

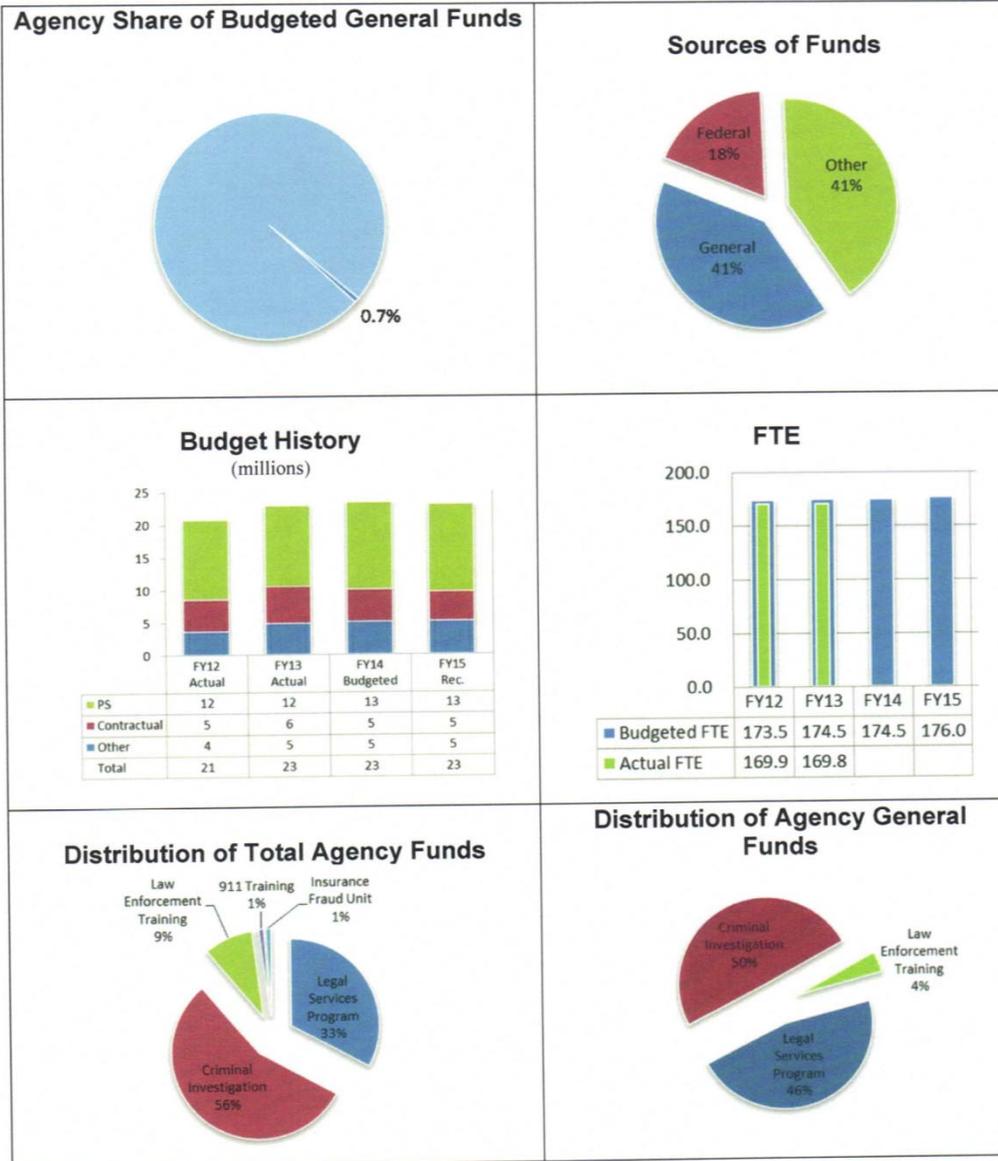
# OFFICE OF ATTORNEY GENERAL



# I. A.

## FY15 Budget Briefing Attorney General

Information contained in this document is based on the Governor's original FY15 recommended budget.  
This document may not correspond with the FY15 budget adopted by the Legislature.



