

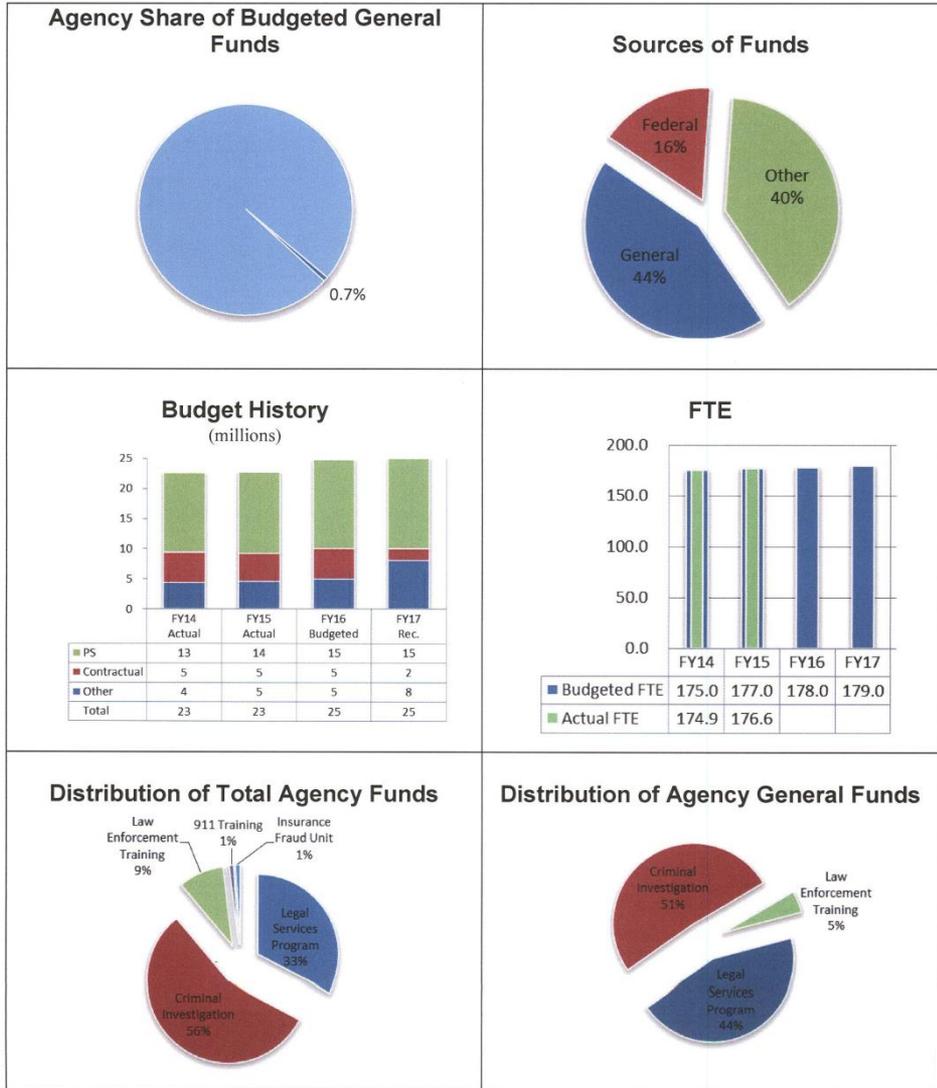
OFFICE OF ATTORNEY GENERAL



I. A.

FY17 Budget Briefing Attorney General

Information contained in this document is based on the Governor's original FY17 recommended budget.
This document may not correspond with the final FY17 budget adopted by the Legislature.



B. WORK FORCE

					No			Vacant
	FTE	# Staff	Vacant	Seasonal	Benefits	Interns	Instructors	lack of funding
Legal Services	68	83	5	4	1	10		0
DCI	93.5	114	2	7	3	8		0
LET	11.5	148	1	2		1	134	0
911	2	2	0	0		0		0
Insurance Fraud	3	3	0	0		0		0
TOTAL	178	350	8	13	4	19	134	0

C. GOVERNORS RECOMMENDED

	<u>Actual</u> <u>FY2014</u>	<u>Actual</u> <u>FY2015</u>	<u>Budgeted</u> <u>FY2016</u>	<u>Request</u> <u>FY2017</u>	<u>Gov Rec</u> <u>FY2017</u>	<u>Inc/Dec</u> <u>FY2017</u>	<u>From</u> <u>FY2016</u>
Personal Services							
Employee Salaries	10,318,666	10,611,605	11,786,158	12,141,691	11,888,840	102,682	0.9%
Employee Benefits	2,984,967	2,919,234	2,991,512	3,125,871	3,186,349	194,837	6.5%
FTE	174.9	176.6	178.0	180.0	179.0	1.0	0.6%
Funding Types							
General	7,546,670	7,865,202	8,211,561	8,622,628	8,628,080	416,519	5.1%
Federal	1,230,026	1,288,308	1,698,584	1,698,584	1,579,584	(119,000)	(7.0%)
Other	4,526,937	4,377,329	4,867,525	4,946,350	4,867,525	0	0.0%
Total PS	13,303,633	13,530,839	14,777,670	15,267,562	15,075,189	297,519	2.0%
Operating Expenses							
Travel	927,119	971,647	1,063,807	1,114,804	1,093,752	29,945	2.8%
Contractual Services	5,066,128	4,654,798	5,052,228	5,196,345	4,975,651	(76,577)	(1.5%)
Supplies & Materials	774,477	1,136,275	939,149	970,759	939,149	0	0.0%
Grants And Subsidies	2,154,382	1,579,178	2,243,077	2,243,077	2,243,077	0	0.0%
Capital Outlay	438,715	863,292	681,580	809,330	681,580	0	0.0%
Other	14		31,884	31,884	31,884	0	0.0%
Funding Types							
General	2,640,410	2,056,001	2,355,355	2,614,050	2,385,300	29,945	1.3%
Federal	2,210,481	2,387,974	2,627,993	2,639,539	2,551,416	(76,577)	(2.9%)
Other	4,509,944	4,761,215	5,028,377	5,112,610	5,028,377	0	0.0%
Total OE	9,360,836	9,205,190	10,011,725	10,366,199	9,965,093	(46,632)	(0.5%)
Totals							
Funding Types							
General	10,187,080	9,921,203	10,566,916	11,236,678	11,013,380	446,464	4.2%
Federal	3,440,508	3,676,282	4,326,577	4,338,123	4,131,000	(195,577)	(4.5%)
Other	9,036,881	9,138,544	9,895,902	10,058,960	9,895,902	0	0.0%
Total	22,664,469	22,736,029	24,789,395	25,633,761	25,040,282	250,887	1.0%

D.

