
OFFICE OF ATTORNEY GENERAL

FISCAL YEAR 2025 BUDGET HEARING

FEBRUARY 1, 2024

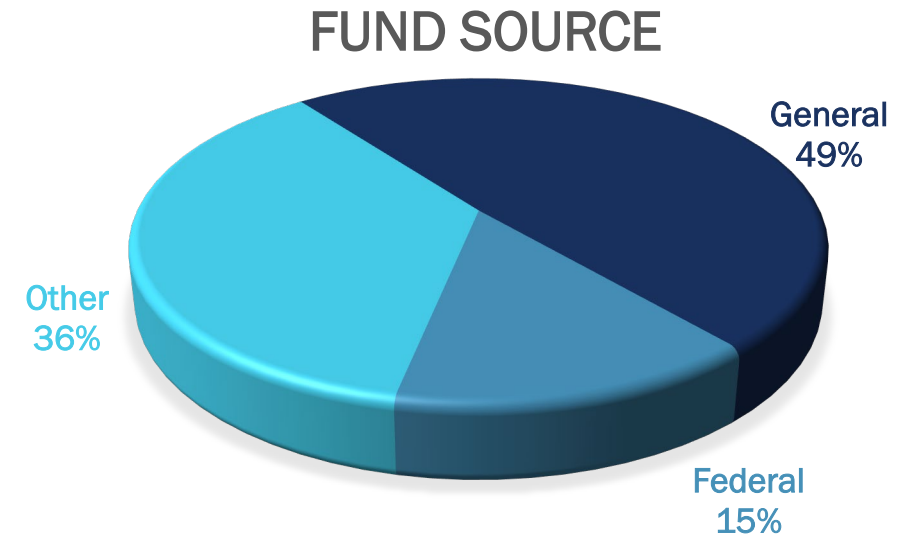
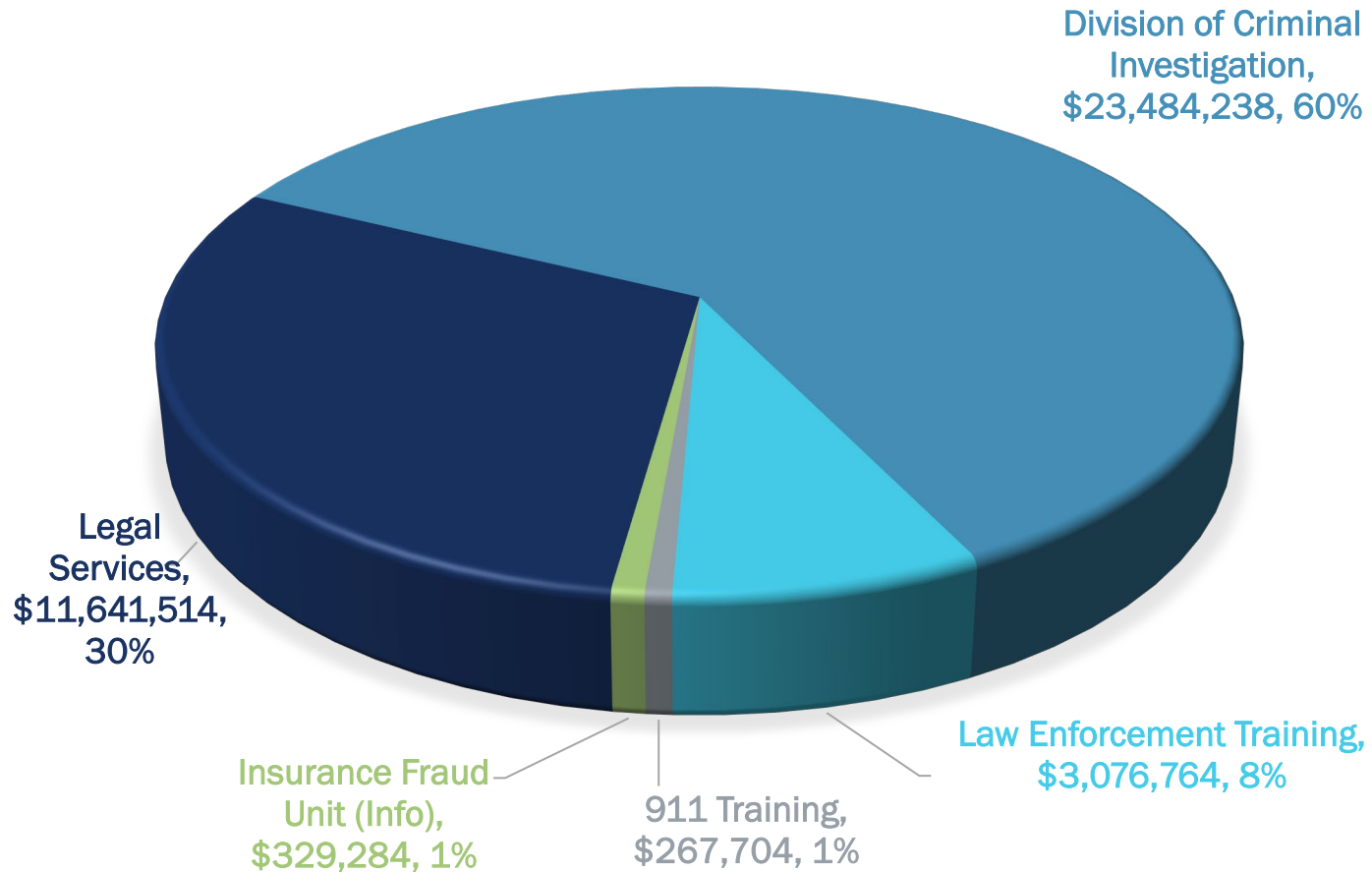


OFFICE OF ATTORNEY GENERAL

- Marty Jackley, South Dakota Attorney General
 - Brent Kempema, Chief Deputy Attorney General
 - Charles McGuigan, Deputy Attorney General Civil Division
 - Ernest Thompson, Deputy Attorney General Criminal Division
 - Sarah Thorne, Deputy Attorney General Appellate Division
 - Jody Gillaspie, Consumer Protection Division Director
 - Tony Mangan, Communications Director
 - Kelsey Roth, Finance Officer
 - Dan Satterlee, Division of Criminal Investigation Director
 - Chad Mosteller, DCI Assistant Director Field Operations
 - Tiffany Stoesser, DCI Assistant Director Administrative Operations

