

**ABSTRACT FOR THE
STATE OF SOUTH DAKOTA
APPLICATION FOR RECOVERY ACT:
EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT (JAG) PROGRAM**

Applicant's Name: South Dakota Office of the Attorney General on behalf of the Office of the Governor

Title of the Project: State of South Dakota Application for the Recovery Act: Edward Byrne Memorial JAG Program

Goals: 1) Ensure law enforcement agencies are able to efficiently, effectively, and safely protect the lives, safety, and property of all who visit and inhabit South Dakota; 2) To continually improve the technical operations of the interoperable communications system by improving coverage by increasing the number of tower sites; improving operation of subscriber radios through programming updates; upgrading the network to the most recent standards; and increasing number of users on the network; and 3) To improve the functioning of the criminal justice system in South Dakota.

Strategies and major deliverables to be used:

1. Enhancement of State, County, and Municipal Criminal Justice Programs
 - a. Close the gaps in equipment and training needs across the State of South Dakota.
 - b. Provide technology upgrades to law enforcement agencies across the state.
2. Enhancement of South Dakota's Interoperable Communications Program
 - a. Expand percentage of new users provided subscriber units with access to the interoperable network.
 - b. System upgraded to be compliant with new technological requirements.
 - c. Expand percentage of additional coverage capacity provided to law enforcement and first responders.
3. Improving the Capabilities of Criminal Investigators
 - a. Amount and types of equipment purchased.
 - b. Number of staff trained.
 - c. Demonstrate usefulness of skills learned at training.
4. Expanding Criminal Justice Services
 - a. Number and type of criminal justice FTE paid for using JAG funds.
 - b. Amount and types of equipment purchased.

Coordination: This application reflects collaboration between the South Dakota Office of the Attorney General Division of Criminal Investigation, the South Dakota Department of Public Safety, and the Bureau of Finance and Management.

SOUTH DAKOTA RECOVERY ACT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE (JAG) FORMULA PROGRAM APPLICATION

Overview of the American Recovery and Reinvestment Act of 2009

The American Recovery and Reinvestment Act (ARRA) is an effort to jumpstart our economy, create or save millions of jobs, and put a down payment on addressing long-neglected challenges so our country can thrive in the 21st century. With much at stake, the Act provides for unprecedented levels of transparency and accountability so that you will be able to know how, when, and where your tax dollars are being spent. Spearheaded by a new Recovery Board, this Act contains built-in measures to root out waste, inefficiency, and unnecessary spending. See more at recovery.gov.

Implementing the American Recovery and Reinvestment Act of 2009

Projects supported by these funds will not only make the country safer and more secure, but they also will create new jobs, and in some cases, save the jobs of men and women who do the work of staying ahead of those who would seek to do us harm.

Introduction

The State of South Dakota Office of the Attorney General is the designated agency to apply for the Recovery Act funds on behalf of the South Dakota Office of the Governor to assist state and local efforts to prevent or reduce crime and violence. The Edward Byrne Memorial JAG Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system and JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

This application reflects collaboration between the Office of the Attorney General Division of Criminal Investigation, the South Dakota Department of Public Safety, Office of the Governor, and the Bureau of Finance and Management. JAG Program funding allows state and local jurisdictions to support a broad range of activities to prevent and control crime based on needs and conditions. This flexibility allowed the state agencies to prioritize and place justice funds where they are needed most efficiently, effectively and safely to protect the lives, safety, and property of all who visit and inhabit South Dakota.

Awards under the Recovery Act are one-time awards and the proposed project activities and deliverables need to be accomplished without additional DOJ funding. Efforts will be made to start and expeditiously complete the proposed program activities. Consistent with the special purposes and goals of the Recovery Act, and its strong emphasis on accountability and transparency, all funds from a Recovery Act grant will be tracked, accounted for, and reported on separately from all other funds (including DOJ grant funds from non-Recovery Act grants awarded for the same or similar purposes or programs). South Dakota is prepared to track and report on the specific outcomes and benefits attributable to the use of Recovery Act funds in accordance with USDOJ requirements. Activities of the SD Byrne JAG Recovery Act award will be publicized on the website set up specifically for the Recovery Act (recovery.sd.gov).

