

PUBLIC INTEGRITY PROGRAM REPORT TO THE GOVERNMENT OPERATIONS & AUDIT COMMITTEE

CALENDAR YEAR 2025

**STATE OF SOUTH DAKOTA
OFFICE OF THE ATTORNEY GENERAL
DIVISION OF CRIMINAL INVESTIGATION
PUBLIC INTEGRITY UNIT**

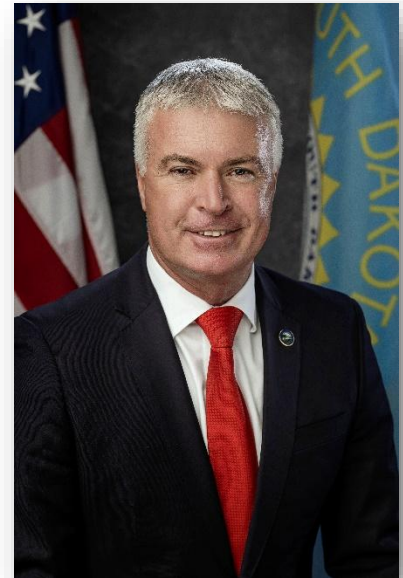


A MESSAGE FROM ATTORNEY GENERAL MARTY JACKLEY

In accordance with South Dakota Codified Law Chapter 3-6C, I am pleased to submit the Attorney General's Annual Report on the implementation and oversight of mandatory reporting requirements concerning improper governmental conduct and crime.

The enactment of Senate Bill 62 reflects the State of South Dakota's clear commitment to strengthening transparency, accountability, and integrity in government. By establishing mandatory reporting requirements and providing protections for state employees who make good faith reports, this law serves both as a safeguard against misuse of public trust and as a vital mechanism to ensure that instances of fraud, theft, conflicts of interest, or criminal misconduct are addressed swiftly and appropriately.

This report provides the Committee with information on the number of required reports submitted to the Office of the Attorney General and the Office of the Auditor General during the past year, as well as the disposition of those reports. The information summarized herein reflects not only the statutory duty placed upon this Office, but also the importance of collaboration among state employees, supervisors, and agency leaders in preserving public confidence in government operations.



I wish to extend my sincere gratitude to the Auditor General, the Bureau of Human Resources & Administration, and the Governor's Office for their valued partnership in implementing the statutory framework and ensuring compliance across all state agencies. Their collaboration has been and will remain essential to the success of this program.

Our shared responsibility is to ensure that every state employee understands both their obligation to report misconduct and their protections under the law when doing so in good faith. The safeguards enacted by Senate Bill 62 underscore that state service is grounded in integrity, and that misconduct will not be tolerated.

I appreciate the work of the Government Operations and Audit Committee in providing oversight and guidance in these matters. Together, we affirm our commitment to the people of South Dakota that their government will continue to be conducted with honor, accountability, and transparency.

Respectfully submitted,

A handwritten signature in black ink that reads "Marty J. Jackley". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Marty J. Jackley
ATTORNEY GENERAL

ABOUT THE PUBLIC INTEGRITY PROGRAM

The Public Integrity Unit is a statewide initiative within the Office of the Attorney General and the Division of Criminal Investigation established to ensure accountability and ethical conduct in South Dakota state government. Created in response to Senate Bill 62 (2025), the unit coordinates the reporting, screening, and investigation of improper governmental conduct and crimes involving state employees.



The program operates through a collaborative structure that includes legal oversight from a designated Assistant Attorney General assigned as the Public Integrity Prosecutor and a Division of Criminal Investigation Supervisory Special Agent assigned as the Public Integrity Investigations Coordinator. Reports are received and screened by the Public Integrity Investigations Coordinator and are typically investigated by Division of Criminal Investigation Special Agents across the state. These agents and prosecutors conduct their work with professionalism, objectivity, and urgency, ensuring each matter is handled thoroughly and in accordance with the law.

Together, this integrated team ensures that allegations are addressed consistently, impartially, and in full compliance with statutory requirements—reinforcing public trust in state government.