FY2025 RECOMMENDED BUDGET

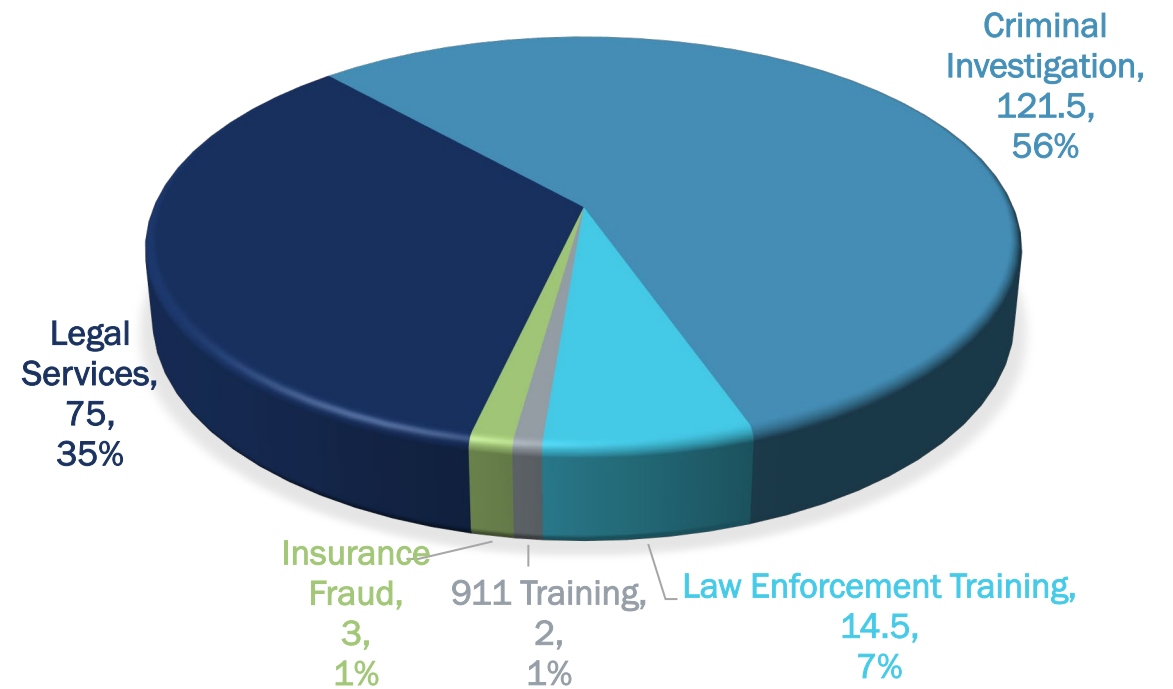
BUDGET - \$38,799,504



FY2025 RECOMMENDED BUDGET

- FY2024: 215.0 FTE
- FY2025 Recommended: 216.0 FTE
- 175 Special Assistant Attorney Generals
- Interns: 17 – 20 per year

FTE BREAKOUT



CIVIL DIVISION

- Civil Cases in State or Federal Court: 35
- Administrative Cases: 88
- Legal Advice to at least 16 State Agencies and 20 Boards and Commissions
 - For example, the Division provides legal work for the Board of Water and Natural Resources
 - Assisted with over 137 loans or grants for water projects, which totaled \$415.4 million
 - Provided legal work for South Dakota Conservancy District bonds totaling over \$156.6 million
- Backup for Criminal and Appellate Cases

CIVIL DIVISION

Meta

- The federal complaint was filed in the US District Court for the Northern District of California in the Fall of 2023.
- The federal complaint alleges that Meta knew of the harmful impacts its platforms had on the mental health of young people and that the company misled the public about the harms associated with the use of its platforms.
- TikTok is under review and consideration

CIVIL DIVISION

Pharmaceuticals

- On March 14, 2018, first filed suit in South Dakota v. Purdue Pharma alleging several opioid manufacturers knowingly distributed false information to increase the sales of opioid drugs.
- Total anticipated settlements of approximately \$78.6 million
 - McKesson Corp, Cardinal Health, Inc, AmerisourceBergen Corp, and Janssen: \$50 million over 15 years
 - Walgreens, CVS, Walmart, Teva & Allergan payments anticipated starting in 2024: \$28.6 million
- The settlement funds go into the opioid abatement and remediation fund under SDCL 34-20B-116.

FY2023 TOBACCO ACTIVITIES



As of July 2023, over \$596 million has been received from the 1998 Tobacco Master Settlement Agreement



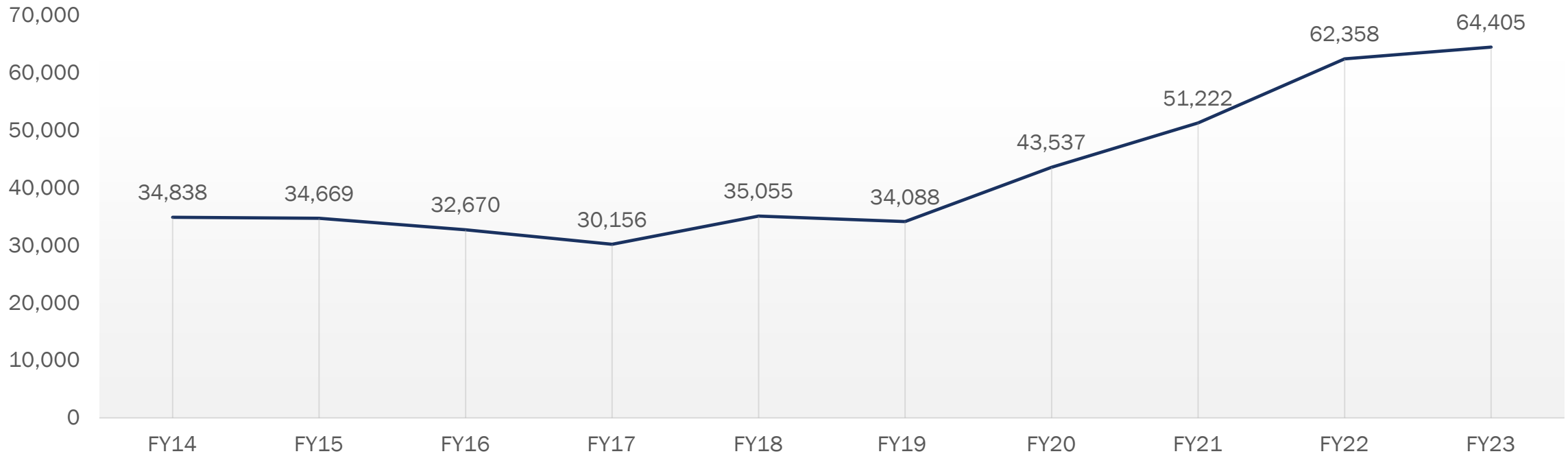
South Dakota is receiving \$20-24 million annually



Arbitration for calendar year 2004 is on hold while at the same time, arbitration panels are being formed for calendar years 2005-2007

CONSUMER PROTECTION DIVISION

Contacts



CONSUMER PROTECTION DIVISION

■ TOP COMPLAINT CATEGORIES FOR FY2023

- Foreign Fraud – grandparent, sweepstakes, romance, shipping scams, etc
- Auto – repairs, warranty, repossession, titles, used & new purchase issues
- Landlord/Tenant - deposit, eviction, repair, lease
- Internet – retail, websites, phishing, streaming, fraud
- Home Construction/Improvements - New, contractor/sub-contractor issues, landscaping, mobile home, roofing, windows, plumbing
- Credit Card Companies – dispute issues, interest, payment history issues
- Consumer Protection consists of a Director, 5 Investigators, Complaint Intake Specialist, and 2 Assistant Attorney Generals

CONSUMER PROTECTION DIVISION

- Public outreach
- Received approximately \$116,000 back for a business targeted in a purchasing scam, which is one of the many recoveries Consumer Protection has made this year.
- JUUL settlement payments continue
 - Total settlement amount: \$6,181,829.70

CRIMINAL DIVISION

Homicide Cases Opened: 13

Sex Offense Cases Opened: 13

Total Cases Opened: 424

CRIMINAL DIVISION

State v. Lange

- On November 9, 2021, a man entered a home in Scotland, SD and shot each person (including a 5-year-old child) in the home at least 2 times.
- Francis Lange was convicted on 3 counts of First-Degree Murder and 2 counts of Aggravated Assault.
- Lange was sentenced to 3 consecutive life sentences plus 30 years.