Program Narrative

The proposed program activities are:

1. Enhancement of State, County, and Municipal Criminal Justice Programs
 2. Enhancement of South Dakota's Interoperable Communications Program
 3. Improving the Capabilities of Criminal Investigators
 4. Expanding Criminal Justice Services
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1. Enhancement of State, County, and Municipal Criminal Justice Programs

Problem Statement

This project addresses multiple problems faced by law enforcement agencies in South Dakota. These problems include:

- Financial restraints on the law enforcement agencies which have limited their ability to keep in step with technological advances and necessary equipment upgrades including vehicles;
- Mobile Access to the SD Fusion Center Secure Site, SD Fusion Center Law Enforcement Bulletins, and SD TRACS;
- Lack of funding needed to provide continuing crime prevention education and training to the public and law enforcement officers; and
- Non-encrypted voice communications.

Many law enforcement agencies throughout the State of South Dakota have experienced reductions in their operating budgets. These reductions have caused agencies to eliminate positions, eliminate or delay new equipment purchases, put off vehicle purchases, delay necessary technological upgrades as well as postpone necessary training. The Byrne JAG federal funding will help agencies close the gap that has been created by financial hardship.

Program Description

The Enhancement of State, County and Municipal Criminal Justice Program will allow law enforcement agencies to purchase equipment necessary to carry out law enforcement related programs within their department and for the public. Equipment purchases will include but are not limited to, mobile data terminals, police cruisers, communications equipment, tactical gear, crime prevention equipment, educational training equipment, and other equipment needed for daily police operations.

Goal 1:

Ensure law enforcement agencies are able to efficiently, effectively, and safely protect the lives, safety, and property of all who visit and inhabit South Dakota.

Objective 1:

Equip law enforcement agencies across South Dakota with necessary equipment and training that is needed to perform law enforcement functions.

Activities:

- Define agency needs across the State of South Dakota.
- Procure equipment.
- Distribute equipment.

Performance Measures:

1. Close the gaps in equipment and training needs across the State of South Dakota. Proposed completion- December 2009.
2. Provide technology upgrades to law enforcement agencies across the state. Proposed completion- May 2010.

Organization Capabilities

Tracking and Drawdowns-

The South Dakota Department of Public Safety utilizes the INFORM accounting system. The INFORM accounting system allows users to create separate "cost centers" that are used to track all expenditures and drawdowns. For this grant, a separate cost center will be established to ensure all Byrne JAG transactions are kept separate from other Federal funding sources.

Job Creation/Economic Benefits:

Some projects in this program do not directly create jobs. However, it is likely that through the immediate purchase of equipment such as mobile radios, police cruisers, tactical gear, riot gear, and other law enforcement related equipment, jobs in the private sector that would have otherwise been lost, will be saved and the economic benefits to equipment providers will be substantial.

2. Enhancement of South Dakota's Interoperable Communications Program

Problem Statement

South Dakota is currently operating an interoperable communications system that is open and accessible by all public safety and first responders in the State; however, the geographical coverage is limited in some areas of the State. The risk of threat or disaster is not limited to any locale within the State, and South Dakota strives to achieve greater communications coverage across the state. The combined area that is unprotected by communications coverage is an area that is more than 500 sq. miles which is larger than the State of Delaware. This lack of coverage could result in severe communications issues if a disaster or threat would occur in one of these areas. Therefore, additional equipment to include but not limited to communications towers, generators, portable radios and mobile radios must be obtained to increase the capabilities of South Dakota's Interoperable Communications system.

Furthermore, the technology that supports South Dakota's interoperable communications system is approaching the end of its life cycle and due to changes in technology, our system will not be supported or serviceable after 2015. Thus, after 2015, the 16,000 digital radios that operate on the system will lose their interoperability. South Dakota's Bureau of Information Technology has identified a solution to fix the interoperable system. The solution is to upgrade the master communications site as well as add conversion boxes to each tower site. The cost of the upgrade will be approximately 5.8 million dollars and will allow our communications system to operate for many years into the future.

Program Description

South Dakota's Bureau of Information Technology has identified several methods of enhancing South Dakota's interoperable communications system.