HOW THE PROCESS WORKS

The Public Integrity Unit operates under a structured and collaborative process to ensure that allegations of improper governmental conduct and crimes involving state employees are handled consistently, lawfully, and with integrity.

REPORTING

Pursuant to Senate Bill 62, state employees who have reasonable cause to suspect improper governmental conduct or a crime are required to report the matter to a supervisor. Supervisors, in turn, must submit a formal report to the Attorney General and Auditor General using either the Executive Branch Standard Reporting System or the Joint Direct Reporting System. These systems ensure timely notification to the Division of Criminal Investigation and preserve statutory compliance.

Attorney General/Legislative Audit Joint Direct Reporting System
Employee Report of Improper Governmental Conduct or Crime

This form is to be utilized by State of South Dakota employees to report directly to the Office of Attorney General and Department of Legislative Audit allegations of improper governmental conduct and/or a crime attempted or committed by misusing a state employee's access, duty, position, or responsibility as a state employee. Submission of this report satisfies an employee's obligations under Senate Bill 62 to report improper governmental conduct and/or a crime to a supervisor. By using this reporting system, the Division of Criminal Investigation's Public Integrity Investigations Coordinator functions as the receiving state government supervisor. After submission, you do not need to file an additional report or make additional contacts. If you are a member of the public who wishes to report allegations of improper governmental conduct or a crime attempted or committed by misusing a state employee's access, duty, position, or responsibility as a state employee, please contact the Division of Criminal Investigation at (605) 773-3331.

First Name * Last Name * E-mail *

Phone # * Position * Agency *

Do you have reasonable cause to suspect that another state employee has engaged in improper governmental conduct or a crime? *

☒ Yes ☐ No

Reasonable cause is defined as a sufficient reason, based on known facts, to assume something is true.

I have reviewed SDCL 1-56-11 and SDCL Chapter 3-6C and acknowledge that I have been informed of my legal obligations and protections under Sections 1, 3, and 4 of SB62. *

☐ Acknowledge

Improper Conduct or Crime Information

Type of Misconduct *

☐ Conflict of Interest

☐ Fraud

☐ Theft

☐ Other Felony Crime

☒ Conflict of Interest, as defined or described in §§ 5-18A-17 to 5-18A-17A, inclusive, 42-7A-27, and 42-7A-28

☒ Theft of moneys or property belonging to or derived from federal, state, or local government sources, constituting a felony (the value exceeds one thousand dollars).

TRIAGE AND SCREENING

Once received, all reports are entered into a master index. The Public Integrity Investigations Coordinator and the Public Integrity Prosecutor subsequently screen each report to determine whether a criminal investigation is warranted and appropriate. This evaluation considers the nature and severity of the conduct, the appropriateness of administrative resolution, and the potential impact on public trust. Allegations that do not meet the threshold for criminal investigation by the Division of Criminal Investigation are referred to the appropriate agency for administrative handling.

INVESTIGATION

If a criminal investigation is initiated, it is typically assigned to a Division of Criminal Investigation Special Agent, who serves as the lead investigator. The investigation is conducted in accordance with established protocols, including deconfliction with the Auditor General to avoid duplication of efforts. Division of Criminal Investigation Special Agents across the state conduct these investigations professionally, objectively, and expeditiously, ensuring that each case is handled with the seriousness it warrants. While investigations are handled as efficiently as possible, they may require significant time to reach a conclusion to ensure thoroughness, completeness, and accuracy of findings.

DISPOSITION

Upon completion, the investigation is reviewed by both the Public Integrity Prosecutor and the Public Integrity Investigations Coordinator. The final disposition is recorded in the master index using standardized categories.

REPORT DISPOSITION CATEGORIES

Each report received by the Public Integrity Unit is tracked in the master index and assigned a final disposition following screening, investigation, and legal review. Dispositions document the results of the unit's evaluation and investigative processes and are classified to ensure consistent and transparent reporting.

