Force was again instrumental in responding to numerous homicides and high-profile cases to provide onsite computer forensics and cell phone examinations to facilitate “real-time” computer forensic examinations for these types of cases.

In 2010, the ICAC Task Force also began a more concentrated effort in working proactive cases regarding the sexual abuse and trading of images of sexual abuse by persons worldwide. All ICAC Task Force members received specific training in undercover techniques and the prosecution of the undercover cases.

Criminal Intelligence

The Intelligence Unit assists local, state, tribal, and federal law enforcement by collecting, analyzing, and disseminating criminal intelligence information to support investigative functions. The Unit serves as manager and database center for the statewide intelligence program, the Law Enforcement Information Network (LEIN). One hundred fifty-five South Dakota law enforcement agencies are members of LEIN and attend quarterly LEIN information-sharing meetings and submit intelligence information to the LEIN database. LEIN contains over 10,500 intelligence reports. The LEIN database programmed in 2010 enhanced online functionality and incorporated suspect driver’s license photo retrieval for law enforcement purposes. Since integrating the driver’s license photos into the LEIN database in October 2010, current submissions to the database substantially increased. In 2011, 3,547 LEIN reports were processed by the Intelligence Unit and added to LEIN. The LEIN database is available online 24/7 to member agencies through the DCI Law Enforcement Resource Page. There are currently over 425 active law enforcement users of the LEIN online system.

The Senior Criminal Analyst provides investigative services such as major case analysis, graphical displays, and courtroom testimony on a case-by-case basis. The Intelligence Unit also provides criminal statistical data to serve the needs of investigators and policymakers. The Senior Criminal Analyst serves as the statewide Missing Persons Clearinghouse Manager for missing children and adults in South Dakota. The Missing Persons Clearinghouse Manager is a liaison between South Dakota and the National Center for Missing and Exploited Children (NCMEC).

In 2006, the DCI organized a multi-jurisdictional team to attend Child Abduction Response Team (CART) training in Seattle, Washington. The SD CART team was formed as a result of that training. The team locates resources and responds onsite to assist child abduction investigations that occur anywhere in the state. The SD CART promotes a unified and standardized law enforcement model response to all SD missing children investigations. The team is comprised of SD law enforcement professionals from local, state, and federal agencies. The CART team received national certification in 2009. In 2011, the CART team participated in a large field training exercise in Sioux Falls, South Dakota, and individual members continued to attend specialized missing children's training. Plans were also made to host a CART class in the George S. Mickelson building in Pierre in April 2012. This class will provide training to form CART teams in tribal areas in South Dakota as well as provide additional training to state team members who have not previously attended CART training. The co-training between tribal teams and the South Dakota statewide team will enhance the ability of law enforcement to provide a unified response to abducted children investigations across all jurisdictions in South Dakota.

In 2003, the statewide Amber Alert plan began in South Dakota. The Intelligence Unit serves as DCI's representative for SD Amber Alert. The Intelligence Unit acts as the liaison with law enforcement agencies who request statewide plan activation. The Intelligence Unit gathers the information and creates the posters that are disseminated to the media and public. The DCI also worked on developing a call center to handle incoming tips for Amber Alert activations and training volunteers to staff the Call Center. Amber Alerts are only activated for abducted

children under the age of 18 that are considered to be at risk for serious bodily injury or death. The Intelligence Unit continues to participate in quarterly drills and training scenarios with the Amber Alert team to maintain preparedness for activation. There was one activation of the SD Amber Alert in 2011. The activation was done at the request of the state of Iowa on June 4th-5th when it became apparent that the subject of an Amber Alert in Iowa had traveled into South Dakota. Thomas Peterson was suspected in the murder of his wife in Iowa on June 4th and fleeing the scene with his young son, Jacob Peterson. Thomas and Jacob Peterson were spotted in the Kadoka, South Dakota, area on June 5th. After a high-speed chase, including two sheriff's vehicles being intentionally struck by Thomas Peterson and an armed standoff, Peterson was captured and taken into custody. Jacob Peterson was rescued and safely returned to family in Iowa. The Jackson County Sheriff, the Haakon County Sheriff, and a National Park Service Ranger were nominated by the DCI Missing Persons Clearinghouse/SD Amber Alert plan and received the national Amber Alert Law Enforcement Leadership Award for 2011 as a result of their efforts to rescue Jacob during this activation. Many other law enforcement agencies also worked cooperatively together during this Amber Alert to successfully bring Jacob home.

In May 2008, the Attorney General's Office initiated a statewide plan designed to augment and compliment the Amber Alert plan. The Endangered Person Advisory allows rapid notification to law enforcement and the media of missing persons considered to be endangered or at significant risk. The Endangered Person Advisory allows for activation for people of all age groups in a broad variety of circumstances, such as age, health, mental or physical disability, environment or weather conditions, in the company of a potentially dangerous person or some other factor that may put the person at risk for serious bodily injury or death. The Endangered Person Advisory does not utilize as many resources as Amber Alert activation, but it is used more frequently due to broader activation criteria. The Endangered Person Advisory was activated two times in 2011. The endangered missing persons included one child and one adult. One was recovered safely and one was recovered deceased.