State v. Monroe and Jones

- Inmates Lester Monroe and Kyle Jones are alleged to have brutally assaulted a guard at the State prison.
- Monroe and Jones are charged with Attempted First-Degree Murder, Aggravated Assault on a Law Enforcement Officer and Simple Assault on a Law Enforcement Officer.
- Monroe and Jones are presumed innocent until such time as proven guilty

MEDICAID FRAUD CONTROL UNIT (MFCU)

- MFCU investigates Medicaid provider fraud, abuse and neglect of patients, financial exploitation of patients, and drug diversion cases
- Cases Opened: 33
- Incidents and Reports Reviewed: 835
- Total Restitution and Recoveries: \$389,599
- Federal Fiscal Year 2024 Budget:
 - \$205K State Funds
 - \$615K Federal Funds

MEDICAID FRAUD CONTROL UNIT (MFCU)

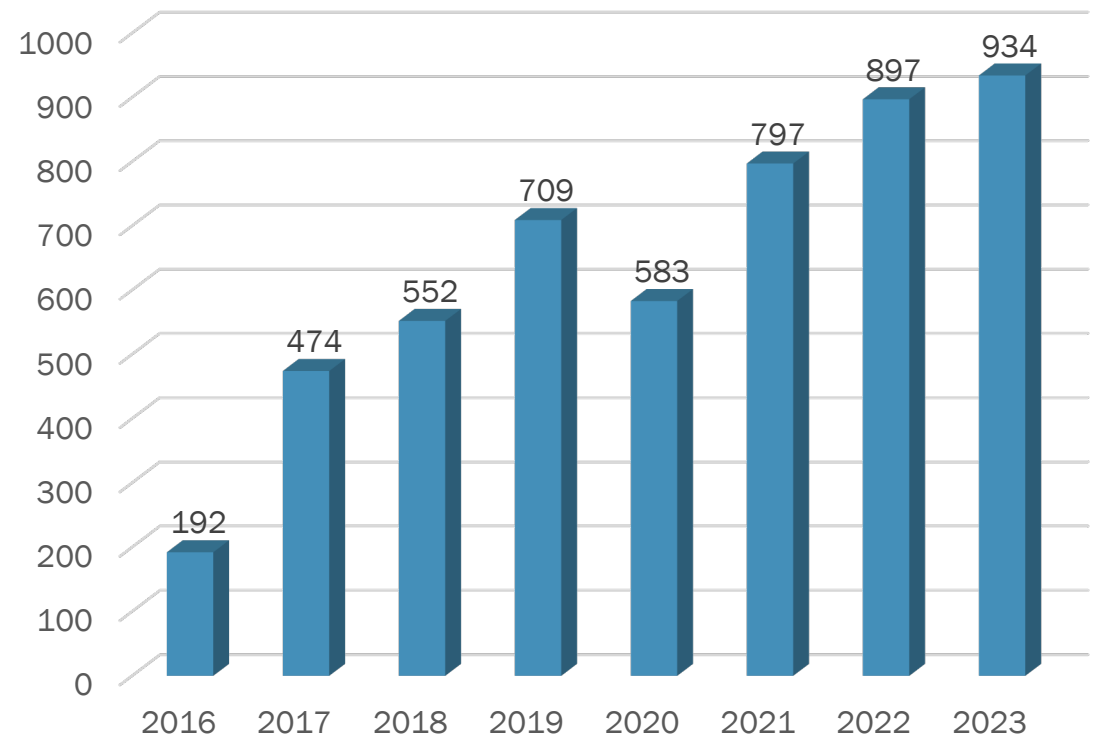
Dr. Erin Hower

- Dr. Erin Hower's medical license was indefinitely suspended in the State of North Carolina.
- Dr. Hower came to SD and obtained employment as a physician.
- Dr. Hower failed to disclose that her medical license had been suspended.
- MFCU recouped \$37,200 that Dr. Hower billed to the SD Medicaid program while her medical license was suspended.
- Criminal charges are pending against Dr. Hower for making false statements.

ELDER ABUSE AND FINANCIAL EXPLOITATION UNIT

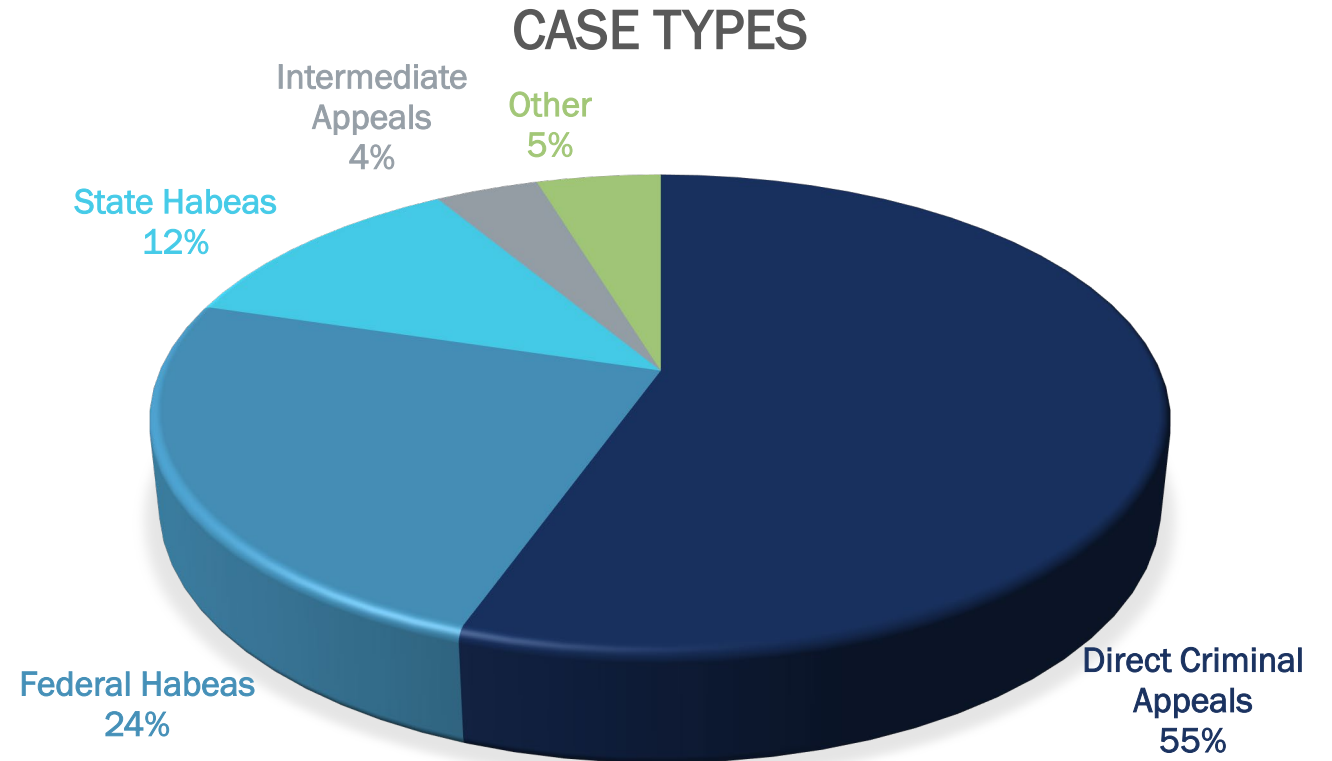
- Referrals – 934
- Outreach/Training
 - 7 events
 - 202 people
- In fiscal year 2023,
 - 18 investigations were opened
 - 24 Elder Abuse subpoenas for records
 - \$164,152.47 in restitution returned to victims
 - Worked with 96 different law enforcement agencies

Elder Abuse Referrals (June 2016 - 2023)



APPELLATE DIVISION

- 10 attorneys
- 9 Oral Arguments before the South Dakota Supreme Court
- 4 oral arguments were homicides
- 149 cases opened
- 128 briefs filed