Goal 1:

To continually improve the technical operation of the system by:

- Improving coverage by increasing the number of tower sites.
- Improving operation of subscriber radios through programming updates.
- Upgrading the network to the most recent standards.
- Increasing number of users on the network.

Objective 1:

Currently the network is based upon a 4.xx platform for the trunking component. This is a proprietary system and limits the use of two manufacturers for subscriber equipment. The 4.xx platform is also being phased out of production, and we will be required to look at replacement at some point before support is discontinued. The current system has a maximum site count of 56, of which we are fast approaching, and to improve the operation of the subscriber radios, upgrade to the most recent standards, and increase the number of users

on the system, we will need to upgrade to a 7.x platform, which will allow us these advancements. The 7.0 system is an open standards-based network that allows multiple equipment suppliers, utilizes much of the same infrastructure and telecommunications net, and brings the system up to the most modern standard with long-term support.

Activities:

- Define a funding source.
- Procurement of new subscriber units.
- Procurement and installation of additional tower sites.
- Procurement of new system equipment.
- Transition into new system.

Performance Measures:

3. Expand percentage of new users provided subscriber units with access to the interoperable network. Proposed completion- December 2009.
4. System upgraded to be compliant with new technological requirements. Proposed completion- May 2010.
5. Expand percentage of additional coverage capacity provided to law enforcement and first responders. Proposed completion- December 2010.

Organization Capabilities

Tracking and Drawdowns-

The South Dakota Department of Public Safety utilizes the INFORM accounting system. The INFORM accounting system allows users to create separate "cost centers" that are used to track all expenditures and drawdowns. For this grant, a separate cost center will be established to ensure all Byrne JAG transactions are kept separate from other Federal funding sources.

Job Creation/Economic Benefits:

Some projects in this program, with the exception of tower construction, do not directly create jobs. However, it is likely that through the immediate purchase of communication equipment such as mobile radios, portable radios, master site upgrades, converter boxes, and other communications accessories, jobs in the private sector that would have otherwise been lost, will be saved and the economic benefits to communication equipment providers will be substantial. The exact number of jobs will depend on the scope of the project.

3. Improving the Capabilities of Criminal Investigators

- a. Narcotics Enforcement Equipment

Problem Statement

One of the South Dakota Division of Criminal Investigation's primary missions is to enforce the laws in South Dakota that pertain to illicit drug use and its distribution. Over fifty percent of the sworn agents that work at DCI are assigned to working narcotics enforcement. The number of drug cases in our office increased thirty-three (33) percent from 2006 to 2008 and there appears to be no decrease in 2009.

Drug agents work in street clothes attire, late evening hours, deal with the most nefarious type of criminal and are involved in some of the most intense moments any officer will face – high risk search warrants and undercover roles.

In 2008, at least one agent from DCI was involved in a high risk search warrant or undercover situation every working day of the year. This type of activity is disconcerting in any area but something we can not avoid. Through proper training and equipment, the Agent can effectively address these situations and increase his/her odds of going home each and every night. Proper equipment includes body armor, safety goggles, helmet and weapon choice.

Program Description

In the arena of the undercover agent, clandestine movement and secrecy are paramount. The target or drug dealer must not suspect that the agent is law enforcement. In order to continue to be safe and covert requires special and unique tools. The most important tool the agent will need is a weapon that is small enough to conceal yet large enough to successfully deal with a violent confrontation.

Effectively combating the criminal element requires law enforcement to actively engage those involved. The undercover assignment is the quintessential of active engagement. The agent operates primarily on his/her own with only the specialized training and the tools provided. Back up officers may be nearby but not close enough to engage if the encounter turns violent. When this occurs the undercover will need a weapon that will have the necessary capability of getting him/her out alive.

The weapons and their accessories that will be purchased will allow the undercover agents working in South Dakota to be covert, effective and most of all, safe.

b. Radio Encryption

Problem Statement

The State of South Dakota developed a statewide digital radio system for all law enforcement, first responders, emergency managers, and the Department of Transportation which became fully operational in 2003. As a benefit of this digital radio system, there are statewide talk groups that allow every individual responding to an incident within the State of South Dakota to receive and transmit traffic on this radio system. Law enforcement departments were further allowed to

develop their own "talk groups" within this system to allow for secure communication and avoid all the other radio traffic on the interagency channels.