MAJOR EXPANSIONS AND REDUCTIONS

Budget Item	Governor's Recommendation				FTE
	General Funds	Federal Funds	Other Funds	Total Funds	
Legal Services - reduction of Federal Fund authority to align budget		(105,000)		(105,000)	
DCI - right size PS budget/reduction of Federal Fund authority	389,519	(130,000)		259,519	
DCI Stop Grant Match	27,000	81,000		108,000	1.0
DCI - Travel increase	29,945			29,945	
DCI - Reduction of Federal Fund authority		(41,577)		(41,577)	
Total	446,464	(195,577)	-	250,887	1.0

II. CIVIL LITIGATION

A. CIVIL LITIGATION CASES OPENED

TYPE		FY 2013	FY 2014	FY 2015
Administrative Cases	Handled for various agencies and licensing boards; includes challenges to land in trust applications filed with BIA	88	97	127
General Civil Court Cases	Handled for various agencies and licensing boards, as well as national anti-trust and environmental litigation with other states	37	26	22
Civil Prisoner Litigation Cases (federal and state courts)	Defense of DOC and State in actions brought by prisoners in correctional facilities	17 New Cases	19 New Cases; 2 Appeals	24 New Cases; 3 Appeals
Consumer Protection Civil Litigation	Multi-state joined, and state actions filed, to protect consumers	11	7	10
CWA/SDWA Loans and Grants	Legal counsel activities regarding financial documents required to issue grants and loans	67 Total of \$109,317,580 involved	47 Total of \$43,316,621 involved	40 Total of \$61,410,278 involved
TOTAL	All numbers reflect new cases opened per fiscal year only . Does not include cases opened in prior fiscal years that are still in active litigation.	220	198	206

B. 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 Life Protection Subfund (for defense costs): \$74,031.35
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). Cost estimate depends on type and success of remediation
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.
Clean Air Act litigation	Numerous appeals and direct challenges to EPA Air regulations, including greenhouse gas regulations and failure to approve State's SO2 compliance.	Unspecified economic hardship to businesses subject to emission standards.
Clean Water Act Litigation	Attorney General litigation commenced in North Dakota challenging waters of the United States.	Unspecified economic hardship to agricultural industry Subject to permitting requirements.
Libertarian Party v. Krebs	Plaintiffs' civil rights claim alleges that the deadline for new political parties to submit signed petitions seeking to participate in South Dakota elections violates their constitutional rights.	Damages not claimed. State subject to attorney's fees / cost of litigation.
Duerre v. Vonk	Right of public to use waters held in public trust which are located over privately-held land, without affirmative action from Legislature declaring that such waters may be used for recreation	Damages not claimed.
Flandreau Santee Sioux Tribe v. State	FSST sued the State over the State's ability to impose its use tax on non-member transactions taking place on the reservation. The Tribe seeks declaratory relief to the effect that the State cannot condition alcoholic beverage licensure on remittance of the use tax.	Inability to collect 4% use tax on transactions between the tribe and non-tribal members.

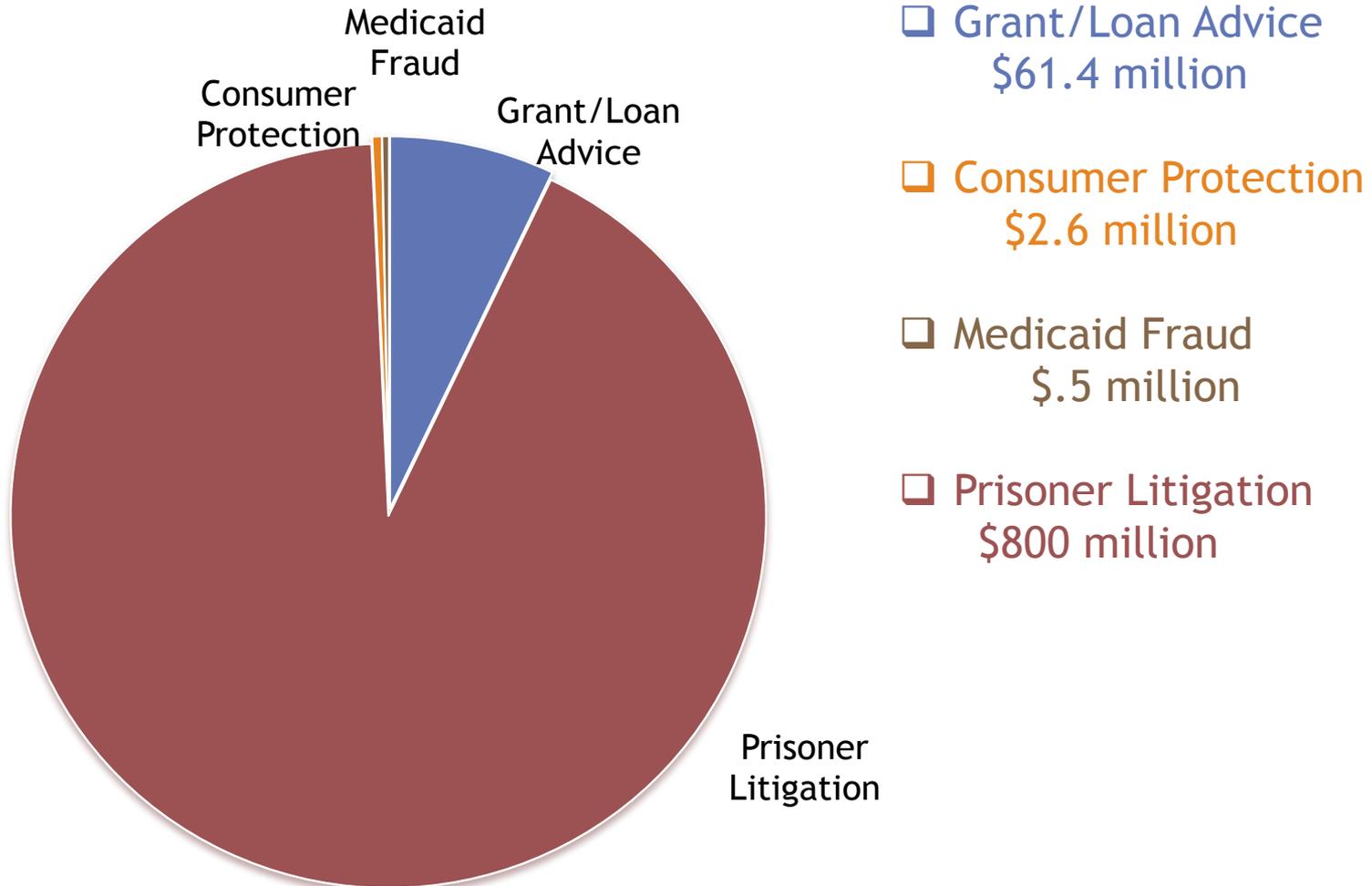
C. CIVIL PRISONER LITIGATION

- FY 2015 Civil Prisoner Cases:
 - 24 New Cases Filed
 - 7 Appeals Filed
 - 17 Cases / Appeals Resolved in State's favor. Many resolved on motions to dismiss or summary judgment motions.
 - Total amount no longer at risk (based on amounts claimed in Complaints) due to 2015 case resolutions: ~\$800 million plus unspecified damages.
 - \$2,500 paid in one settlement which was applied to costs, restitution and fines owed by prisoner.