# B. GOVERNORS RECOMMENDED

	Actual	Actual	Budgeted	Gov Rec	Rec % Change	
	<u>FY2012</u>	<u>FY2013</u>	<u>FY2014</u>	<u>F20Y15</u>	<u>Inc/Dec</u>	<u>From</u>
					<u>FY2015</u>	<u>FY2014</u>
<b>Personal Services</b>						
Employee Salaries	9,837,186	9,757,388	10,728,917	10,824,758	95,841	0.9%
Employee Benefits	2,371,022	2,623,726	2,607,704	2,622,930	15,226	0.6%
<b>FTE</b>	169.9	169.8	175.0	176.0	1.0	0.6%
<b>Funding Types</b>						
General	6,854,624	6,909,125	7,360,654	7,360,654	0	0.0%
Federal	1,829,221	1,675,320	1,583,959	1,571,959	(12,000)	(0.8%)
Other	3,524,362	3,796,669	4,392,008	4,515,075	123,067	2.8%
<b>Total PS</b>	<b>12,208,208</b>	<b>12,381,114</b>	<b>13,336,621</b>	<b>13,447,688</b>	<b>111,067</b>	<b>0.8%</b>
<b>Operating Expenses</b>						
Travel	934,784	1,101,659	1,037,543	1,068,443	30,900	3.0%
Contractual Services	4,932,288	5,735,615	5,009,691	4,513,793	(495,898)	(9.9%)
Supplies & Materials	564,294	892,826	909,116	961,116	52,000	5.7%
Grants and Subsidies	1,495,916	2,133,594	2,385,344	2,340,344	(45,000)	(1.9%)
Capital Outlay	643,479	670,999	699,257	734,357	35,100	5.0%
Other	2,487	0	31,884	31,884	0	0.0%
<b>Funding Types</b>						
General	2,387,735	3,059,006	2,602,972	2,036,173	(566,799)	(21.8%)
Federal	2,607,351	2,567,937	2,637,755	2,620,437	(17,318)	(0.7%)
Other	3,578,163	4,907,751	4,832,108	4,993,327	161,219	3.3%
<b>Total OE</b>	<b>8,573,249</b>	<b>10,534,694</b>	<b>10,072,835</b>	<b>9,649,937</b>	<b>(422,898)</b>	<b>(4.2%)</b>
<b>Totals</b>						
<b>Funding Types</b>						
General	9,242,359	9,968,131	9,963,626	9,396,827	(566,799)	(5.7%)
Federal	4,436,573	4,243,257	4,221,714	4,192,396	(29,318)	(0.7%)
Other	7,102,525	8,704,420	9,224,116	9,508,402	284,286	3.1%
<b>Total</b>	<b>20,781,457</b>	<b>22,915,808</b>	<b>23,409,456</b>	<b>23,097,625</b>	<b>(311,831)</b>	<b>(1.3%)</b>

C.

## MAJOR EXPANSIONS AND REDUCTIONS

Budget Item	Governor's Recommendation				FTE
	General Funds	Federal Funds	Other Funds	Total Funds	
<b>All Department:</b>					
A. Bureau Billings	34,693	2,682	27,219	64,594	-
<b>Legal Services Program:</b>					
B. Reduction of Stimulus Authority	-	(12,000)	-	(12,000)	-
C. Investigator Certification	-	-	15,000	15,000	-
D. Consumer Radio Outreach	-	-	30,000	30,000	-
E. Printing	-	-	42,000	42,000	-
<b>Criminal Investigation:</b>					
F. Funding Change	-	-	28,168	28,168	-
G. New DCI Agent in Sioux Falls	-	-	94,899	94,899	1.0
H. Operating Expenses for new DCI Agent	-	25,000	22,000	47,000	-
I. Equipment Service and Maintenance	45,668	-	-	45,668	-
J. Bond Payment Reduction	(647,160)	-	-	(647,160)	-
K. Capital Outlay	-	-	25,000	25,000	-
L. Reduction of Stimulus Authority	-	(45,000)	-	(45,000)	-
<b>Total</b>	<b>(566,799)</b>	<b>(29,318)</b>	<b>284,286</b>	<b>(311,831)</b>	<b>1.0</b>