Criminal Statistical Analysis Center (SAC)

The SAC's primary function is to serve as the clearinghouse in South Dakota for criminal justice statistical data. This includes collecting, analyzing, and reporting statistics on crime and related issues. The information is then shared with local, state, and federal agencies and other interested parties. *Crime in South Dakota* is the annual publication that presents the compiled crime data. Other information gathered includes deaths in law enforcement custody, police and sheriff management studies, updates for the Criminal Justice Directory, number of full-time law enforcement employees, monthly penitentiary information, and reports from the Criminal History database.

The SAC also functions as the FBI clearinghouse for the National Incident Based Reporting System (NIBRS). The SAC rolled out a new web-based NIBRS program in 2006, which allows for easier reporting by local agencies and removed the difficulty of updating the software for the end-user. South Dakota became a NIBRS-certified state with the FBI in early 2001.

Starting in 2008, the SAC only accepted NIBRS data. NIBRS is an incident-based reporting system designed to collect data on each incident and arrest within that occurrence. The most significant difference between NIBRS and the traditional UCR system is the degree of detail in reporting. Unlike the summary UCR system that collects data on only eight Part I crimes, NIBRS collects 22 crime categories made up of 46 specific crimes called Group A offenses. In addition to the Group A offenses, there are 11 Group B offense categories for which only arrest data are collected. The Hierarchy Rule is not used in NIBRS. Therefore, if more than one crime was committed by the same person or group of persons and the time and space intervals separating them were insignificant, all of the crimes are reported as offenses in the same incident.

Crime in South Dakota 2010 was electronically published in 2011. This issue is the third time the crime book was electronically published and in a NIBRS-only format. A press release was issued along with the URL for the direct link where the book can be downloaded off the SAC web page.

Grants Administration

This office serves as the administering entity of federal grant monies primarily from the U.S. Department of Justice. The DCI manages approximately \$3.5 million dollars in federal grant money on an annual basis. Grant activity in CFY11 included application and coordination of the following:

- Edward Byrne Memorial State and Local Justice Assistance Grant Program and Byrne JAG Recovery Funds in coordination with the Governor's Office and Department of Public Safety
- State Justice Statistics Program for Statistical Analysis Centers
- National Institute of Justice programs to enhance forensic lab services: 1) Paul Coverdell National Forensic Sciences Improvement Act; 2) Convicted Offender and/or Arrestee DNA Backlog Reduction Program; and 3) Forensic Casework DNA Backlog Reduction Program
- Project Safe Neighborhoods (through the U.S. Attorney's Office) for prosecutor for Anti-Gang Initiatives
- Victim Witness Assistant Grant from the SD Department of Social Services through the Violence Against Women Grant Program to provide funding for two Victim Assistant positions to provide services to victims of crimes in jurisdictions that currently have no services
- South Dakota COPS Meth to hire two additional prosecutors to handle meth cases
- FY 2010 South Dakota Internet Crimes Against Children Continuation Program to continue to conduct forensic analysis of computer systems and serve as the contact point for ICAC affiliates in South Dakota and ICAC stimulus
- Grants to Encourage Arrest Policies and Enforcement of Protection Orders in collaboration with the South Dakota Network Against Family Violence and Sexual Assault to: 1) review and evaluate current educational programs and training curriculum for law enforcement in efforts to implement improvements; 2) hire two detectives and one deputy to develop policies for tracking cases involving domestic violence, dating violence, sexual assault, and stalking in Lincoln, Sioux Falls, and Minnehaha County jurisdictions; 3) hire a contractual prosecutor to provide technical assistance and legal research for South Dakota prosecutors, including tribal

prosecutors on issues of domestic and sexual violence; 4) collaborate with Avera Health to provide conferences, training, and technical assistance to medical providers, advocates, and law enforcement to develop sexual assault response teams throughout South Dakota; and 5) employ one audit coordinator to assist with the safety and accountability audits

- Harold Rogers Prescription Drug Monitoring Program Planning Grant

● NCHIP (National Criminal History Improvement Program) to assist in providing with immediate accessibility of criminal history and related records to authorize users

● Child Sexual Predator Program (CSPP) to: 1) investigate child sexual abuse on the reservation; 2) track noncompliant sex offenders; 3) hire a criminalist in the Forensic Laboratory to process evidence collected by the investigators; and 4) provide upgrades of technology for the DCI Sex Offender Registry Program

● Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) Office support for the Adam Walsh Act Implementation Grant Program to help ensure compliance with the Sex Offender Registration and Notification Act. The DCI's goal is to complete programming changes and upgrades to provide needed equipment so that all local law enforcement agencies will be able to electronically submit sex offender registrations and update information to the sex offender database, which will provide the public with notification through email when the status of an offender changes

● BJA National Justice Information Sharing competitive grant funds will be used to support the Cross Boundary Information Exchange Pilot Projects Program, a/k/a Connect SD. Connect SD will be South Dakota's link to bring statewide, regional, and national access to criminal justice information through law enforcement databases and local and state records systems

● STOP Violence Against Women Recovery Act funds from SD Department of Social Services for: 1) supporting one Victim Witness Specialist; and 2) funding a Special Assistant Attorney General to assist local prosecutors in the prosecution of domestic violence and sexual offenses.