APPELLATE DIVISION

Piper Case

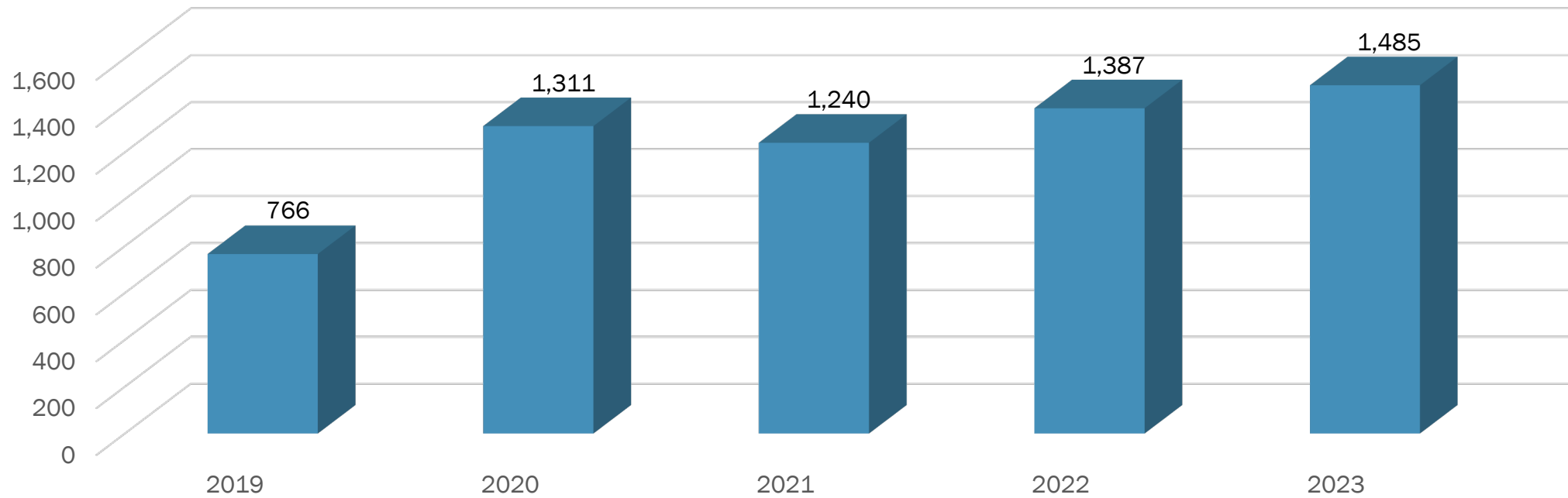
- Death-row inmate Briley Piper stabbed and beat Chester Allan Poage to death in 2000.
- Piper is South Dakota's sole death row inmate.
- Piper continues to fight his jury sentence in federal court.

David Lee Case

- David Lee was convicted of second-degree murder and was sentenced to life in prison.
- Lee attempted to get his conviction overturned but he did not file a motion within the statutory time frame.
- A Minnehaha County court said Lee could still collaterally attack his conviction despite the default.
- The South Dakota Supreme Court disagreed, keeping the murder conviction and sentence in place.

DIVISION OF CRIMINAL INVESTIGATION (DCI)

Cases Initiated



* Reporting of DCI cases changed in FY2020

	2019	2020	2021	2022	2023
DCI Cases	766	1,311*	1,240*	1,387*	1,485*
Polygraphs	102	96	117	125	118
Search Warrants	403	621	675	682	668
Arrests	751	756	474	412	404
Convictions	514	493	402	320	338
Lab Cases	1,245	1,515	1,715	1,690	2,070
Lab Items	9,887	12,000	14,751	13,870	17,249
Lab Assignments	2,234	2,660	3,242	3,043	3,946
Lab Assignments Completed	2,193	2,487	3,252	2,918	3,904
Total DNA Database Samples	77,061	79,353	84,161	90,611	94,637
Forensic/ Offender CODIS "hits"	215	295	464	396	372
DNA "hits"/SD Cases Aided	196	264	441	361	407
DNA "hits"/non-SD Cases Aided	19	34	39	35	40
Registered Sex Offenders	3,724	3,819	3,843	3,869	3,918
Registered Sex Offenders Non-Compliant	68	82	77	77	55
LET- Officers Participated in Basic Academy	138	145	155	145	147
LET- Officers Certified/Pending in Basic Academy	126	127	136	132	170**
LET- Officers received Advanced Training	2,945	887	1,078	1,644	2,094
LET- Advanced Training Courses Offered	80	45	44	45	93
911 Basic Course-Certified	55	34	62	56	53
24/7- PBT Participants	4,876	3,421	3,575	2,410	2,901
24/7- PBT Tests administered	746,603	318,271	476,160	469,613	531,065
24/7- SCRAM Participants	1,811	1,406	1,407	976	1,061
ID- Backgrounds	31,672	26,151	31,740	31,145	33,089
ID- Criminal Arrests Processed	31,158	30,590	31,592	28,725	29,310
Grants Managed	\$8,507,241	\$8,123,297	\$7,924,899	\$8,956,327	\$8,313,838

DCI COMPARISON BY FISCAL YEAR

* Reporting of DCI cases changed in FY2020

**LET includes Reciprocity certification testing & training

CONTROLLED SUBSTANCES

Calendar Year	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Meth labs	39	38	23	9	10	7	2	0	0	0	0
Meth arrests	1,229	1,517	2,125	2,687	3,390	3,684	3,620	3,766	3,998	3,602	2,990
Meth seized	79 lb	22 lb	31 lb	64 lb	142 lb	101 lb	182 lb	118 lb	274 lb	113 lb	129 lb