D. 2015 CIVIL DIVISION SUMMARY

AMOUNT RECOVERED/PRESERVED

\$864.5 MILLION



E. FY15 TOBACCO ACTIVITIES

- ◉ 1999-present: PMs paid States \$100.5 billion
- ◉ Master Settlement Agreement: 1998
- ◉ South Dakota:
 - Allocable Share: .348945380
 - \$392,197,513.73 received to date
 - @ \$21-26 million annually
 - 2015 payment: \$23,420,999.46
- ◉ AG lawyers in FY 2015 were involved in enforcement of MSA provisions (including SDCL ch. 10-50B); and defense of State's diligent enforcement activities required by MSA
- ◉ A challenge to the State's 2004 diligent enforcement activities is on-going in a national arbitration

F. FY15 MFCU

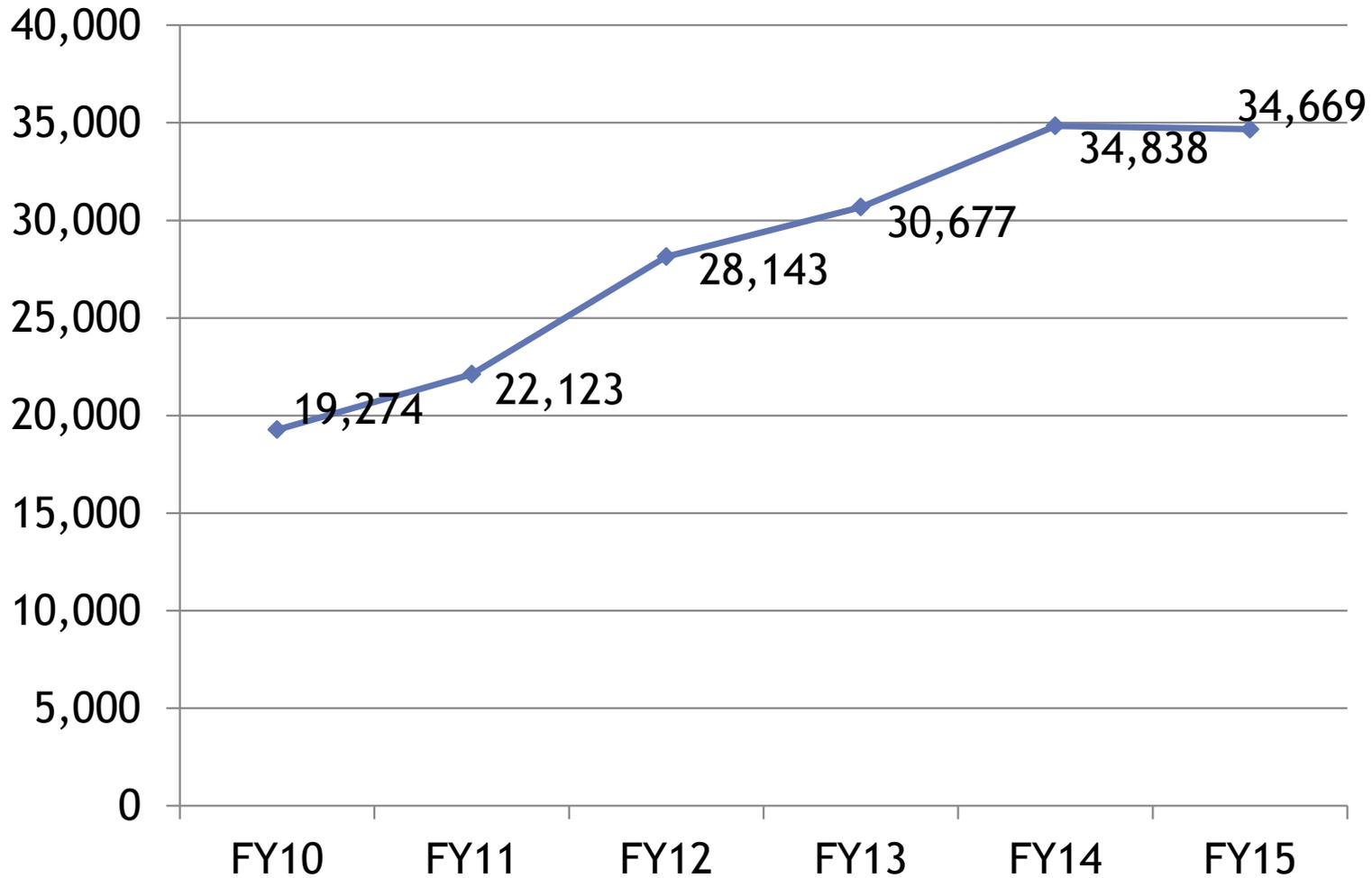
Total Recoveries: \$528,651

Total Budget: \$423,691

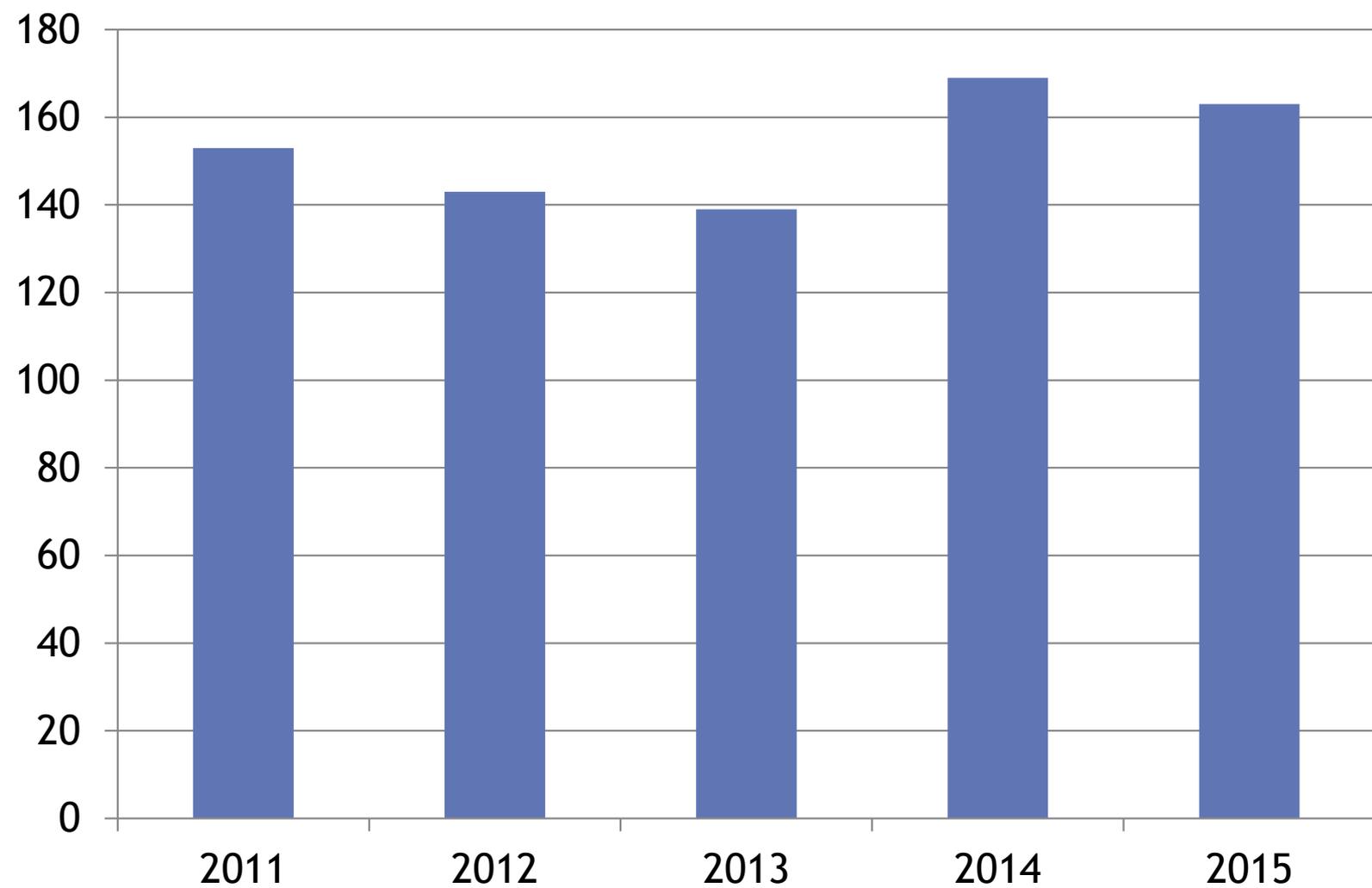
- ⦿ 25% State Share \$105,923
- ⦿ 75% Federal Share \$317,768

G. CONSUMER CONTACTS

PHONE CALLS/E-MAIL/HELPLINE/CORRESPONDENCE

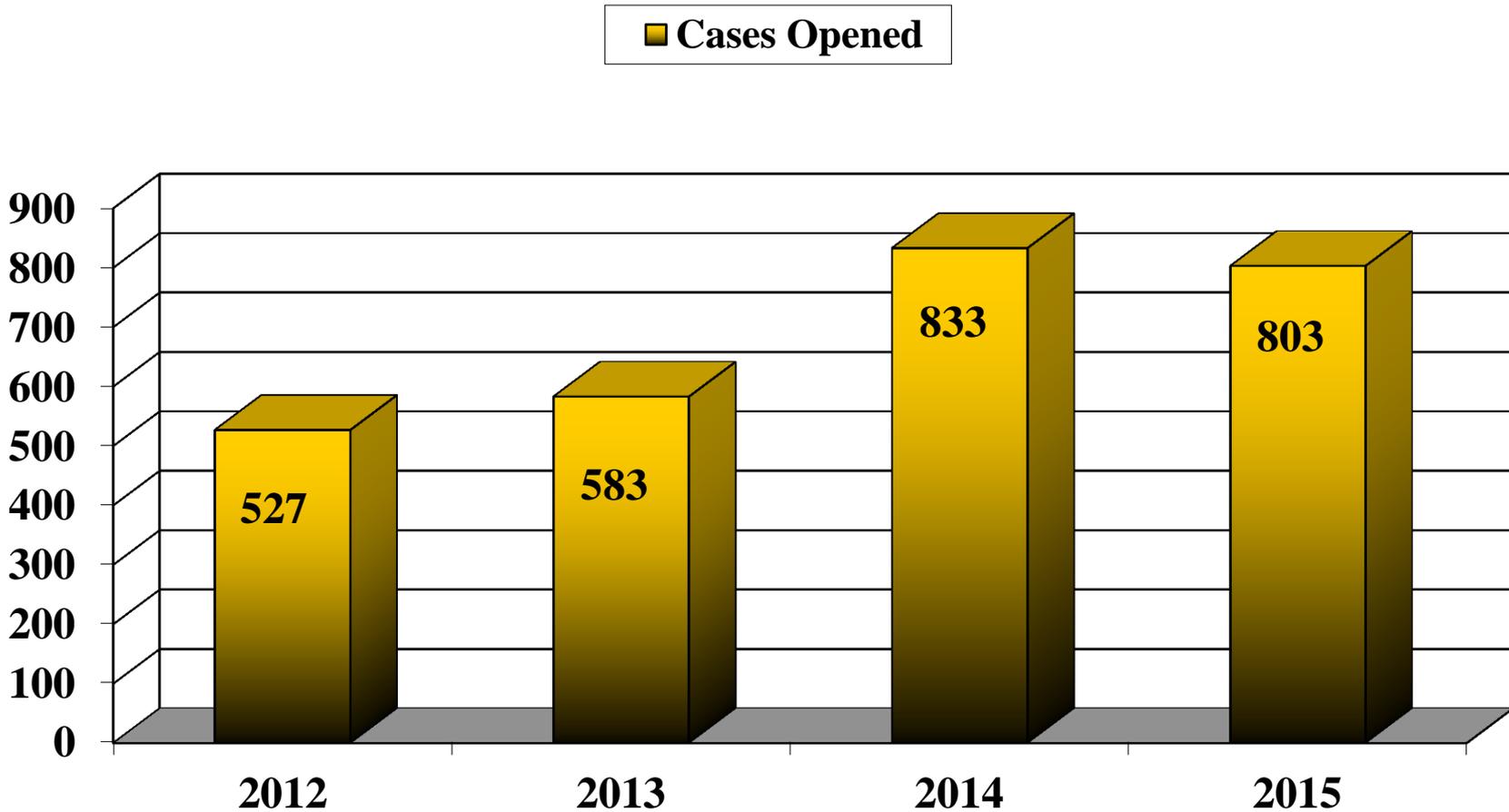


III. APPELLATE DIVISION BRIEFS BY CALENDAR YEAR



IV. CRIMINAL DIVISION

A. ATTORNEY CRIMINAL CASES BY FISCAL YEAR



B.