For the South Dakota Division of Criminal Investigation, this new system finally gave us a way to securely communicate in a fashion that was unavailable to public scanning which is critical in our daily operations that include surveillance of criminal activity and transmitting sensitive criminal justice information that may compromise the safety of officers and cooperating citizens in undercover operations. Other compromises include scenarios of barricaded subjects, SWAT operations, and tactical situations where secure communication is a must.

This system has served us well until recently. When this system was unveiled to law enforcement users in 2003, we were told that the public would not be able to scan our frequencies with the technologies available in 2003. This has since changed and in early 2009 a public website became available called SCAN AMERICA which allows the public to listen to law enforcement traffic on the digital state radio system. We have reports at this time of the public listening to on-going surveillance details involving undercover drug deals which put the officers and cooperating citizens at great risk. The first website making this available is: <http://minnehaha.sd.scanamerica.us/index.php>. We expect more compromises in the future.

Program Description

There is a solution available to again make our digital radio system secure within our "talk group". All of our portable and vehicle mounted radios are made by Motorola and they offer an encryption module that can be installed in all DCI radios. This encryption module makes it impossible for a scanner to discern the radio traffic, again bringing the security back into our well-used digital radio system.

c. Recording Equipment

Problem Statement

SD DCI has 13 field offices located throughout the state. Several of the field offices currently have outdated video recording systems which would ideally be replaced by the iRecord video system. iRecord is a digital audio/video system for electronic recording of forensic interviews and law enforcement interrogations. iRecord has several features that would benefit law enforcement on a number of levels. These benefits include a one touch system to record, store and play back interviews. The CD/DVD storage means no more lost interviews from broken or damaged tapes. iRecord also has a feature which allows an individual to find specific sections of an interview by searching for specific words or information which would increase productivity.

Program Description

iRecord is a natural choice for interview rooms of all types that require simple video and audio recording solutions with very high quality and reliability. Once recorded, the digital media is

stored on smaller, more reliable optical media rather than bulky audio or video tapes, thus saving room in evidence storage facilities.

iRecord has a list of references of Law Enforcement Agencies throughout the country who have purchased the system and have firsthand knowledge on the value of the system. Some agencies have written testimonials of how valuable iRecord has been for their agency. The reoccurring theme was iRecord benefited law enforcement by increasing productivity and using superior quality recordings which can be used as evidence in a courtroom setting. iRecord was found to enhance the ability of prosecutors to file appropriate charges due to the quality of the recordings and the iRecord feature that allows to record in two formats simultaneously thus capturing all aspects of the interview.

d. National Forensic Academy Training

Problem Statement

Lack of funds and staff turnover have led to limited opportunities for DCI field personnel to maintain or develop expertise in critical areas such as crime scene processing. We have made a distinct effort in South Dakota over the past 3 years to equip our Special Agents and laboratory personnel with the necessary tools to process crime scenes from beginning to end. Outside of on-the-job training and relatively small 24 to 40 hour courses relating to crime scenes, the agency commitment has never been made due to lack of funds to support this high level, intense crime scene training.

In 2006, the Division of Criminal Investigation made it mandatory for all Special Agents to become Certified Crime Scene Investigators through the International Association of Identification. In 2009, the Director of the Division of Criminal Investigation incorporated this high level forensic crime scene training into our strategic plan even though we do not have the current state funds to support the goal.

Program Description

The National Forensic Academy is a 10 week intensive course which provides classroom and practical training in the area of crime scene processing and forensic science. It is coordinated through the University of Tennessee. Requested funding would allow the Division of Criminal Investigation to send six personnel from the Forensic Laboratory Crime Scene unit, and DCI Special Agents from various field offices to this training. On their return, these specialists would put their enhanced skills to use throughout the State of South Dakota by assisting other agents, police and sheriff's departments to investigate crimes. The National Forensic Academy will provide our staff with the most current training, tools and technology to more effectively process crime scenes for all jurisdictions in the State of South Dakota.

Goal for 3. Improving the Capabilities of Criminal Investigators

To improve functioning of criminal justice system in South Dakota.