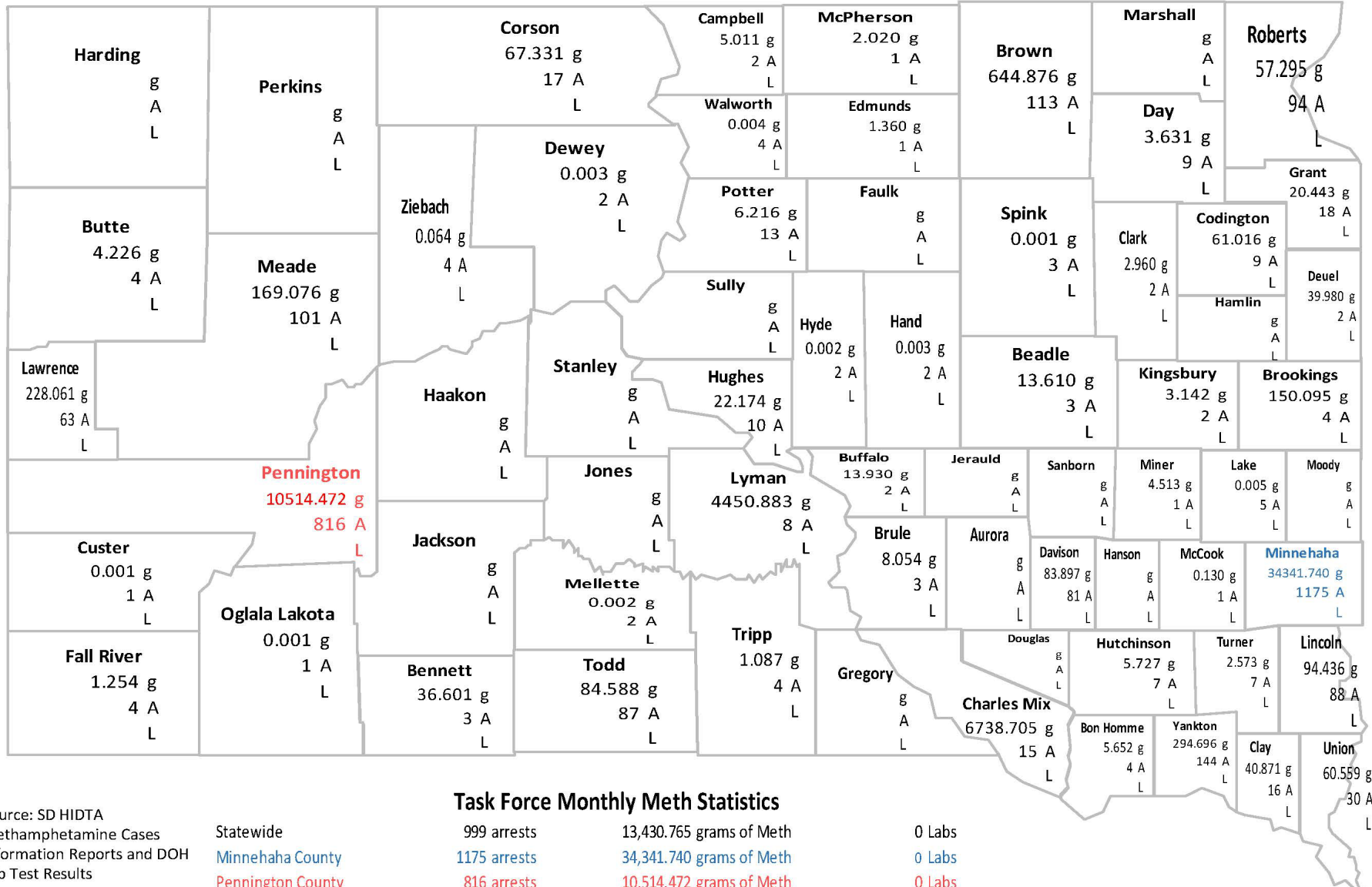
2023 South Dakota Methamphetamine

Updated: 01/09/2024

2,990 Meth Arrests

58,286.977 Grams of Meth Seized

0 Labs



Source: SD HIDTA
Methamphetamine Cases
Information Reports and DOH
Lab Test Results

Statewide
Minnehaha County
Pennington County

Task Force Monthly Meth Statistics

999 arrests	13,430.765 grams of Meth	0 Labs
1175 arrests	34,341.740 grams of Meth	0 Labs
816 arrests	10,514.472 grams of Meth	0 Labs

CONTROLLED SUBSTANCES FENTANYL

Calendar Year	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Fentanyl labs	0	0	0	0	0	0	0	0	0	0	0
Fentanyl arrests	-	-	-	-	-	-	-	-	-	-	284
Fentanyl seized	-	-	-	-	-	.028 lb	.320 lb	1.276 lb	6.831 lb	18.890 lb	10.223 lb

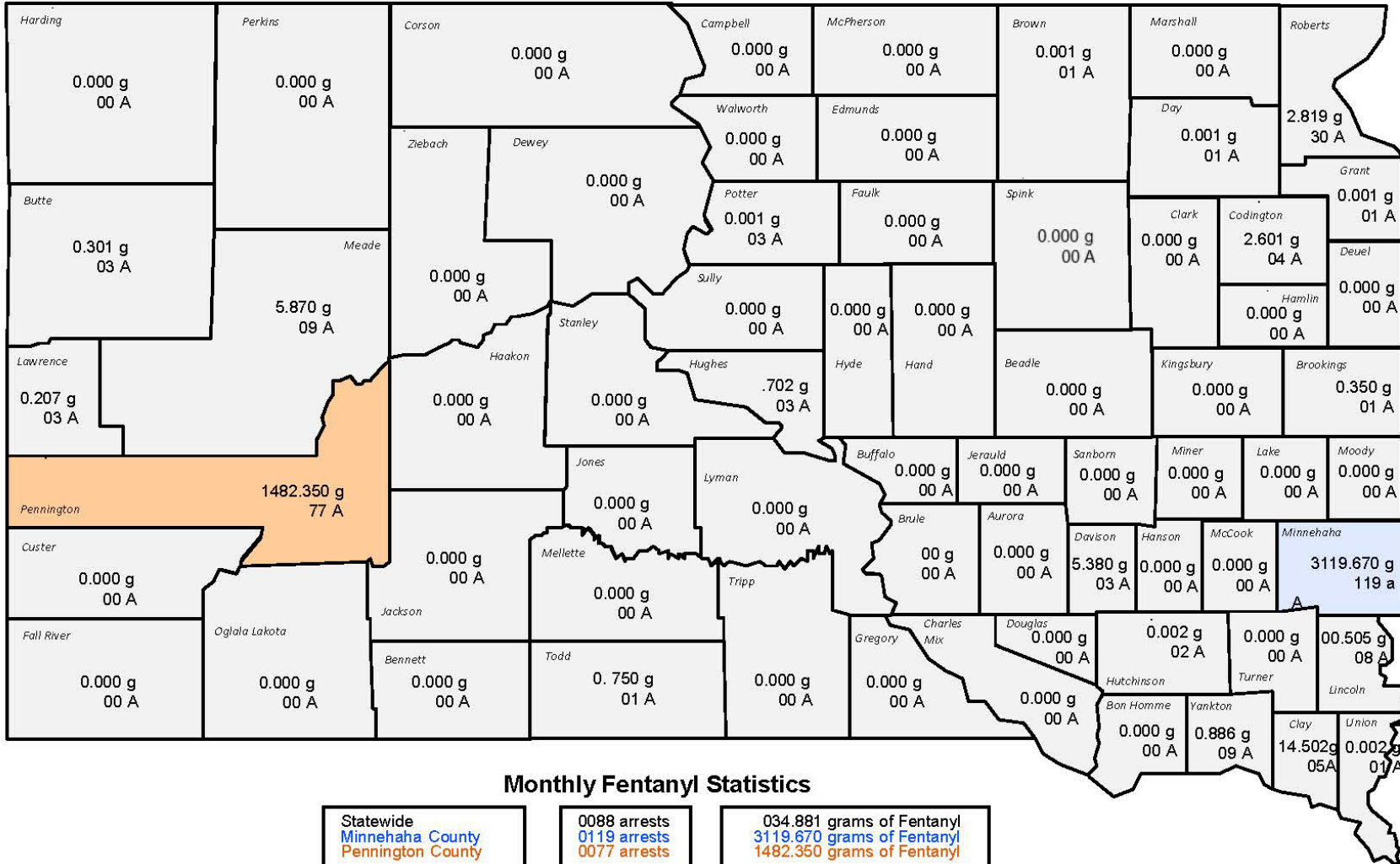
2023 South Dakota Fentanyl

Updated: 1-9-2024

284 Fentanyl Arrests

4636.901 grams of Fentanyl Seized

Updated: 1-09-2024



Monthly Fentanyl Statistics

Statewide	0088 arrests	034.881 grams of Fentanyl
Minnehaha County	0119 arrests	3119.670 grams of Fentanyl
Pennington County	0077 arrests	1482.350 grams of Fentanyl

Source: SD HIDTA
Fentanyl Case
Information Reports and
DOH Lab Test Results

g = grams
A = arrests

INTERNET CRIMES AGAINST CHILDREN (ICAC)

Investigations

- 584 - Total Investigations
- 1,189 - Cybertips Received
- 406 - Subpoenas Issued
- 412 - Search Warrants Executed

Community Outreach

- 185 - Law Enforcement/ Prosecutors trained
- 1,108 - Other Professionals trained
- 72 - Community/School Outreach
- 4,220 - Community members trained

Digital Evidence Examinations

- 3,174 - Technical Support
- 212 - Hard Drives
- 522 - Cell Phones
- 360 - Other Digital Media
- 2,502 - Preview Examinations
- 231,576 - Gigabytes of Data Examined