NOTABLE CASES

1. Death Penalty

- a. Charles Rhines
- b. Briley Piper
- c. Rodney Berget

2. Murder/ Manslaughter

- a. Joseph Patterson
- b. Maricella Diaz
- c. Doug Ibsen
- d. Adam Bruns
- e. Thomas Pentecost
- f. Jason Lewandowski
- g. Whitney Turney
- h. Russell Bertram

3. Vehicular Homicide

- a. Ronald Fischer

NOTABLE CASES (CONT'D)

4. Rape

- a. Chris Jansen
- b. Joshua and Matthew Brown
- c. Jesus Izaguirre

5. Arson

- a. Lori Brandner

6. Aggravated Assault on Law Enforcement Officer

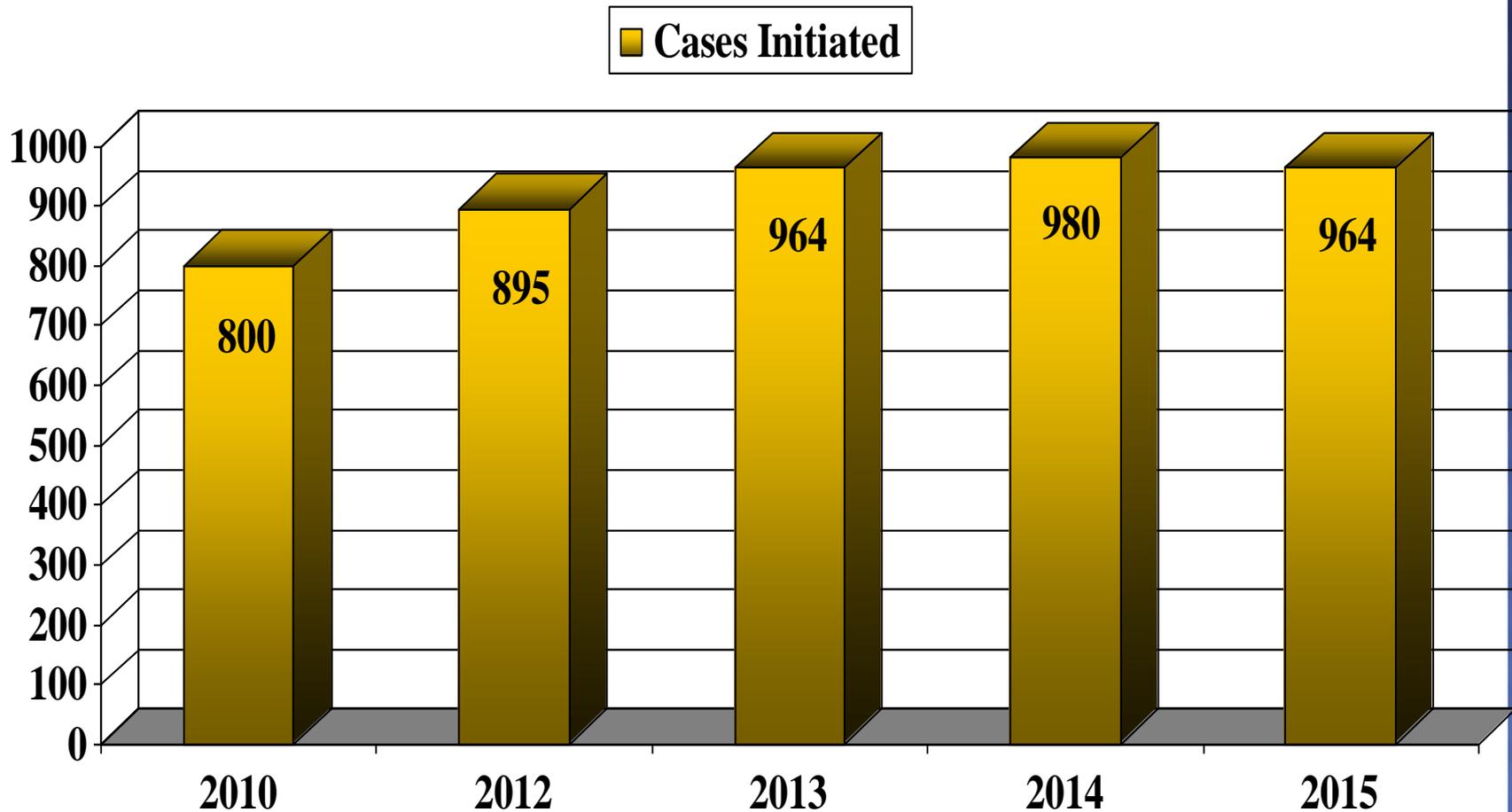
- a. Donald London
- b. Willingham, Melendez, Sukert and Sukert
- c. Nicholas Speckmeir and Samantha Lane

7. Voter Fraud

- a. Annette Bosworth
- b. Clayton Walker
- c. Janis Howe

IV. DIVISION OF CRIMINAL INVESTIGATION

A. FY15 DCI CASES



B. FY13-FY15 DCI COMPARISON

	<u>2015</u>	<u>2014</u>	<u>2013</u>
DCI Cases	964	980	964
Polygraphs	106	122	140
Electronic Crimes Unit Reports	815	797	841
Search Warrants	529	580	482
Arrests	619	519	580
Convictions	406	367	379
Lab Cases	1,079	576	714
Lab Items	8,508	6,071	7,219
Lab Assignments	1,653	1,139	1,446
Lab Assignments Completed	1,487	1,193	1,440
Total DNA Database Samples	56,901	49,555	45,779
Forensic/ Offender CODIS "hits"	135	77	67
DNA "hits"/SD Cases Aided	119	65	48
DNA "hits"/non-SD Cases Aided	22	16	21
Registered Sex Offenders	3,435	3,230	3,114
Registered Sex Offenders Non-Compliant	25	37	33
LET- Officers Participated in Basic Acedemy	138	120	112
LET- Officers Participated in Basic Acedemy Certified or Pending	130	115	108
LET- Officers received Advanced Training	3,123	4,232	3,838
LET- Advanced Training Courses Offered	87	43	49
911 Basic Course-Certified	48	38	52
24/7- PBT Participants	5,655	5,697	6,056
24/7- PBT Tests administered	846,451	875,387	987,496
24/7- SCRAM Participants	1,490	1,689	1,726
ID- Backgrounds	25,593	26,072	24,295
ID- Criminal Arrests Processed	29,928	28,650	27,973
Grants Managed	\$5,936,142	\$5,399,371	\$8,958,061
DCI Agent Miles Traveled	1,001,467	1,083,559	940,784

C. 75TH STURGIS RALLY - 2015

- ⦿ 40 plus Agents and Analysts rotated through in 14 days of operation to lower overtime costs
- ⦿ Assigned geographic areas of responsibility.