Objective 1:

Provide resources to SDDCI for equipment.

Activities:

Identify equipment for proposed projects.
Purchase equipment.

Performance Measures:

Amount and types of equipment purchased.

Objective 2:

Provide training for SDDCI staff.

Activities:

Identify training.
Identify staff to attend training.

Performance Measures:

Number of staff trained.
Demonstrate usefulness of skills learned at training.

Organization Capabilities**Tracking and Drawdowns-**

The South Dakota Office of the Attorney General will create separate "cost centers" to track all expenditures and drawdowns. For this grant, a separate cost center will be established to ensure all Byrne JAG transactions are kept separate from other Federal funding sources.

Job Creation/Economic Benefits:

Many projects in this program do not directly create jobs. However, it is likely that through the immediate purchase of equipment, jobs in the private sector that would have otherwise been lost, will be saved and the economic benefits to equipment providers will be substantial. The exact number of jobs will depend on the scope of the project.

4. Expanding Criminal Justice Services

a. Identification Section Fingerprint Technicians

Problem Statement

The existing staff of the DCI Identification Section is barely able to process fingerprint-based background checks in a timely manner. Currently, DCI processes 23,000 civil fingerprint-based background checks and 30,000 criminal arrest cards annually. Due to the passage of legislation that will take effect July 2009, we expect the background check requests to increase dramatically as all municipality employees statewide will be required to have a fingerprint-based background check completed.

Program Description

The DCI proposes to add two (2) FTEs (salary and benefits). Along with processing background check requests and criminal arrest cards, these FTE's will assist with maintaining criminal history records, tracking missing arrest fingerprint cards and assisting with auditing the non-criminal justice agencies currently receiving background information.

The FTEs will need to be certified in basic fingerprint recognition. This training is held at FBI CJIS Headquarters in Clarksburg, WV. Workstations consisting of two (2) monitors, one (1) desktop computer, and one (1) Automated Fingerprint Identification System (AFIS) software package will be purchased for the technicians.

b. Apprehension of Non-Compliant Sex Offenders in South Dakota

Problem Statement

After the passage of the Jacob Wetterling Act in 1994, the South Dakota DCI began to register the arrested violent sex offenders within its borders. Since 1994, there have been approximately half-dozen changes in who should register with the SDDCI. All but one of the addendums to the sex offender statutes in South Dakota increased the number of persons required to register. These changes have amplified the early number in 1994 of around 200 registered sex offenders to the current registry population of approximately 2,533. As the number of offenders increased, the requirements they had to meet also increased. Some of these new requirements, such as safety zones and mandatory law enforcement checks were a natural progression and others were a result of the Adam Walsh Child Protection and Safety Act of 2006. The increase of both of these numbers also led to an increase in those offenders whose whereabouts and current address are unknown. It's estimated that a small percentage of the 'noncompliant' offenders may actually think they are in compliance and are just ignorant to the new requirements. However, the larger contingent is very much aware that they are noncompliant and counting on the system to be too big and cumbersome for law enforcement to find them. Under current South Dakota state law, offenders who fail to register face a felony, punishable up to 2 years prison time for the first offense.

At the time of this writing, there are exactly 95 sex offenders who are noncompliant and their whereabouts are unknown. Over the last 4 years, South Dakota has seen a 15% increase in the

number of noncompliant offenders. Their last known addresses are scattered from the rural areas to the larger cities to the nine Indian reservations in South Dakota. Clearly, one of the difficulties in tracking these noncompliant offenders is jurisdictional issues. The majority of these offenders are located on one of the nine reservations because the jurisdictional issue becomes even more complicated and the offender knows it and uses it to his advantage.

A great majority of the noncompliant offenders are charged from the state statutes. Unfortunately herein lies much of the problem, since state officials, such as Highway Patrol, the Attorney General's Office, Department of Corrections and the Division of Criminal Investigation do not have jurisdiction on the Indian reservations. Only Tribal officials and federal agencies such as FBI, DEA, and the U.S. Marshal's Office have that authority.