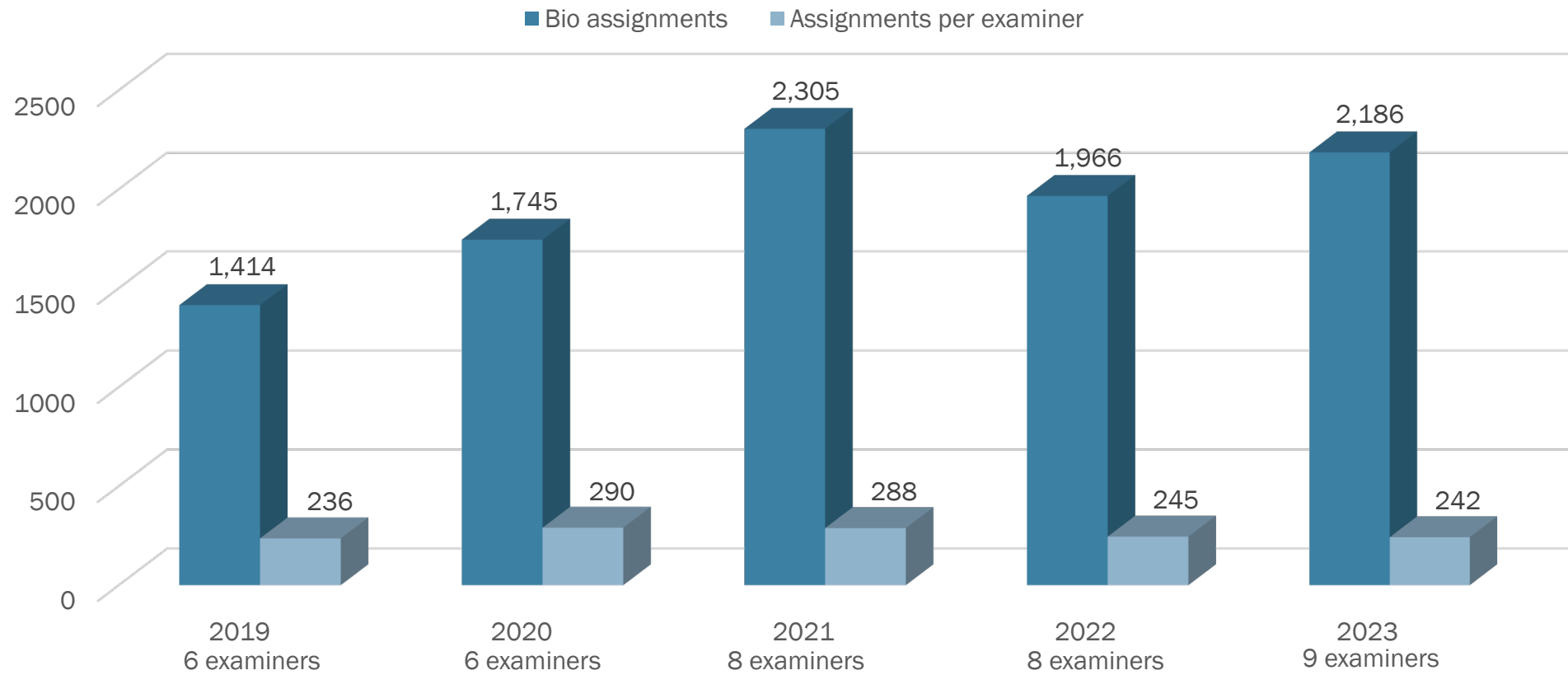
ICAC TASK FORCE & DIGITAL FORENSICS

- FY2023 federal funding: \$394,867
 - No significant or sustained increase in the last five years
 - Forensic software and license renewals have increased by 100% in the last five years
 - Cost of forensic software and license renewals for existing forensic software in FY2024: \$211,200
- 190% increase in the number of CyberTips over the last five years
- A total of 2,850 items of digital evidence were examined in 2023

OFFICER INVOLVED SHOOTINGS

- In 2023 there were 7 Officer Involved Shootings
 - Sioux Falls – 1
 - Rapid City – 3
 - Highway Patrol – 2
 - Huron PD – 1
- Injuries to the offender(s) by officers occurred in 7 of the shootings
- 4 of the offenders were on parole or probation at the time of the incident
- The Attorney General’s Office has issued opinions in 7 of the incidents – all 7 incidents have been found to be justified shootings
- Since 2010 there have been 67 officer involved shooting incidents
 - 35 subject fatalities
 - 2 officer fatalities
 - 2 officers with life threatening injuries
 - Offenders have tested positive for drugs and/or alcohol in 60 of the Officer Involved Shooting incidents (4 tested negative, 3 unknown)
 - Offenders have made suicidal statements, attempts and/or had a reported mental illness in 50 incidents (3 shot themselves during incident)

SOUTH DAKOTA FORENSIC LAB - DNA



COMBINED DNA INDEX SYSTEM (CODIS) HITS - CASE EXAMPLE

- May 2023 in Sioux Falls, SD, one male subject picked up a female, drove her to a parking lot where he physically and sexually assaulted her outside of the vehicle and then drove off. The following week a similar sexual assault occurred, a male subject picked up a female, drove her to a secluded outdoor location and again physically and sexually assaulted her and drove off.
- The victims were able to describe a similar make, model and color vehicle used by the suspect in both cases. The vehicle information was sent to the Fusion Center where a hit occurred in Madison, SD on a vehicle matching the description from the victims.
- Law Enforcement collected a stain from the sidewalk in the area where the first assault had occurred and had collected the clothing from the second victim that claimed the suspect had forcibly removed her clothing.
- A CODIS hit occurred between the DNA profile obtained from the stain on the sidewalk and the pant leg of the second victim.
- The suspect was located and apprehended in Huron, SD. He had access to a vehicle similar to the ones described by the victims and had no known connection to either victim.

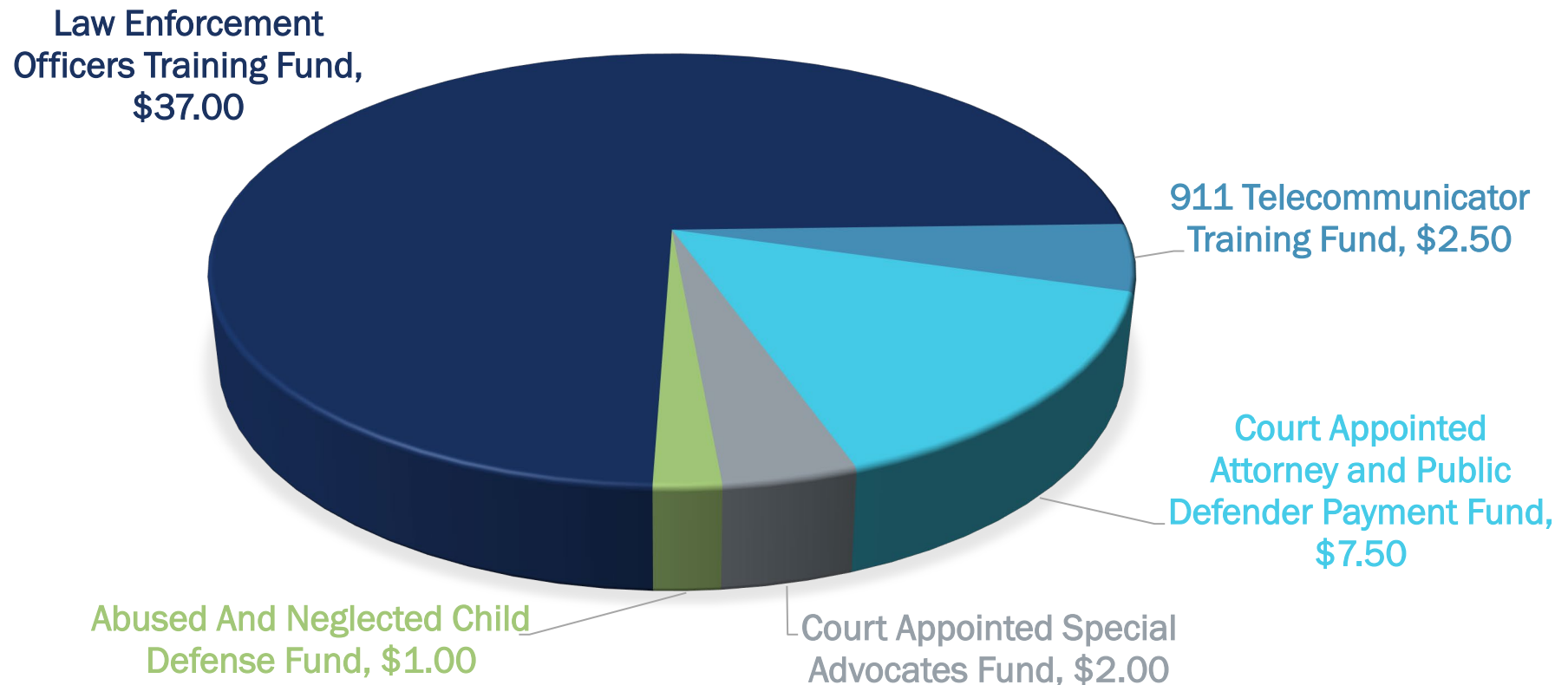
STATEWIDE AUTOMATED VICTIM INFORMATION & NOTIFICATION (SAVIN)