2015 OT = \$62,249

2014 OT = \$52,146

D. CONTROLLED SUBSTANCES

METHAMPHETAMINE STATS

CALENDAR YEAR

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Meth labs	41	33	17	9	7	6	8	14	7	27	39	38	23
Meth arrests	503	700	724	522	312	162	311	443	402	669	1,229	1517	2,125
Meth seized	14 lbs.	14 lbs.	21 lbs.	25 lbs.	45 lbs.	38 lbs.	19 lbs.	23 lbs.	10 lbs.	48 lbs.	79 lbs.	22 lbs.	31 lbs.

E.

2015 METHAMPHETAMINE

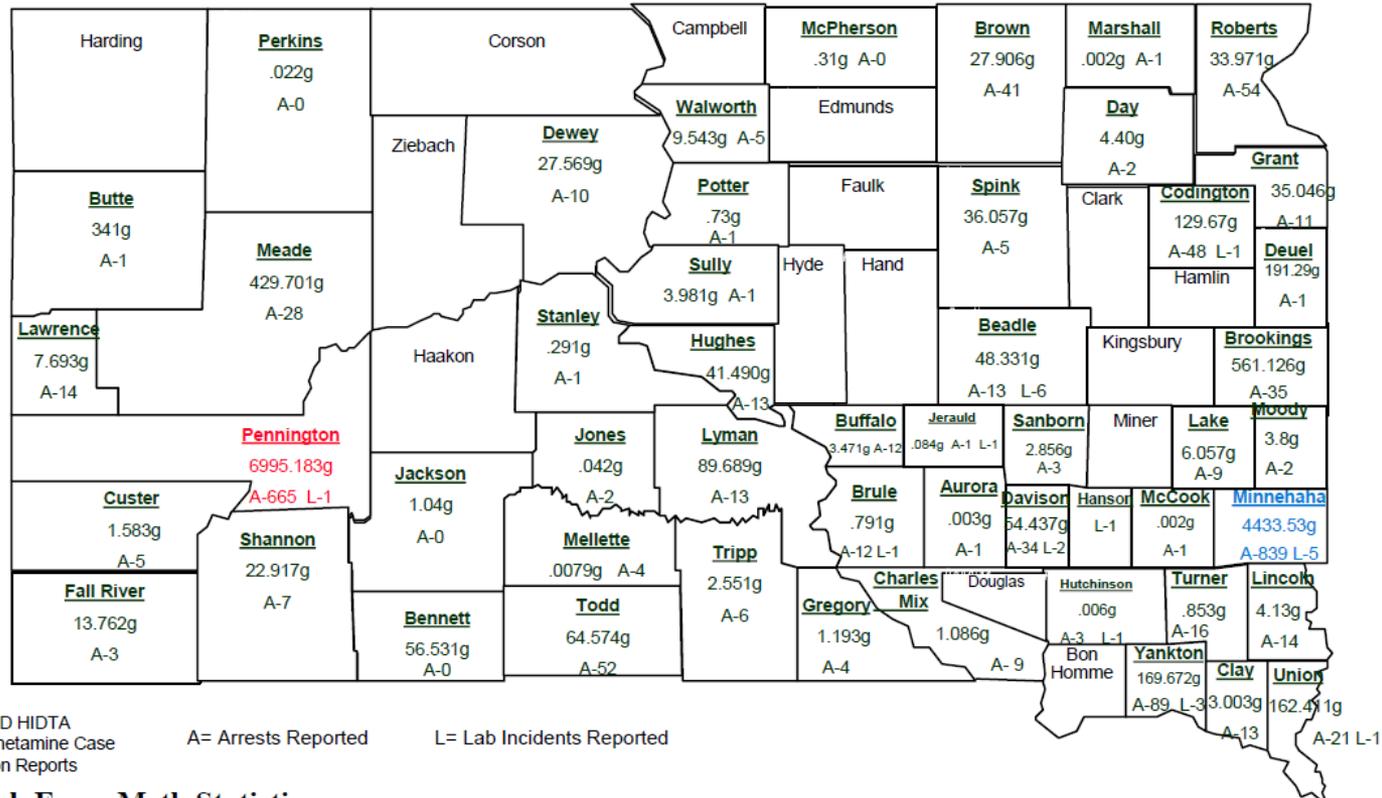
2015 South Dakota Methamphetamine

2125 Meth Arrests in 46 Counties

14025.46 grams Methamphetamine Seized

23 Lab Incidents

Updated: 12/31/15



Source: SD HIDTA Methamphetamine Case Information Reports

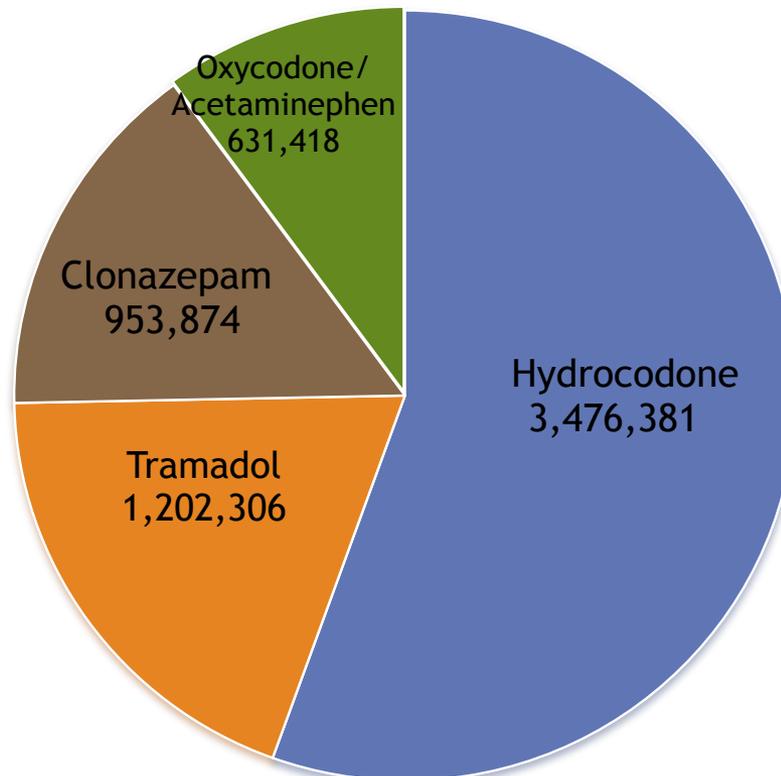
A= Arrests Reported

L= Lab Incidents Reported

2015 Task Force Meth Statistics

Pennington County Meth Task Force:	665 Arrests	6995.183 grams meth
Sioux Falls Meth Task Force:	839 Arrests	4433.53 grams meth
Statewide:	621 Arrests	2596.747 grams meth