Program Description

In order to address the issue of noncompliance adequately, our strategy would be to hire two part-time investigators to focus solely on the most dangerous offenders who have not complied. These part-time investigators would have to be sworn in both as a state investigator and as a United States Deputy Marshal. This is not a new concept in South Dakota. Several current agents from the Division of Criminal Investigation are working on federal task forces that require them to be deputized by the U.S. Marshal's Office. Their primary mission is to combat narcotics trafficking throughout the state. If they are moved to working non compliance sex offenders, their primary mission will suffer. The 2009 Byrne JAG monies will allow us to track those offenders who are missing without sacrificing resources elsewhere. We have spoken to both the current U.S. Marshall and the incoming one. Both have stated they are in support of the project.

This strategy will require us to rely on current contacts in the law enforcement community and establish new relationships to ensure success of the program. Some of those current contacts will be with local Sheriff's office and police departments. These agencies will know the last address of the offender and some of the family members or friends who may provide leads to where they may be hiding. As with most organizations, there is only so much manpower to go around. The Sheriff's offices and police departments are aware of the noncompliant offenders but their other responsibilities have taken precedence over consistently tracking the offender. Additionally, these local departments are aware of the jurisdictional issues that occur once they have determined that the sex offender has driven down the road to another town, county, Indian reservation or state.

Some of the new relationships that must be established is better contact with the nine Indian reservations and the information they have to assist in this endeavor. At present time there is no comprehensive intelligence database that links the nine reservations reference crime, incidents or sex offenders. The investigator and his/her team will have to travel to each reservation to converse and team up with tribal officials. They'll have to sort through each reservation database and file to determine if there has been any contact with the noncompliant offender. None of this will be accomplished without a solid commitment from the reservation authorities.

As stated earlier, the DCI already has a strong working relationship with many of the federal agencies in our state, including the U.S. Marshal's Office. The strategy of specifically targeting

offenders within our borders would be a new venture and require both entities to venture into a new partnership level that hasn't been seen for quite awhile. Although we have teamed up with them on smaller missions and efforts in the past, this would be a long term commitment for both. According to section 142 of the Adam Walsh Child Safety Act of 2006, it requires the "Attorney General to use federal law enforcement resources, including the U.S. Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who fail to register." This authorization seems to be a perfect fit in the effort of tracking the noncompliant sex offender.

Effective July 2008, South Dakota law required all those **arrested** for felony offenses must provide a DNA sample to be uploaded in to CODIS, the Federal Bureau of Investigation's Combined DNA Index System that allows the storage and exchange of DNA records submitted by federal, state, and local forensic DNA laboratories. Each month, approximately 450 people are arrested for a qualifying offense and should subsequently provide a DNA sample. However, data indicates that almost thirty-five percent of the arrestees are not providing a sample. The potential loss is roughly 1,815 samples each year that will not get entered and many unsolved crimes could stay that way. There are many possible causes to why this occurs, i.e. the offender may be deliberately attempting to circumvent the process, it may be a paperwork error, or the custodial corrections facility may be understaffed. South Dakota law states that if the offender refuses to provide a sample upon request, they can be arrested for an additional felony.

Our present process involves sending a letter to the county in which the subject was arrested and request they contact the offender to obtain a sample. Although, somewhat successful, as indicated in the paragraph above, there are many samples that are not obtained. Unfortunately, the court process takes some time. By the time it is discovered a sample wasn't obtained, the offender is no longer in the area he/she was arrested. The part-time investigators detailed in this narrative would be utilized to also track down those violent offenders who have been arrested for a qualifying offense and have failed to provide a DNA sample. The more samples provided to the database, the more crimes that will be solved here in South Dakota and the nation.

c. LET Instructors/DCI Trainer

Problem Statement

Law Enforcement Training (LET) currently provides for the 12 week basic Law Enforcement Certification Academy. This course must be successfully completed by all law enforcement officers in South Dakota within the first year of their employment. In addition, LET also coordinates, hosts, and funds advanced training for law enforcement officers to continue their professional education. Basic Certification for 911 Tele-communicators is also provided through this office.