# II. CIVIL LITIGATION

## A. NOTABLE PENDING CIVIL LITIGATION

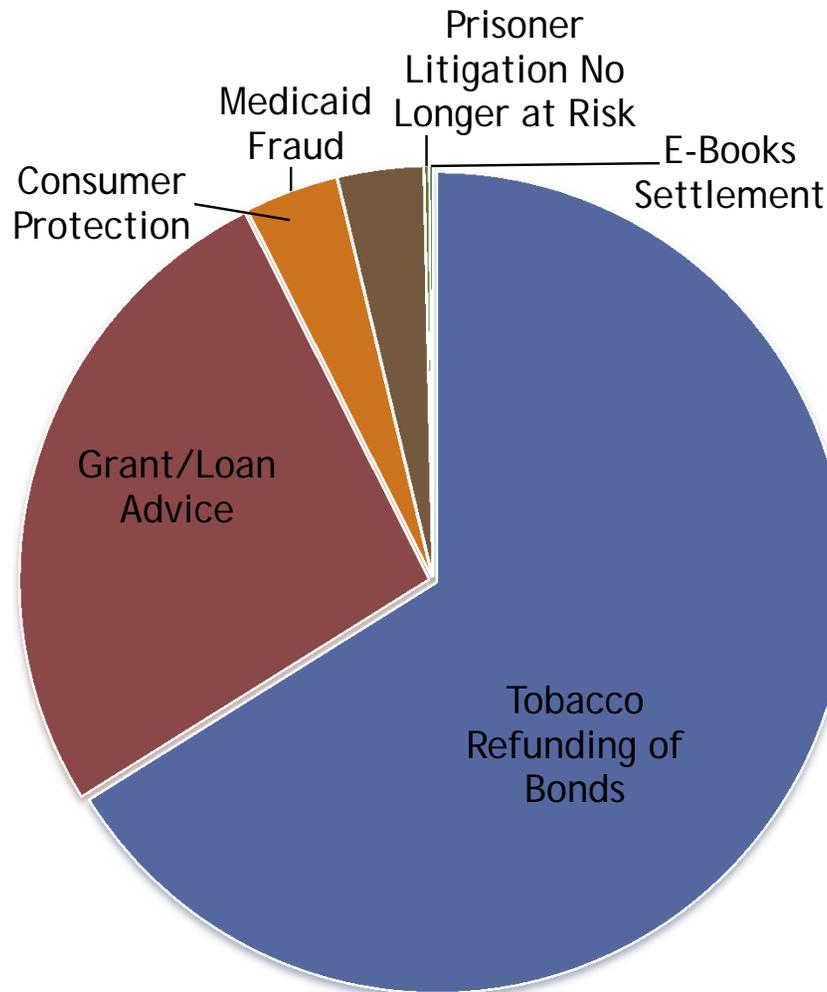
Name of Case	Summary	Amount at Risk
Planned Parenthood v. Daugaard	Challenge to 2011 Anti-Coercion Legislation	Attorneys Fees / Costs of Litigation: @\$175,000 Life Protection Subfund (for defense costs): \$73,298.43
Tobacco Diligent Enforcement 2004	Challenge to State's 2004 enforcement of SDCL 10-50B under Tobacco MSA	@\$25 million
Gilt Edge Superfund Site	Superfund Site Cleanup of Gilt Edge Mine Site  Remediation in progress	State share of operation and maintenance of site after remediation complete is ten percent (under federal CERCLA). No estimate possible of these future costs, which will depend on type and success of remediation
Powertech ISL Uranium Mine: Water Permit applications, Groundwater Discharge Permit application, Mine Permit application	Defense of DENR recommendations issuing state permits	
Rick Law v. State	Challenge to Smoking Ban (SDCL 34-46-13 through -19) and its alleged damage to video lottery operator	Damages unspecified at this time.
Biodiversity v. USFS	Challenges to the Black Hills National Forest Plan. On appeal to 10 <sup>th</sup> Circuit Court of Appeals.	
Clean Air Act litigation	Numerous appeals and direct challenges to EPA Air regulations, including greenhouse gas regulations, failure to approve State's SO2 compliance, challenge to California emission standards that severely restrict sales of ethanol processed in Great Plains (including SD).	

## B. CIVIL PRISONER LITIGATION

- ◉ 2013 Civil Prisoner Cases: 27
- ◉ Total amount at risk, as specified in Complaints in 2013 Cases: \$33 million in claimed damages
- ◉ 10 Cases were resolved in 2013

# C. 2013 CIVIL DIVISION SUMMARY

**AMOUNT RECOVERED/PRESERVED  
\$257.1 MILLION**



- ❑ Tobacco Refunding of Bonds \$170 million
- ❑ Grant/Loan Advice \$68 million
- ❑ Consumer Protection \$9.5 million
- ❑ Medicaid Fraud \$8.7 million
- ❑ Prisoner Litigation No Longer At Risk \$.5 million
- ❑ E-Books Settlement State Share \$.4 million

# D. 2013 TOBACCO ACTIVITIES

- ◉ Master Settlement Agreement: 1998
- ◉ 1999-present: PMs paid States \$94 billion
- ◉ South Dakota:
  - Allocable Share: .348945380
  - \$342,216,084.31 received to date
  - @ \$21-25 million annually (2013 payment: \$24,127,368.83)
- ◉ AG lawyers in 2012 were involved in enforcement of MSA provisions (including SDCL ch. 10-50B); defense of State's diligent enforcement activities required by MSA; and in legal work associated with the 2013 refunding of the State's tobacco bonds (below)
- ◉ SD securitization
  - First securitized in 2002
  - After expenses and reserve, purchase price of bonds (\$243.6 million) in Education Enhancement Trust Fund
  - A portion of the earnings on the Trust Fund are transferred to the State's General Fund
  - 2002 Bonds refunded in 2013, and \$169,645,000 of new bonds were issued
  - Due to lower interest rates on the 2013 Bonds and a modification of their repayment structure, it is projected that the refunding will provide additional payments to the Trust Fund and will significantly increase the balance of the Trust Fund by 2032.

# III. CRIMINAL DIVISION

## A. Criminal Cases

### 1. Death Penalty Cases

- Rodney Berget
- Charles Rhines
- Briley Piper

### 2. Homicide

- Matt Tornquist, murder
- Maricella Diaz, murder, suppression intermediate appeal
- Kent Davidson, murder, scheduled for jury trial
- Danika Gonzalez, murder, scheduled for jury trial
- Ronald Fischer, manslaughter/vehicular homicide, set for jury trial

### 3. Aggravated Assault on Law Enforcement Officer

- Carlos Green, aggravated assault on LEO, scheduled for jury trial
- Garrett Dumarce, aggravated assault on LEO, scheduled for jury trial
- Silver McClanahan, conspiracy to commit, attempted escape, scheduled for jury trial
- Lloyd Whiteface, conspiracy to commit, scheduled for jury trial