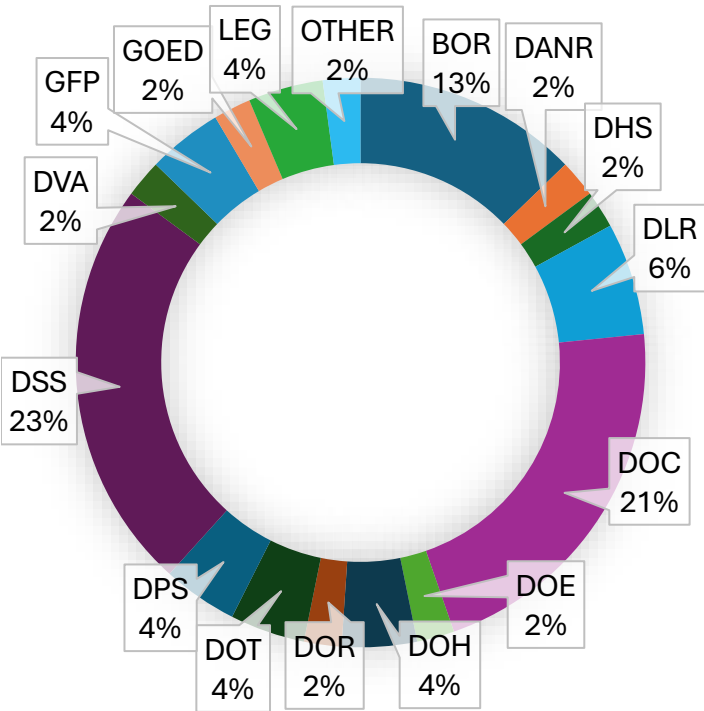
Reports are closed and categorized under the following standardized disposition categories:

- **UNFOUNDED:** The investigation determined that the alleged conduct did not occur or did not involve the reported state employee.
- **UNSUBSTANTIATED:** The investigation found insufficient evidence to support the allegation.
- **REFERRED FOR ADMINISTRATIVE ACTION:** The matter did not meet the threshold for criminal investigation and was referred to the appropriate state agency for internal handling.
- **SUBSTANTIATED – CHARGES DECLINED:** The investigation confirmed the allegation, but criminal charges were not pursued.
- **SUBSTANTIATED – CRIMINALLY CHARGED:** The investigation confirmed the allegation and resulted in the filing of criminal charges.
- **NOT A SENATE BILL 62 REPORT/NO SENATE BILL 62 PREDICATION:** The report was determined to fall outside the scope of statutory requirements, or no reasonable cause was shown.