Currently, the Law Enforcement Basic Academy consists of 520 hours of instruction in a variety of areas. Most of those blocks of instruction are taught by adjunct instructors who are paid by their home departments to travel to Pierre and instruct. Still others are providing services as contract employees. Because of the dynamics of having instructors who are temporary, part-time or otherwise detached from LET day-to-day operation, it is difficult to provide consistency in

training. Oftentimes classes that are larger than normal stretch the student to instructor ratio to unacceptable levels. Other problems are that certain critical skills, such as Defensive Tactics and Firearms are taught for a short period of time, usually a week. Due to a lack of on-staff instructors, those topics are not covered again during the training. Ideally, those skills would be repeated and built upon throughout training. A lack of training staff makes this impossible. Offering timely remedial training to students who have struggled on past lessons is also difficult as the primary instructor is no longer available to offer remediation. This problem could be alleviated through the addition of staff instructors.

In addition, some staff received training in Problem Based Learning techniques (PBL). These techniques allow student officers to attack problems in a more "hands on" manner and learn to solve problems by applying material from their courses. These techniques also include a greater use of practical exercises, which are staff intensive. In order for South Dakota to take the next step in providing quality training, this shortage of staff must be overcome.

Program Description

The addition of two (2) full time staff for Law Enforcement Training Instructors would allow Law Enforcement Training to provide a better product to the law enforcement agencies of the state and better conform to industry standard in the area of law enforcement training.

Law Enforcement Training is also a functioning arm of the Division of Criminal Investigation. The DCI consists of approximately 45 Special Agents who are strategically placed throughout the state and provide expertise to local law enforcement in the investigation of felony crimes. These agents all maintain certifications of various types, such as Certified Crime Scene Investigator, Methamphetamine Lab Specialist, polygraph examiner, or firearms instructor. All of these certifications require continuing education throughout the course of the year. In addition, certified officers must receive continuing education in order to maintain their certification status. Additional training is also required by policy.

Currently, this in-service training is monitored, organized, and coordinated by Supervisory Special Agents, or other field agents. This additional tasking detracts from the performance of other duties. Nearly every other department of this size has a dedicated training officer to handle these matters. The additional half-time employee for Law Enforcement Training would assume this additional training responsibility for the DCI Agents and allow for a more efficient use of time and a better in-service training product.

d. DCI and Forensic Laboratory Enhancements

Problem Statement

Over the last couple years, other funds have been used to purchase software and equipment to improve DCI operations and services (including laboratory services) to local law enforcement. During strategic planning sessions regarding best possible uses of the Recovery Act: Byrne JAG funds, enhancements to operations and provision of services, additional capabilities, or entire replacements have been prioritized by the DCI.

Program Description

In 2008, the South Dakota Division of Criminal Investigation (SDDCI) made it a part of their agency strategic plan to operate in a paperless environment in the front office, Law Enforcement Training (LET), and the South Dakota Forensic Laboratory (SDFL). Laserfiche (purchased in 2008) is the software tool that will enable this strategic goal to come to fruition. With an easy interface to navigate and search capabilities, it will make the transition easy for technical and non-technical users alike. All investigative case information written and gathered by DCI Agents and forensic scientists will be scanned and entered into the program. This will allow the secretaries to be more productive in their work environment and allow them to simply "export" an investigative case to a secure disc to provide to agents and prosecuting attorneys for dissemination.

The SDDCI will plan on buying six (6) high speed document scanners that will enable the secretaries to scan investigative information into the system at a rate of 3,000 pages per day. The particular scanner we have chosen will allow the secretaries to continue to stay productive on other tasks rather than have a single dedicated scanner operator.

In October 2008, the SD Forensic Laboratory (SDFL) purchased a new Laboratory Information Management System (LIMS). The system allows forensic scientists to have the capability to connect wirelessly to the LIMS system to document their casework. In March 2009, the SDFL purchased a system that will allow all forensic scientists to connect through a wireless modem. The final piece of the puzzle is to purchase laptop computers for our ten (10) forensic scientists. Currently, the scientists have desktop computers which are located at their work stations outside of the secure laboratory settings. With this being the case, the scientists have to take handwritten notes in the laboratory setting and go back to their desks to enter the data into the LIMS system. Equipping each of them with laptop computers will allow them to transport their computers to and from their laboratory settings, which is more efficient, allowing them to update the LIMS system as they progress through their casework.