### 4. Paulsen-Threatening Judge

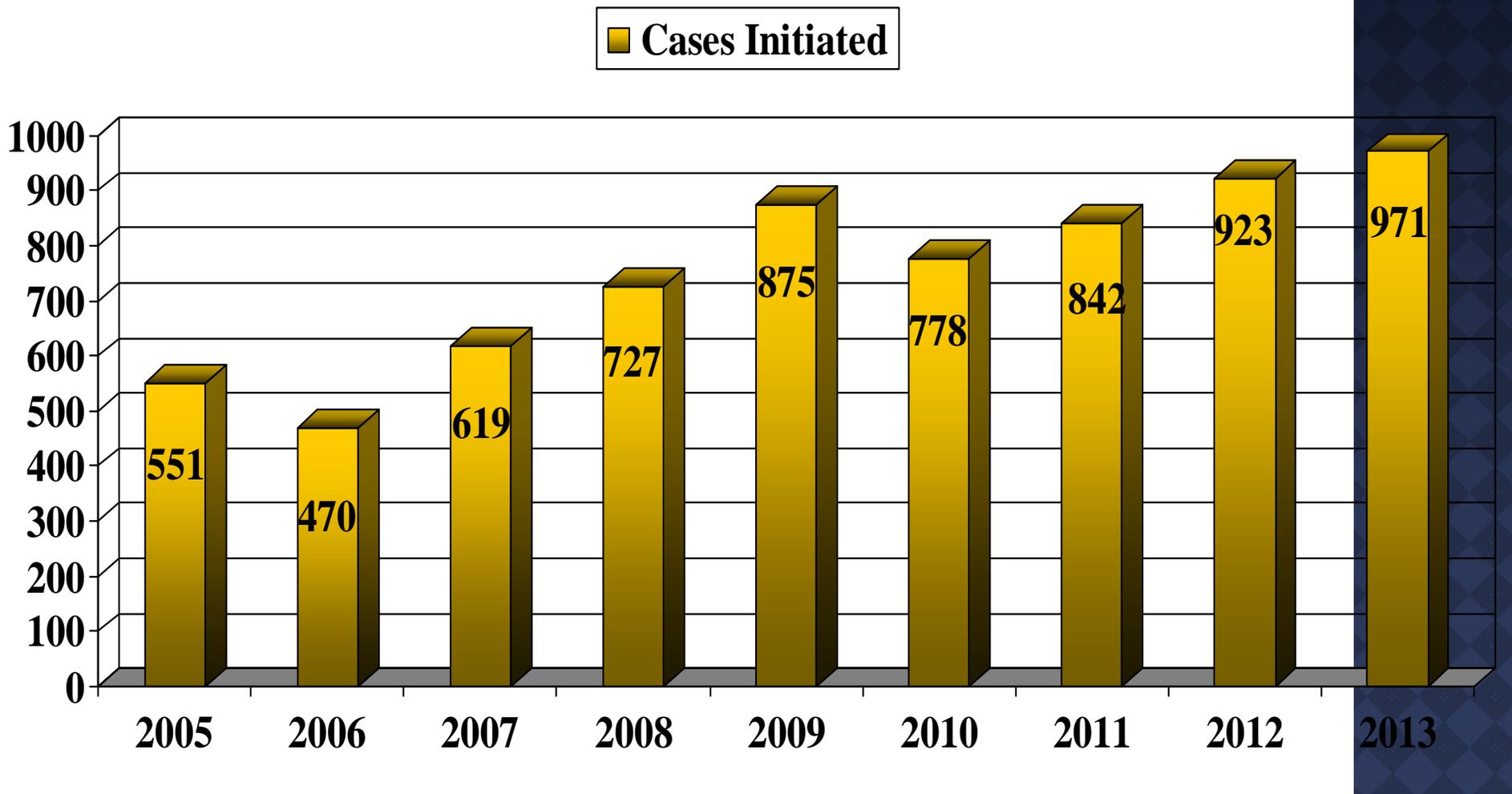
### 5. Grand Theft

- GOED Benda, investigation
- Baron Buildings, grand theft, scheduled for jury trial

### 6. McNeely/DUI cases

# IV. DCI

## A. DCI AGENTS CASES BY CALENDAR YEAR



# B. 2011-2013 DCI COMPARISON

## CALENDAR YEAR

	<u>2013</u>	<u>2012</u>	<u>2011</u>
DCI Cases	971	923	842
Polygraphs	118	159	105
Electronic Crimes Unit Reports	803	525	157
Search Warrants	580	482	362
Arrests	769	547	517
Convictions	609	420	408
Lab Cases	712	782	672
Lab Items	6193	6,144	5,698
Lab Assignments	1446	1,299	975
Lab Assignments Completed	1324	1,263	889
Total DNA Database Samples	47721	43,547	39,495
Forensic/ Offender Profile "hits"	54	65	70
DNA "hits"/Cases Aided	56	50	75
DNA "hits"/Cases Aided States	14	10	11
Registered Sex Offenders	3173	3,052	2,894
Registered Sex Offenders Non-Compliant	33	47	39
LET- Officers Participated in Basic Acedemy	112	104	103
LET- Officers Participated in Basic Acedemy Certified or Pending	108	94	90
LET- Officers received Advanced Training	1681	1,600	1,440
LET- Advanced Training Courses Offered	64	60	65
24/7- Participants (since February 1, 2005)	31618	27,993	20,808
24/7- PBT Tests (since February 1, 2005)	6,052,000	5,648,834	4,485,660
24/7- Active SCRAM	595	587	520
ID- Backgrounds	25198	22,420	20,301
ID- Criminal Arrests Processed	28043	28,273	27,090
Grants Managed	\$8,958,061	\$11,365,897	\$11,650,00
DCI Agent Miles Traveled	919,714	933,831	804,498