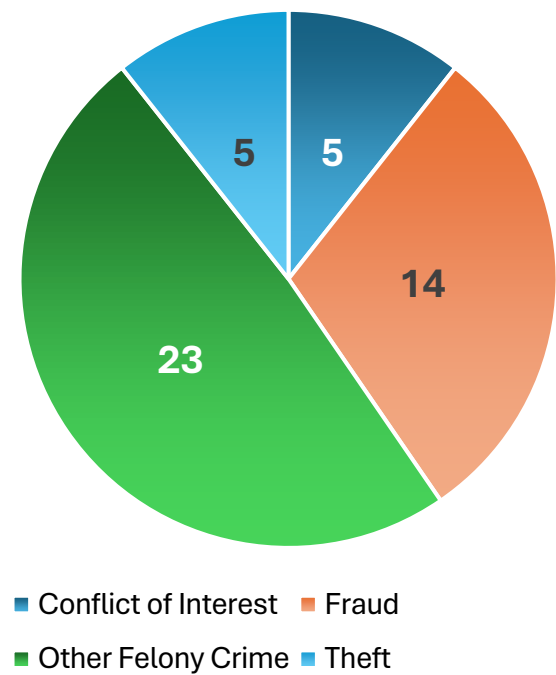
QUICK FACTS



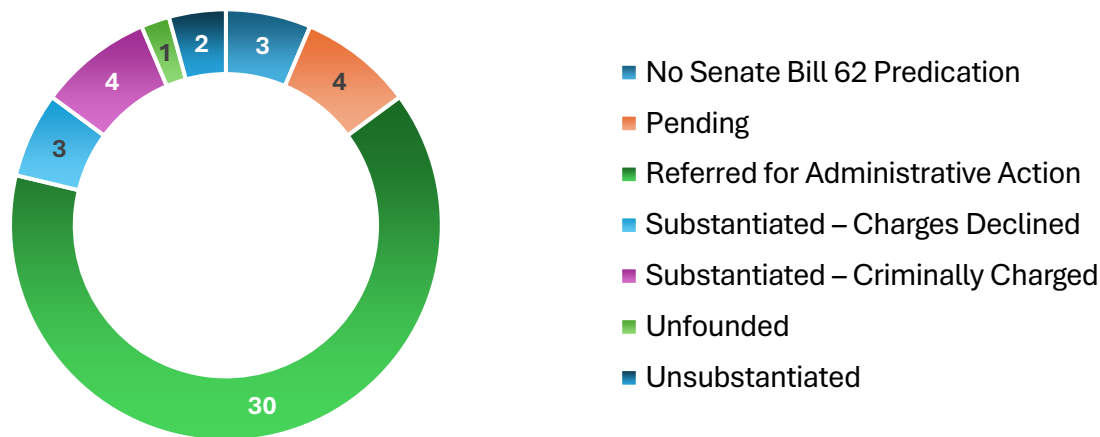
REPORTS RECEIVED BY STATE AGENCY



REPORT ALLEGATION TYPES



REPORT DISPOSITIONS



CASE HIGHLIGHTS

The following case highlights summarize select matters reported during calendar year 2025. These highlights focus on cases in which criminal charges were filed, as well as cases where the reported allegations were substantiated but did not result in criminal charges. The summaries are intended to illustrate the nature of reported misconduct, the review and investigative processes undertaken, and the resulting dispositions, while maintaining required confidentiality. Any case involving ongoing criminal proceedings is presented with the recognition that all individuals are presumed innocent unless and until proven guilty in a court of law.

FORMER SOCIAL SERVICES WORKER INDICTED FOR FALSIFYING INFORMATION IN CHILD PROTECTION INVESTIGATIONS

A Lawrence County grand jury indicted **Nova Collins**, a former employee of the Department of Social Services' Child Protective Services, on four felony counts and one misdemeanor count for allegedly falsifying investigative reports related to a child abuse investigation. These charges stem from conduct alleged to have occurred in early 2025. This case marks the first criminal prosecution arising from the mandatory reporting requirements established by Senate Bill 62.

FORMER CORRECTIONS OFFICER CHARGED IN SMUGGLING PLOT

A Minnehaha County grand jury indicted **Carson DeYoung**, a former South Dakota Department of Corrections correctional officer, along with four others, on multiple felony and misdemeanor charges related to an alleged conspiracy to introduce drugs and contraband into the South Dakota State Penitentiary. DeYoung and his co-defendants are accused of conspiring to distribute methamphetamine and synthetic cannabinoids (K2), and of delivering unauthorized items, including cell phones and vape pens, to inmates. DeYoung is also charged with possession of an anabolic steroid and possession of a controlled substance with intent to distribute to an inmate.

FORMER EMPLOYEE FACING 85 COUNTS IN WIDE-RANGING DRIVER LICENSING ABUSE AND EXPLOITATION CASE

Mark Rathbun, a former employee of the South Dakota Department of Public Safety, was initially indicted in 2025 on multiple felony counts including Solicitation to Commit Second Degree Rape, Possession of Child Pornography, and Unlawful Use of Computer System. The latter charge related to alleged misconduct in connection with the state's driver licensing system. Following further investigation, a grand jury returned a superseding indictment charging Rathbun with 85 counts, adding one count of Distribution of Child Pornography and multiple counts of Possession of Child Pornography, Dissemination of Image or Recording – Victim Seventeen or Under, and Unlawful Use of Computer System. The charges include allegations that Rathbun used his position to access sensitive personal information and exploit state systems for criminal purposes. There are approximately fifty total victims listed in the indictment.