Law Enforcement Training/911 Training

Law Enforcement Training (LET) operates on an annual budget of approximately \$2,146,057 with 12 full-time employees. LET provides basic and advanced training to South Dakota law enforcement officers and all 911 telecommunicators. LET also provides training to prosecutors, correctional officers, terminal operators, and community members. The training office administers a grant program, which allows local law enforcement agencies to apply for funds to host specific training for officers in their area.

In addition, LET licenses and regulates the activities of private or law enforcement polygraph examiners, Computer Voice Stress Analyzer (CVSA) examiners, and certifies canine teams.

All South Dakota law enforcement officers and 911 telecommunicators must be certified within their first year of employment. Officer certification is usually achieved by completing the 520-hour basic certification course at the Academy; 911 telecommunicator certification requires an 80-hour course. Officers and 911 telecommunicators currently certified in another state may take a reciprocity exam. If successful, they need to attend only a portion of the basic course to obtain their South Dakota certification. LET currently offers four law enforcement and three 911 basic certification sessions per year. One hundred sixteen officers were certified in FY 2011. Forty-eight telecommunicators were certified in FY 2011. Total training and grant-funded course attendance in FY 2011 was 3,953.

Advanced training covers the entire spectrum of law enforcement topics. Advanced training courses include, but are not limited to:

- Defensive Tactics
- Crime Scene Processing
- Criminal Interdiction
- Interview and Interrogation
- Advanced Traffic Accident Investigation
- Crime Scene Investigation
- Firearms Instructor Course
- DARE Instructor
- Instructor Development
- Traffic Service
- Domestic Violence
- SWAT Training

Identification Section (ID)

DCI maintains identification records and criminal history information for the state of South Dakota. All fingerprint cards/images (which include civil and law enforcement applicants, registered sex offenders, as well as criminals) are processed in the Identification Section.

Fingerprint Identification Technicians maintain the criminal records on 263,000 subjects. In 2011, the records for 27,289 arrests were processed in the Identification Section. Sixty-six percent of those arrests involved repeat offenders. In addition to criminal arrests, 20,370 fingerprint-based applicant background checks were conducted in 2011.

The DCI continues to upgrade the Identification Section by further development and maintenance of the Automated Fingerprint Identification System (AFIS), which allows fingerprint technicians to receive fingerprint cards or images submitted electronically into a database for easy storage, retrieval, and comparison. DCI's database is interconnected with the Minnesota and North Dakota databases for sharing of information known as the Midwest Automated Fingerprint Identification Network (MAFIN). In 2008, AFIS was upgraded to allow DCI to electronically forward all criminal arrest prints directly to the FBI.

AFIS gives DCI the capability of real time identification of a suspect in investigations based on fingerprints found at the scene of a crime. There are a total of 35 Livescans submitting prints electronically. Currently, 95% of all criminal fingerprints are submitted electronically.

DCI also maintains the SD Sex Offender Registry (SOR) as well as the SOR public website. As of December 2011, there were 2,910 sex offenders registered in South Dakota. Currently, approximately 1% of these offenders are noncompliant. In 2009, DCI added two part-time investigators to track noncompliant sex offenders in South Dakota and work with local law enforcement agencies to ensure all sex offenders are registered.

In 2010, the South Dakota SOR became substantially compliant with the Adam Walsh Child Protection and Safety Act.

Asset Forfeiture

Pursuant to SDCL 34-20B-70, approximately 63 vehicles were seized in 2011. Many of these vehicles were used in the transportation and distribution of controlled substances and/or

marijuana. Most of the vehicles are sold back to the owner. These owners of vehicles contributed approximately \$16,030 to the Drug Control Fund by buying back their seized vehicles. If they are not purchased initially by the owner, they are sold at State auction. These auctions are held twice a year in Fort Pierre. In 2011, there was only one auction in the fall. A total of \$41,450 revenue was generated as a result of 19 vehicles that were auctioned in 2011. The monies collected are deposited into the Drug Control Fund. The fund is then utilized to continue the battle of war on drugs in all areas of South Dakota. A breakdown of the 19 vehicles is as follows: 8 SUVs/vans/trucks, 10 cars, and 1 motorcycle.