# V. AREAS OF CONCERN

## 1. LEOTF

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

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

#### FINE

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

#### COSTS

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

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

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

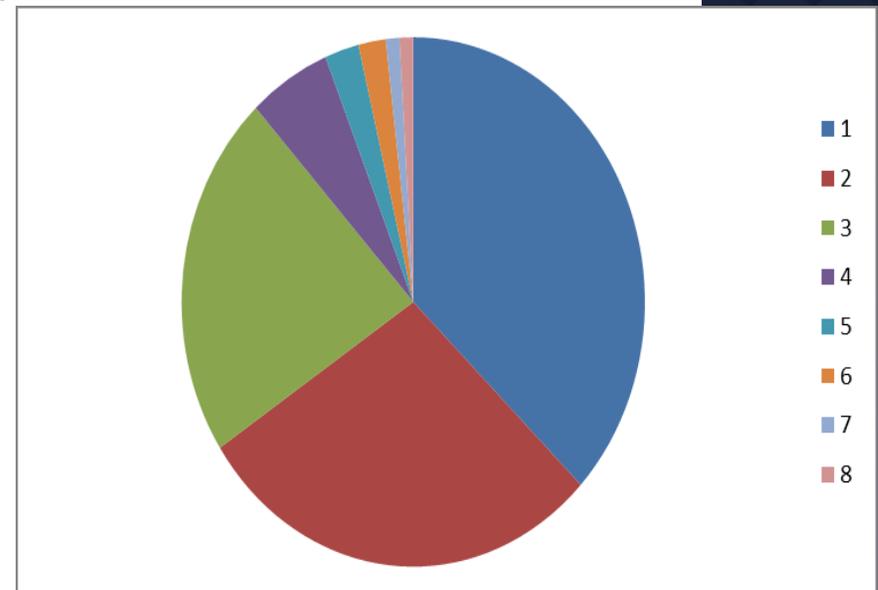
\$2.50- to the Victim's Compensation Fund ▲

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

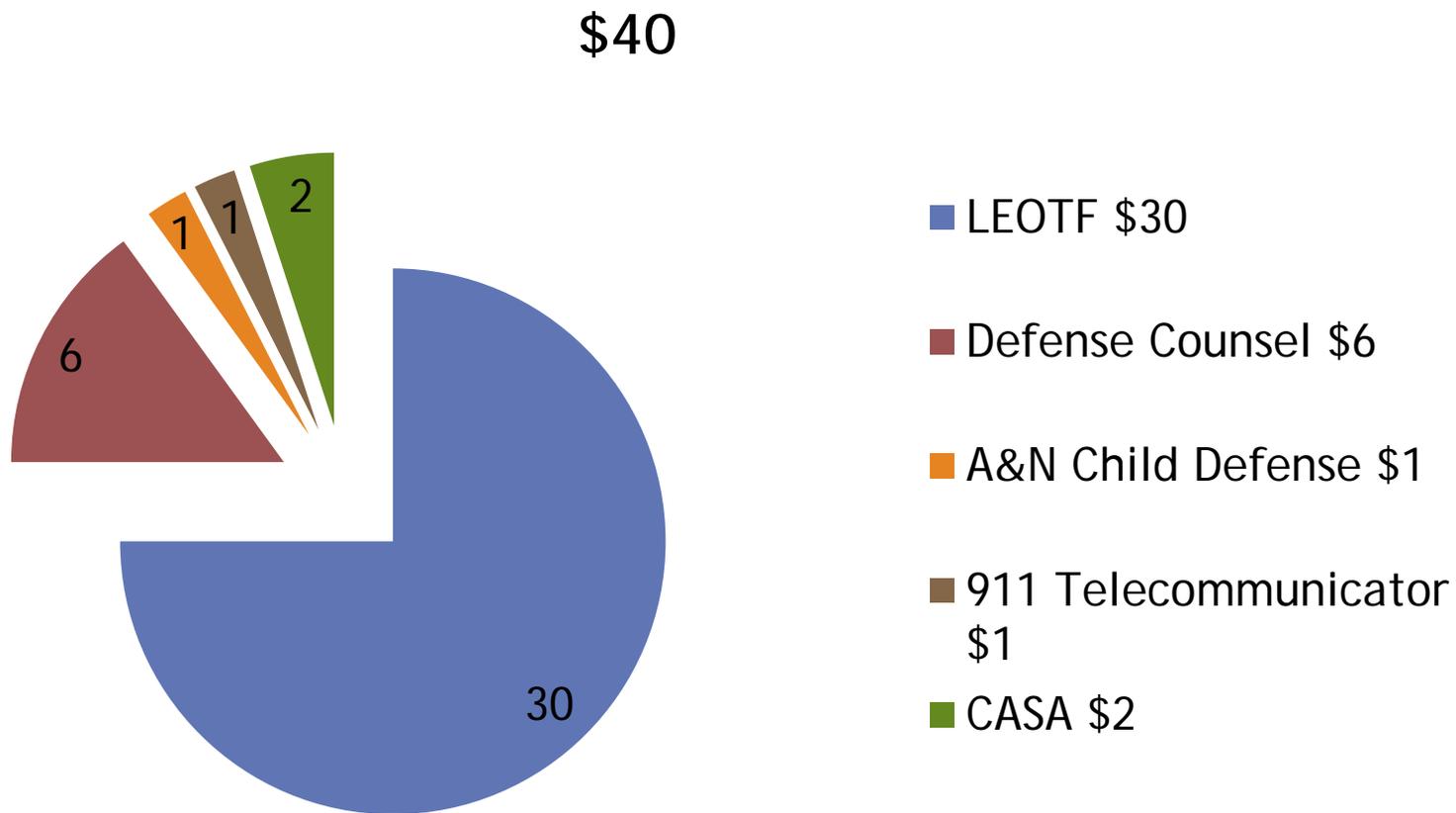
\$1.00- to the 911 Telecommunicator Training Fund ▲