Another need identified in the SDFL is a different fuming chamber. The ideal environment to do superglue fuming in is either with a superglue chamber (such as the Misonix CA-9000) with controlled heat, humidity, and air circulation or with a vacuum system. The SDFL currently has a vacuum system but we are limited to the size and amount of evidence that can be superglue fumed - due to the small size of the tanks that are offered on vacuum systems. The Misonix CA-9000 fuming chamber offers a generous amount of room in it that will allow us to superglue virtually any type of evidence that we may encounter in the lab and fume that evidence under the ideal environmental conditions that are needed to best obtain latent prints that may be present on those items. Currently, if an item does not fit in our vacuum tank(s), it is superglue fumed in a plastic bag. The plastic bag method works; however, in addition to the safety concerns, without the precise control that a vacuum system or chamber offers, we are not developing all the latent prints that we could be.

The SDFL currently has the oldest Fourier Transform Infrared Spectroscopy (FTIR) in the United States and is no longer supported by the manufacturer. IR Spectroscopy is a valuable method of fiber polymer identification and comparison in forensic examinations. The use of IR

microscopes has simplified the IR analysis of single fibers, making the technique feasible for routine use in the forensic laboratory. All material that is tested under the FTIR has its own unique set of chemical bonds. The spectra of the absorbed infrared energies are quite characteristic for that material. Even the slightest change in composition of a molecule will result in a different IR spectrum. Libraries of thousands of IR Spectra are created so a sample can be matched to one in a list of spectra in a short amount of time. The FTIR is the most sufficient, accurate and preferred exam among Trace Examiners. The FTIR can be used for almost every Trace Exam as long as there is a library for it. It is especially useful for fibers, paints and glass. It is a good reassurance to accuracy of your work that has been completed on a compound microscope, stereoscope, cross-section, GCMS, etc.

Goal for 4. Expanding Criminal Justice Services

To improve functioning of criminal justice system in South Dakota.

Objective 1:

Provide resources to SDDCI to hire staff.

Activities:

Employ personnel to carry-out proposed projects.

Performance Measures:

Number and type of criminal justice FTE paid for using JAG funds.

Proposed completion – hiring by December 2009; continued employment beyond grant termination

Objective 2:

Provide resources to SDDCI for equipment.

Activities:

Identify equipment for proposed projects.

Purchase equipment.

Performance Measures:

Amount and types of equipment purchased.

Proposed completion – December 2009.

Organization Capabilities

Tracking and Drawdowns-

The South Dakota Office of the Attorney General will create separate “cost centers” to track all expenditures and drawdowns. For this grant, a separate cost center will be established to ensure all Byrne JAG transactions are kept separate from other Federal funding sources.

Job Creation/Economic Benefits:

Up to seven (7) jobs will be created under this project. It is likely that through the immediate purchase of equipment, jobs in the private sector that would have otherwise been lost will be saved and the economic benefits to equipment providers will be substantial. The exact number of jobs will depend on the scope of the project.

In summary, the problems to be addressed by this grant proposal include the following:

1. There is a need to provide additional communications coverage to meet the present and future needs of South Dakota’s law enforcement efforts.
2. There is a strong need to upgrade South Dakota’s interoperable communications digital radio system, a law enforcement officer’s primary tool, to ensure the system will remain fully operational, upgradeable, expandable and interoperable.
3. The needs at the SDDCI include personnel, equipment, and training to assist in the provision of law enforcement services to the citizens of South Dakota.

**BUDGET NARRATIVE FOR THE
STATE OF SOUTH DAKOTA APPLICATION FOR
RECOVERY ACT: EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT (JAG) PROGRAM**

Administration (up to 10% of the state award)	\$ 319,311
Required pass-thru to units of local government	\$1,444,611
Required pass-thru to State police and/or units of local government	\$ 188,653
State projects	<u>\$1,240,539</u>
AWARD TOTAL	\$3,193,114

Administration

These funds will be used to fund staff and operating expenses to administer the grant.

Required pass-thru

These funds will be passed-thru to units of local government and for projects at the state level to provide a direct local benefit.

State projects

These funds will be used to fund state-level projects in Department of Public Safety and Office of Attorney General for criminal justice purposes.