FORMER SDSU COACH INDICTED FOR ALLEGED MISUSE OF STATE RESOURCES

Kammera Brown, a former South Dakota State University equestrian coach, was indicted in 2026 on a felony charge of grand theft. The indictment alleges that Brown used South Dakota State University resources for personal purposes, including expenditures unrelated to her official duties.

INVESTIGATION FINDS EMPLOYEE MISUSED STATE VEHICLE

A Department of Labor and Regulation employee resigned amid an investigation into potential misuse of state motor pool vehicles. The inquiry began after Fleet and Travel reported multiple policy violations, including late

returns, missing mileage records, excessive vehicle litter, and unusually high mileage for in-state. A review of records revealed discrepancies between scheduled travel and documented activities. When questioned about these issues, the employee provided limited explanations and resigned before the investigation concluded. The investigation substantiated the allegation the employee misused state vehicles.

INVESTIGATION SUBSTANTIATES CUFF PORT EXCESSIVE FORCE

A correctional officer was investigated for alleged excessive use of force following a fluid assault incident. The offender threw liquid at the officer through the cuff port of his cell door. The officer initially walked away but then returned and kicked the sliding cuff port to close it, despite the offender’s hands being inside the port. Kicking the cuff port slider was not supported by Department of Corrections training. The investigation was completed, charges were declined, and the allegations were substantiated.

PERSONAL USE OF UNIVERSITY PROPERTY SUBSTANTIATED

A Board of Regents employee was investigated for allegedly using university equipment and materials for personal purposes. The investigation confirmed that the supervisor hauled rock removed from a campus building roof to his personal residence with a state-owned vehicle. While the allegations were substantiated, criminal charges were declined. The matter was reviewed with Board of Regents legal counsel and university leadership for appropriate administrative action.

REPORTS RECEIVED AND DISPOSITIONS

The below table documents all *unique* Senate Bill 62 mandated reports received in calendar year 2025. The term “unique” refers to the number of reports dealing with a particular allegation. The Public Integrity Unit may receive multiple reports on the same allegation; for statistical tracking purposes so as not to inflate the number of reports, only the number of reports pertaining with a unique allegation is counted. The status “Pending” denotes the Public Integrity Unit is awaiting additional information, investigating, triaging the allegation, and/or contemplating a determination.

NUMBER	DATE	AGENCY	CATEGORY	INV.?	DISPOSITION
250001	06/30/2025	DLR	Conflict of Interest	No	Referred for Administrative Action
250002	07/02/2025	DSS	Other Felony Crime	No	Referred for Administrative Action
250003	07/07/2025	DSS	Other Felony Crime	No	Referred for Administrative Action
250004	07/08/2025	DSS	Other Felony Crime	No	Referred for Administrative Action
250005	07/08/2025	DLR	Other Felony Crime	No	Referred for Administrative Action
250006	07/11/2025	DANR	Conflict of Interest	No	Referred for Administrative Action
250007	07/15/2025	DOH	Other Felony Crime	No	Referred for Administrative Action
250008	07/18/2025	DSS	Other Felony Crime	No	Referred for Administrative Action
250009	07/24/2025	GFP	Other Felony Crime	No	Referred for Administrative Action
250010	07/30/2025	DOC	Other Felony Crime	Yes	Unsubstantiated
250011	08/05/2025	DPS	Fraud	Yes	Pending
250012	08/05/2025	DOC	Other Felony Crime	Yes	Unsubstantiated
250013	08/06/2025	DOC	Other Felony Crime	No	Referred for Administrative Action