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

\$105.00 TOTAL

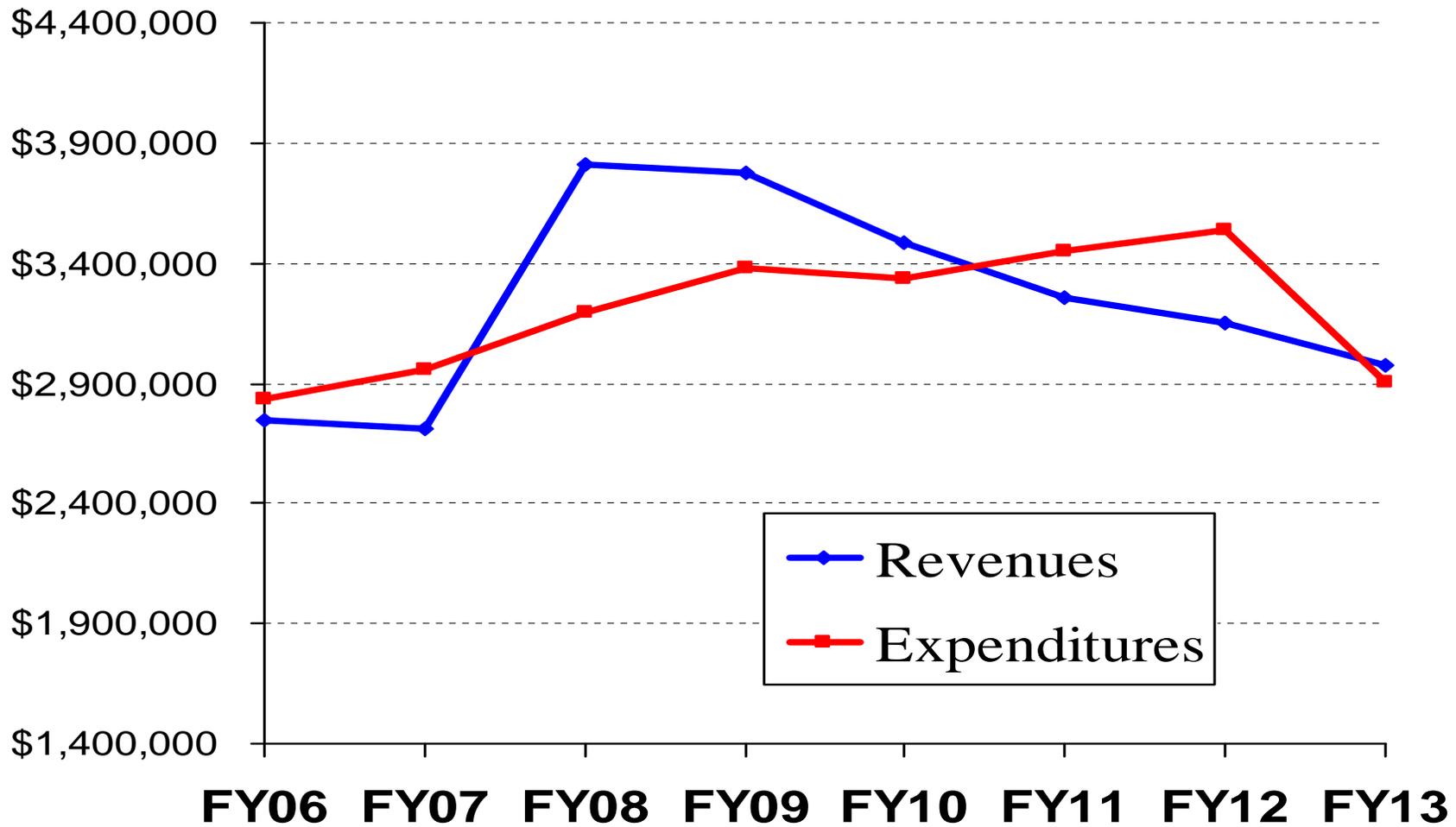


# B. LIQUIDATED COSTS DISTRIBUTION

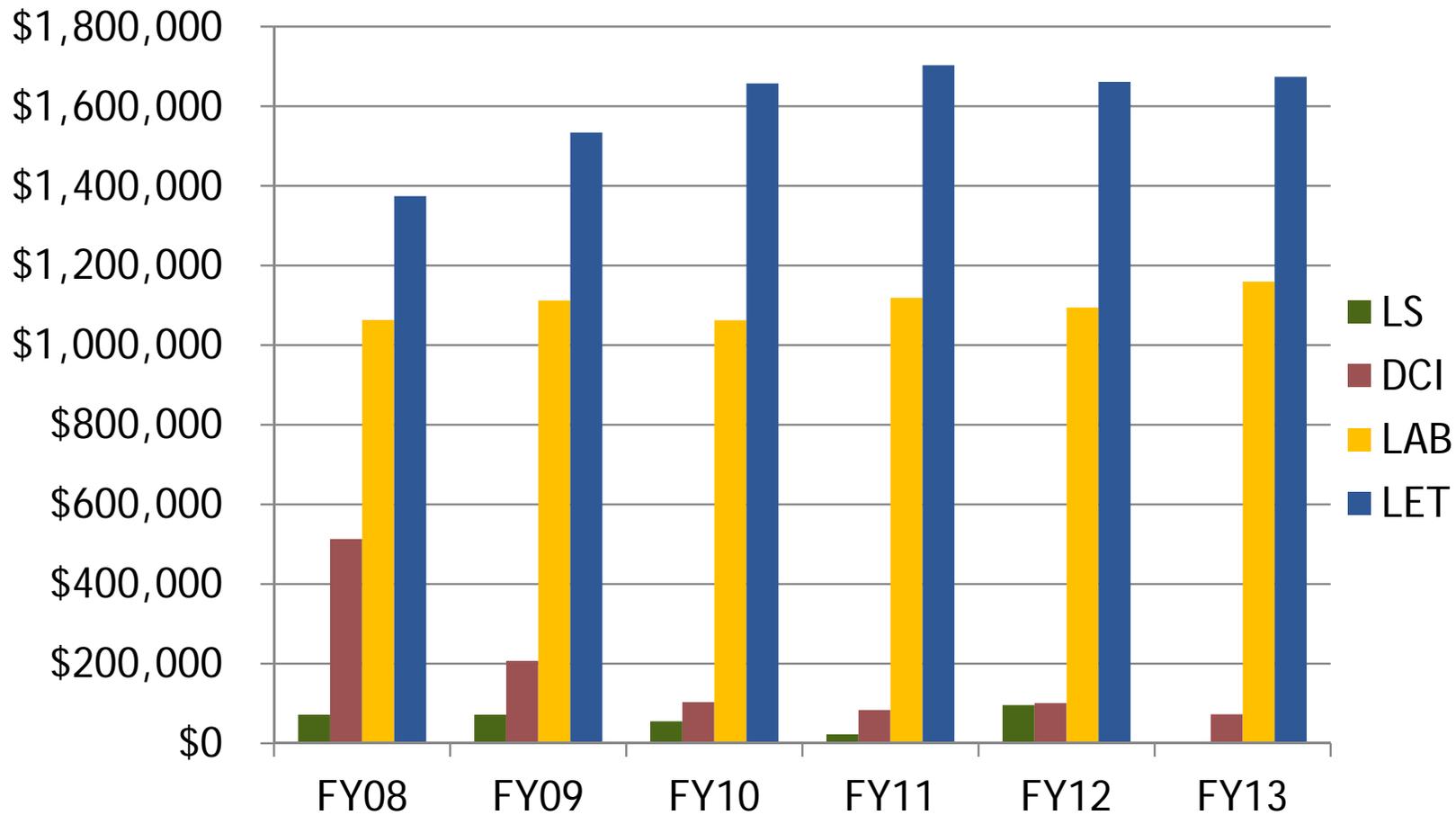


# C. LAW ENFORCEMENT OFFICERS TRAINING FUNDS ATG/UJS/DOC

## REVENUES VS. EXPENDITURES



# D. OFFICE OF ATTORNEY GENERAL LEOT EXPENDITURES BY DIVISION



## 2. CONTROLLED SUBSTANCES/METH

### A. METHAMPHETAMINE STATS

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

# B.

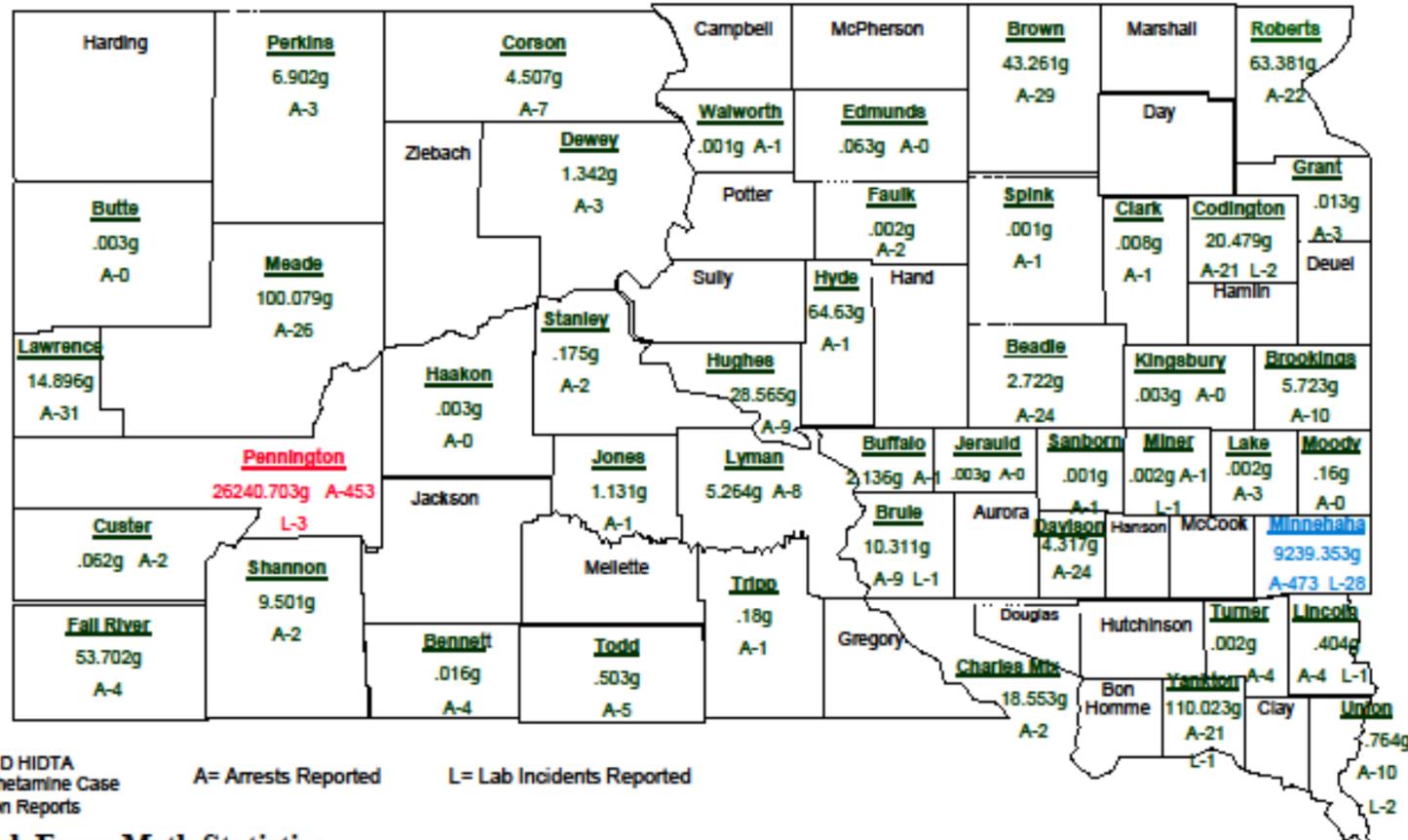
## 2013 South Dakota Methamphetamine

1,229 Meth Arrests in 45 Counties

36053.852 grams Methamphetamine Seized

39 Lab Incidents

Updated: 12/31/2013



Source: SD HIDTA  
Methamphetamine Case  
Information Reports

A= Arrests Reported