F. PRESCRIPTION DRUG MONITORING PROGRAM (PDMP) MOST PRESCRIBED DRUGS 2015



PRESCRIPTION DRUG MONITORING PROGRAM (PDMP)

Approved for access of database

- ⦿ Pharmacist 85%
- ⦿ Physicians 25%
- ⦿ Physician Assistants 53%
- ⦿ Nurse Practitioners 45%
- ⦿ Dentist 20%

Profile Queries

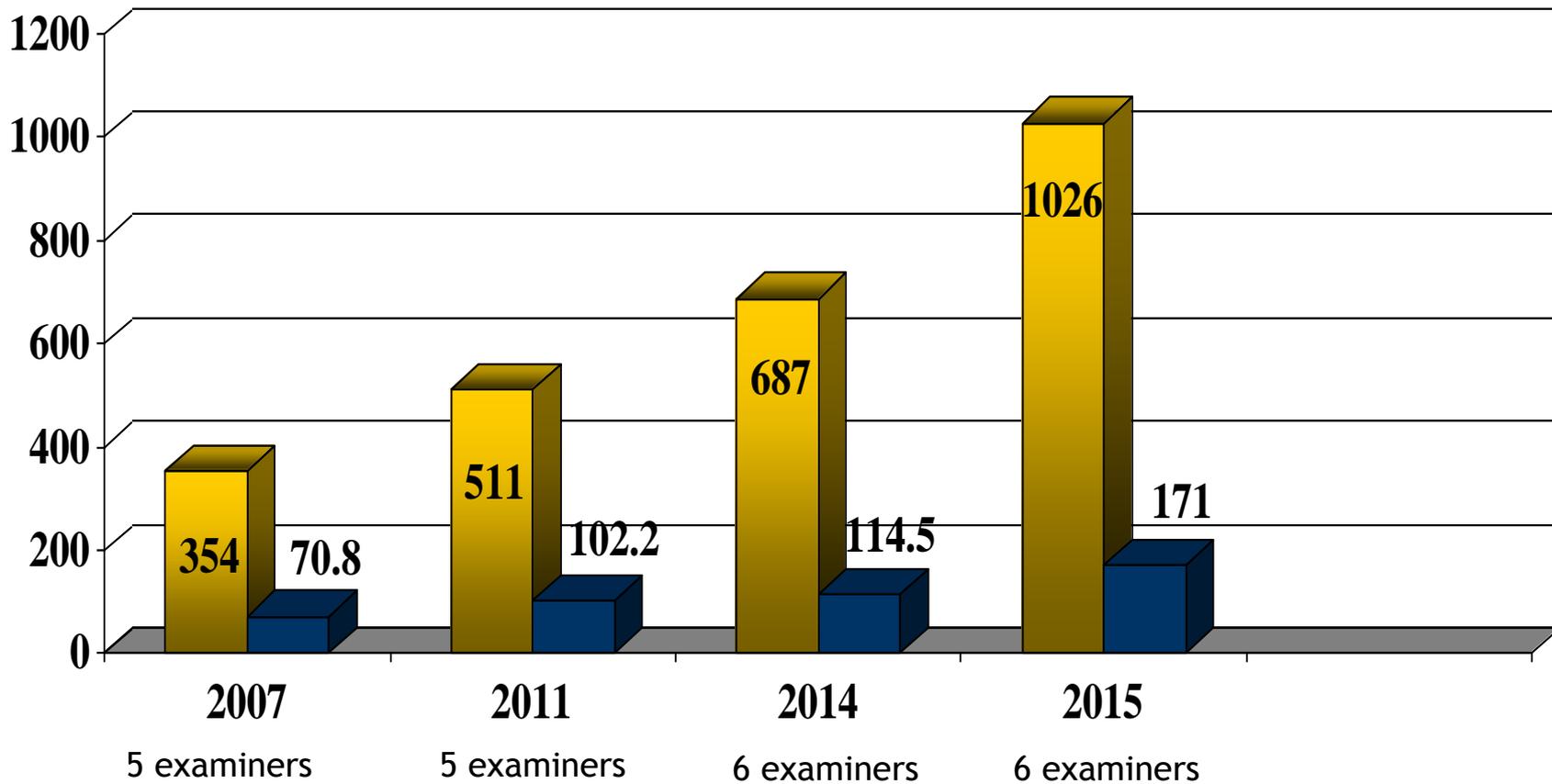
- ⦿ 200,316 total queries
- ⦿ 741 of those were law enforcement

G. INTERNET CRIMES AGAINST CHILDREN - ICAC

DATE	LOCATION	DURATION	ARRESTS
February 2013	Watertown	2 days	0
April 2013	Rapid City	2 days	2
August 2013	Sturgis	6 days	9
March 2014	Sioux Falls	3 days	2
August 2014	Sturgis	8 days	6
April 2015	Sioux Falls	3 days	6
August 2015	Sturgis	8 days	4
October 2015	Pierre	3 days	1