- Program launched to the public in August 2016
- 11,914 individuals are currently registered to receive notifications
- Information directly fed to SAVIN from UJS, DOC and county jail systems

Current Direct Jail Feeds	
Beadle	Lawrence
Brookings	Meade
Clay	Minnehaha
Codington	Pennington
Davison	Union
Hughes	Walworth
Lake	Yankton

LAW ENFORCEMENT OFFICERS TRAINING FUND (LEOTF)

LIQUIDATED COSTS - \$50



LAW ENFORCEMENT OFFICERS TRAINING FUND

	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023
TOTAL RECEIPTS	\$ 2,942,125	\$ 3,126,743	\$ 4,575,899	\$ 4,057,998	\$ 4,148,802	\$ 4,032,128	\$ 3,784,505	\$ 3,833,598	\$ 4,827,659	\$ 4,701,650
TOTAL DISBURSEMENTS	\$ 3,234,245	\$ 3,140,545	\$ 3,585,899	\$ 4,112,590	\$ 3,922,272	\$ 4,019,026	\$ 3,981,751	\$ 4,714,751	\$ 4,645,683	\$ 4,062,509
NET (Receipts less Disbursements)	\$ (292,120)	\$ (13,803)	\$ 990,000	\$ (54,592)	\$ 226,530	\$ 13,102	\$ (197,246)	\$ (881,153)	\$ 181,976	\$ 639,142
BEGINNING CASH BALANCE	\$ (257,236)	\$ (549,356)	\$ (562,145)	\$ 427,854	\$ 373,263	\$ 602,809	\$ 619,472	\$ 422,776	\$ (457,102)	\$ (263,769)
PRIOR PERIOD ADJUSTMENT	\$ -	\$ 1,013	\$ -	\$ -	\$ 3,016	\$ 3,561	\$ 550	\$ 1,275	\$ 11,356	\$ -
ENDING CASH BALANCE	\$ (549,356)	\$ (562,145)	\$ 427,854	\$ 373,263	\$ 602,809	\$ 619,472	\$ 422,776	\$ (457,102)	\$ (263,769)	\$ 375,372

FY2024 ONE-TIME BUDGET AMENDMENTS - SB 52

Recommended One-Time	General	Federal	Other	Total
Digital Investigations	\$275,000			\$275,000
Federal Fund Expenditure Authority		\$1,005,332		\$1,005,332
Not Recommended One-Time	General	Federal	Other	Total
Digital Radios	\$97,500			\$97,500

FY2025 ONGOING BUDGET REQUEST

Recommended Ongoing	FTE	General	Federal	Other	Total
Salary Package		\$158,113	\$27,218	\$180,506	\$365,837
Digital Investigations		\$405,000			\$405,000
Forensic Scientist	1.0	\$117,142			\$117,142
Federal Fund Expenditure Authority			\$1,005,332		\$1,005,332
Not Recommended Ongoing	FTE	General	Federal	Other	Total
Salary Package		\$1,044,465	\$120,039	\$471,223	\$1,635,727
Request: Legal Support Staff Salary		\$30,757			\$30,757

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Not Recommended One-Time	General	Federal	Other	Total
Digital Radios	\$97,500			\$97,500

FY2024 ONE-TIME BUDGET AMENDMENT

DIGITAL INVESTIGATIONS



One-time funds will cover the initial costs of creating a unit to focus on digital evidence investigations.



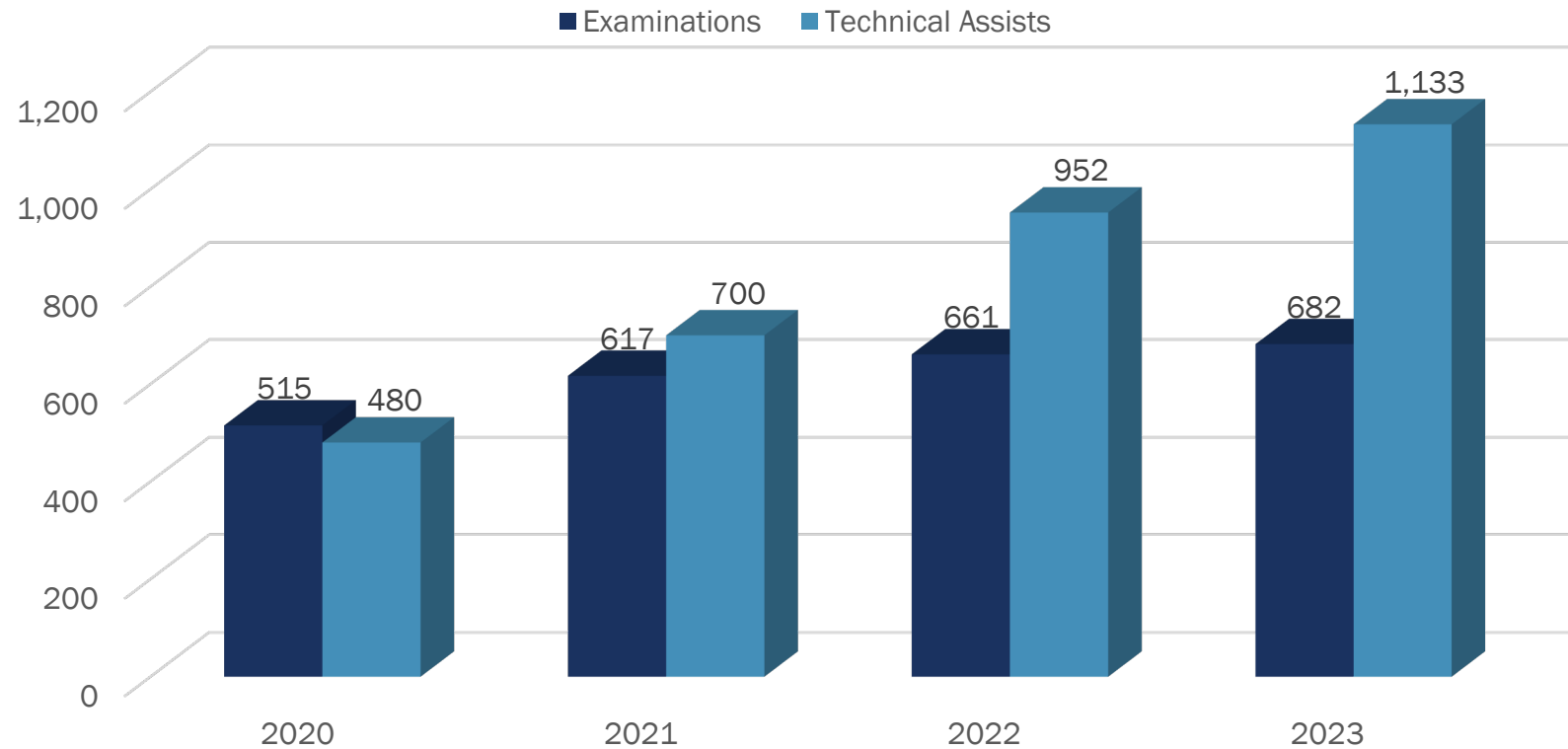
Costs include trainings, certifications, equipment, and software needed by current DCI agents who will specialize in digital evidence investigations.