L= Lab Incidents Reported

### 2013 Task Force Meth Statistics

Pennington County Meth Task Force:

453 Arrests

26240.703 grams meth

Sioux Falls Meth Task Force:

473 Arrests

9239.353 grams meth

Statewide:

303 Arrests

573.796 grams meth

# 3. COMPENSATION

A. ATTORNEY

B. LAW ENFORCEMENT

C. FORENSIC LAB

## 4. FTE

### A. ICAC Agent

#### 1. Recommended by Governor

## 2. PROACTIVE INTERNET CRIMES AGAINST CHILDREN INVESTIGATIONS

- Watertown - February 2013 (two days)
  - Undercover ads placed on Backpage.com
    - 110 responded to the ad
    - 0 arrests, 3 currently under investigation
- Rapid City- April 2013 (two days)
  - Undercover ads placed on Backpage.com
    - 275 respondents to the ad
    - 2 arrests, both pled guilty
- Sturgis - August 2013 (6 days)
  - Undercover ads placed on Backpage.com
    - Over 180 respondents to the ad
    - 9 Arrests

### 3. REACTIVE INTERNET CRIMES AGAINST CHILDREN INVESTIGATIONS

- 803 electronic crime unit reports (53% increase from 2012)
  - Forensic computer exams
  - Forensic smart phone exams (photos, emails)
  - Forensic phone data exams (text messages, phone numbers)

## B. Consumer Technology Specialist

1. Not recommended by Governor
2. -Manages all Laserfiche system issues related to Consumer Protection.  
-Laserfiche is the software used to maintain all consumer contact and complaint information. It is not used or supported by BIT.

# 3. CONSUMER CONTACTS

## PHONE CALLS/E-MAIL/HELPLINE/CORRESPONDENCE