H. DNA/SEROLOGY

■ Bio assignments ■ Assignments per examiner

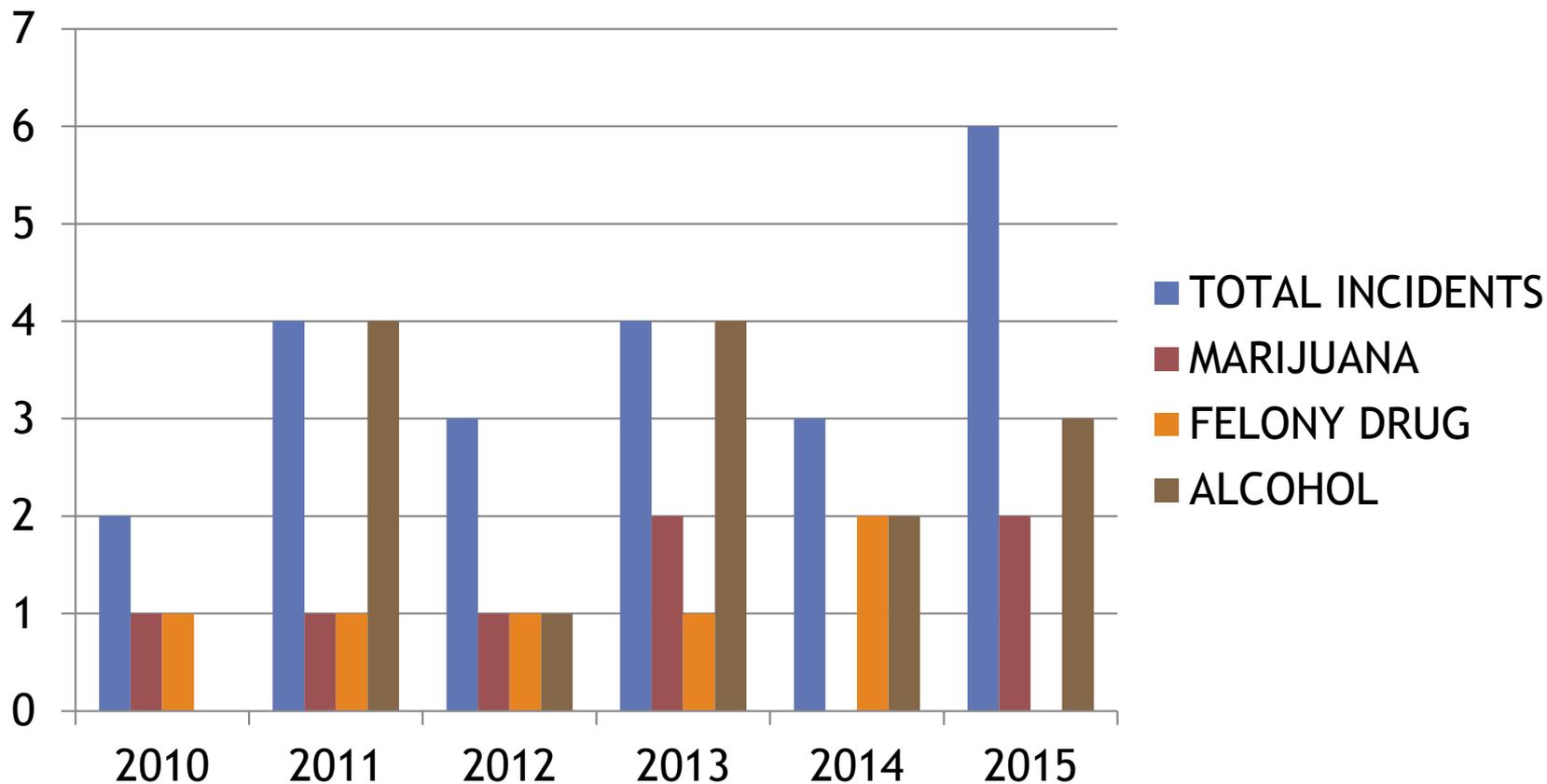


I. OFFICER INVOLVED SHOOTINGS

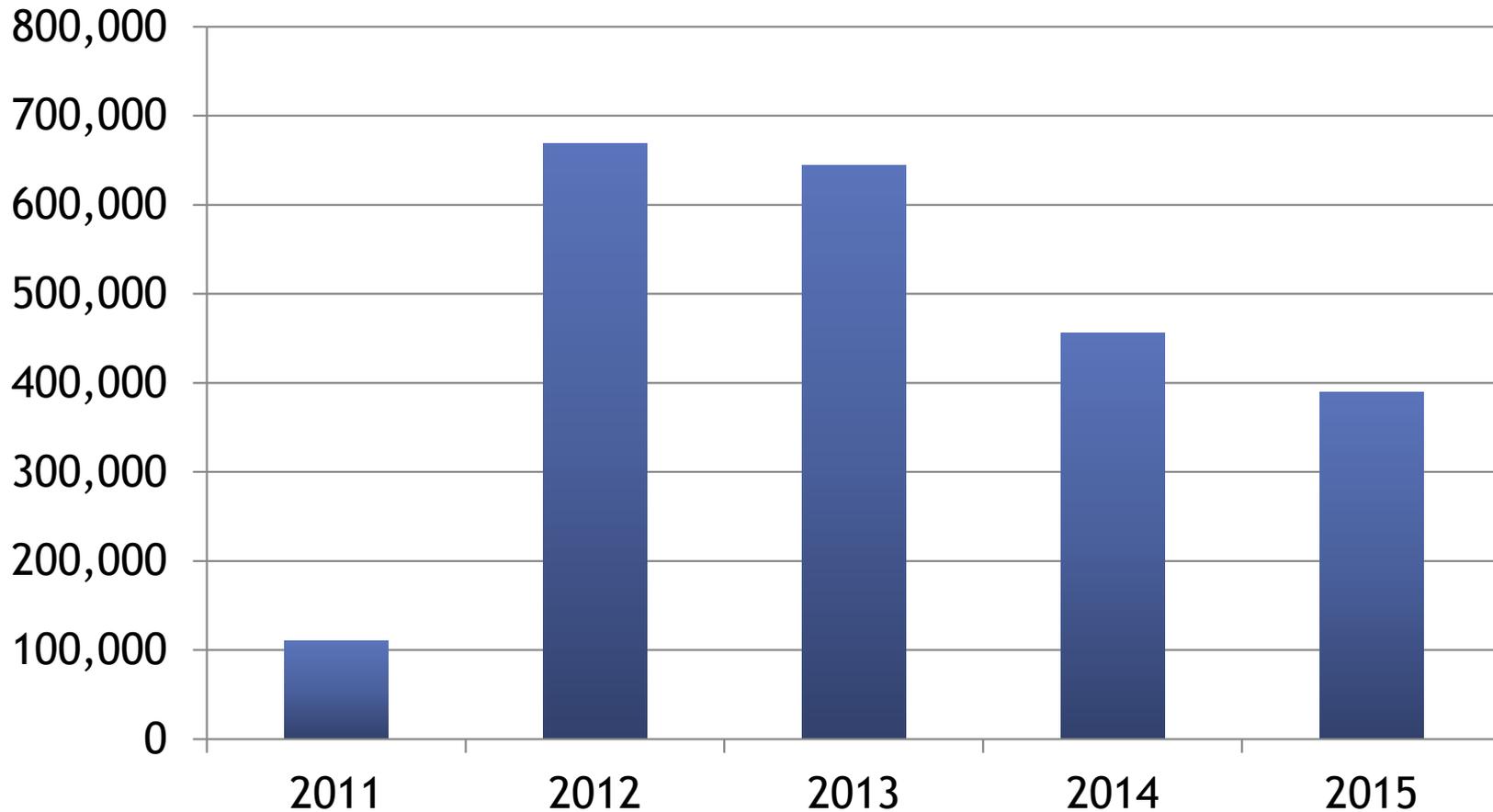
- ⦿ Since 2009
 - 22 total incidents
 - 13 subject fatalities
 - 2 officer fatalities

- ⦿ 2015-6 incidents
 - Beresford
 - McCook County
 - Yankton PD
 - Mitchell PD
 - Lawrence County
 - Rapid City PD

J. SUBSTANCE ABUSE IN OFFICER INVOLVED SHOOTINGS



K. DRUG CONTROL FUND DISTRIBUTED TO LAW ENFORCEMENT



L. 24/7 SOBRIETY PROGRAM MONIES DISTRIBUTED TO LAW ENFORCEMENT