\$275,000 general funds

DIGITAL FORENSICS INVESTIGATIONS

Digital Investigations: Non-ICAC



- Examinations: examination of a hard drive, cell phone, thumb drive, SD cards or other digital storage device for a non-ICAC criminal investigation
- Technical Assists: assistance or support on a criminal investigation provided to another state or local agency

FY2024 ONE-TIME BUDGET AMENDMENT

FEDERAL FUND EXPENDITURE AUTHORITY



Additional federal fund expenditure authority to align the budget with current levels of federal funds available.



Significant increases over the past 6 years include DNA Backlog Grant \$365,000, SMART Grant \$340,000, NCHIP Grant \$318,000, and Coverdell Grant \$200,000



\$1,005,332 federal fund expenditure authority

FY2025 ONGOING BUDGET REQUEST

Recommended Ongoing	FTE	General	Federal	Other	Total
Salary Package		\$158,113	\$27,218	\$180,506	\$365,837
Digital Investigations		\$405,000			\$405,000
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Not Recommended Ongoing	FTE	General	Federal	Other	Total
Salary Package		\$1,044,465	\$120,039	\$471,223	\$1,635,727
Request: Legal Support Staff Salary		\$30,757			\$30,757

FY2025 ONGOING BUDGET REQUEST

SALARY PACKAGE



Requested an 8.5% increase to our Personal Services budget agency wide to assist in the recruitment and retention of talented personnel.



Governor's recommendation included targeted increases that range from .02% to 13%.



Total \$365,837 - \$158,113 general funds, \$27,218 federal fund expenditure authority, and \$180,506 other fund expenditure authority



Request: Increase of 8.5% for 15 legal support staff for a total general fund amount of \$30,757.

FY2025 ONGOING BUDGET REQUEST

DIGITAL INVESTIGATIONS



Ongoing funds will cover the annual costs of a new unit to focus on digital evidence investigations.



Costs include trainings, certifications, equipment maintenance, and software needed by current DCI agents who will specialize in digital evidence investigations.



\$405,000 general funds

FY2025 ONGOING BUDGET REQUEST

FORENSIC SCIENTIST FTE

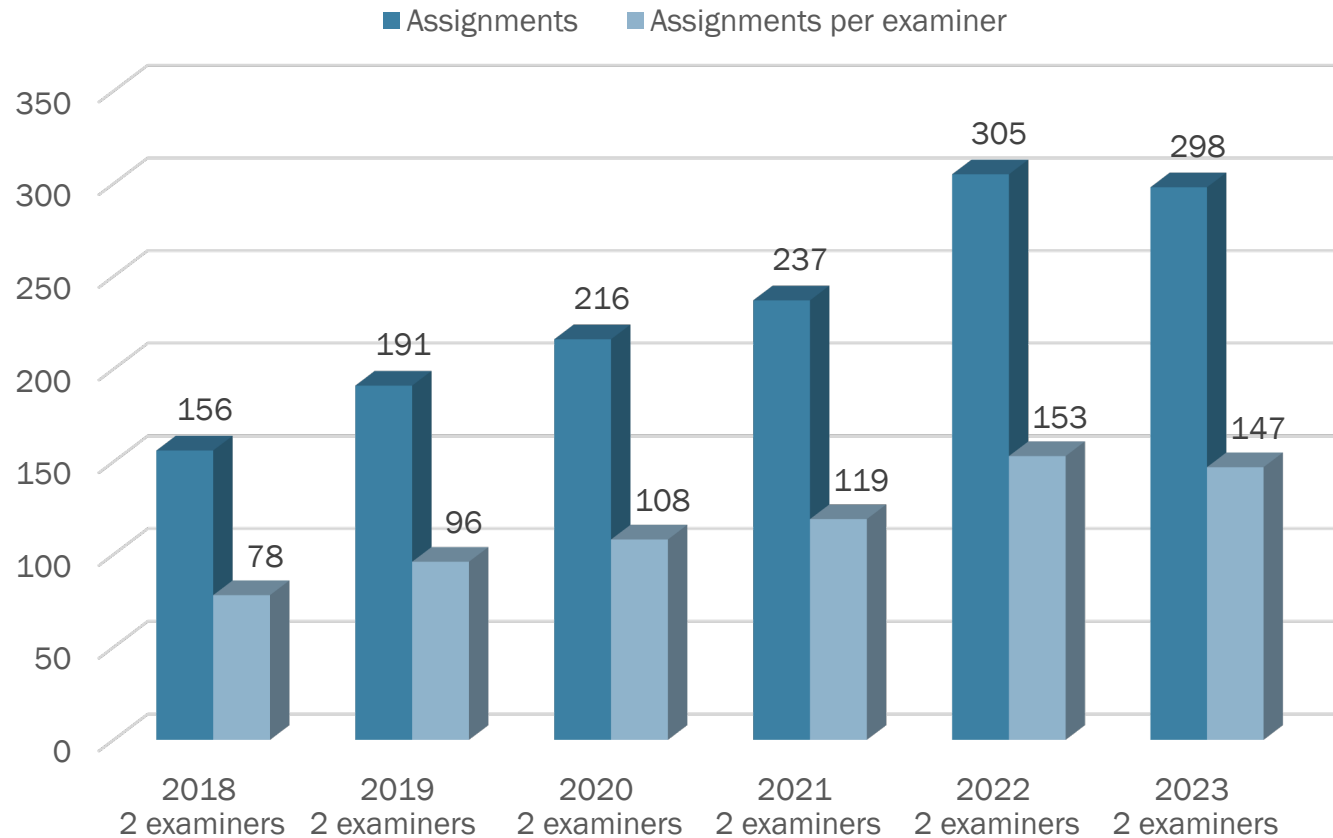


An additional forensic scientist to specialize in firearms and toolmarks to meet the increasing demand of firearms related cases in the state.



\$117,142 general funds and 1.0 FTE

SOUTH DAKOTA FORENSIC LAB - FIREARMS



- Based on the last 5 years there is, on average, a 10% increase in firearms assignments each year. Projected assignments for 2024 would be 328 and for 2025 would be 361.
- Once hired, an untrained firearms analyst will need to complete an 18-24 month training before they can begin firearms caseworks. The earliest a new analyst could begin casework would be January 2026.
- Under current projections, the lab will receive 397 firearms assignments in 2026. This would be 132 completed assignments each for three examiners.

FY2025 ONGOING BUDGET REQUEST

FEDERAL FUND EXPENDITURE AUTHORITY



Additional federal fund expenditure authority to align the budget with current levels of federal funds available.



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\$1,005,332 federal fund expenditure authority