250014	08/11/2025	DOC	Other Felony Crime	No	Referred for Administrative Action
250015	08/12/2025	DOC	Other Felony Crime	Yes	Substantiated – Criminally Charged
250016	08/14/2025	DVA	Fraud	No	Referred for Administrative Action
250017	08/14/2025	DLR	Fraud	Yes	Substantiated – Charges Declined
250018	08/18/2025	BOR	Fraud	No	Referred for Administrative Action
250019	08/18/2025	DSS	Fraud	Yes	Substantiated – Criminally Charged
250020	08/20/2025	DOR	Other Felony Crime	No	Referred for Administrative Action
250021	08/21/2025	BOR	Fraud	Yes	Pending
250022	08/25/2025	DOC	Conflict of Interest	No	Referred for Administrative Action
250023	08/26/2025	GOED	Fraud	No	No Senate Bill 62 Predication
250024	08/26/2025	DHS	Other Felony Crime	No	Referred for Administrative Action
250025	08/28/2025	LEG	Other Felony Crime	No	Referred for Administrative Action
250026	09/11/2025	DSS	Other Felony Crime	No	Referred for Administrative Action
250027	09/18/2025	DSS	Other Felony Crime	No	Referred for Administrative Action
250028	09/25/2025	DOC	Theft	No	Referred for Administrative Action
250029	09/26/2025	DOC	Other Felony Crime	Yes	Substantiated – Charges Declined
250030	10/08/2025	DOE	Fraud	No	Referred for Administrative Action
250031	10/10/2025	DPS	Other Felony Crime	Yes	Substantiated – Criminally Charged
250032	10/20/2025	BOR	Theft	Yes	Substantiated – Charges Declined
250033	10/21/2025	BOR	Fraud	No	Referred for Administrative Action
250034	10/22/2025	BOR	Theft	Yes	Unfounded
250035	10/24/2025	DOC	Other Felony Crime	No	Referred for Administrative Action
250036	10/27/2025	BOR	Conflict of Interest	Yes	Substantiated – Criminally Charged
250037	10/28/2025	LEG	Other Felony Crime	No	Referred for Administrative Action
250038	10/31/2025	DOT	Fraud	No	Referred for Administrative Action
250039	11/13/2025	DSS	Fraud	Yes	Pending
250040	11/21/2025	DOH	Fraud	No	Referred for Administrative Action
250041	11/24/2025	DOC	Other Felony Crime	No	No Senate Bill 62 Predication
250042	12/06/2025	DSS	Other Felony Crime	No	Referred for Administrative Action
250043	12/08/2025	DSS	Theft	No	Referred for Administrative Action
250044	12/11/2025	DOT	Theft	No	Referred for Administrative Action
250045	12/12/2025	OTHER	Conflict of Interest	No	No Senate Bill 62 Predication
250046	12/15/2025	DSS	Fraud	No	Referred for Administrative Action
250047	12/23/2025	GFP	Fraud	Yes	Pending

The column labeled **INV.?** indicates whether an investigation has been or was opened into the allegation.

GLOSSARY OF TERMS AND ACRONYMS

The following glossary defines key terms and acronyms referenced in this report. These definitions provide clarity on specialized language, agency abbreviations, and concepts critical to understanding program objectives, compliance requirements, and findings.

- **BOR** – Board of Regents
- **CONFLICT OF INTEREST** – Conduct defined or described in SDCL §§ 5-18A-17 to 5-18A-17.6, inclusive, SDCL 42-7A-27, and SDCL 42-7A-28.
- **CRIME** – A criminal act attempted or committed by misusing a state employee’s access, duty, position, or responsibility as a state employee, which constitutes a felony under state law.
- **DANR** – Department of Agriculture and Natural Resources
- **DLR** – Department of Labor and Regulation
- **DOC** – Department of Corrections
- **DOE** – Department of Education
- **DOH** – Department of Health
- **DOR** – Department of Revenue
- **DOT** – Department of Transportation
- **DPS** – Department of Public Safety
- **DSS** – Department of Social Services
- **DVA** – Department of Veterans Affairs
- **DHS** – Department of Human Services
- **FRAUD** – An act involving a knowing misrepresentation of the truth or concealment of a material fact to induce another to act to an individual or the government’s detriment.
- **GFP** – Department of Game, Fish & Parks
- **GOED** – Governor’s Office of Economic Development
- **IMPROPER GOVERNMENTAL CONDUCT** – Any conduct or omission that results in: (a) A conflict of interest prohibited by state law; (b) Fraud; or (c) Theft of moneys or property belonging to or derived from federal, state, or local government sources, constituting a felony.
- **LEG** – Legislature
- **REASONABLE CAUSE** – A sufficient reason, based on known facts, to assume something is true.