

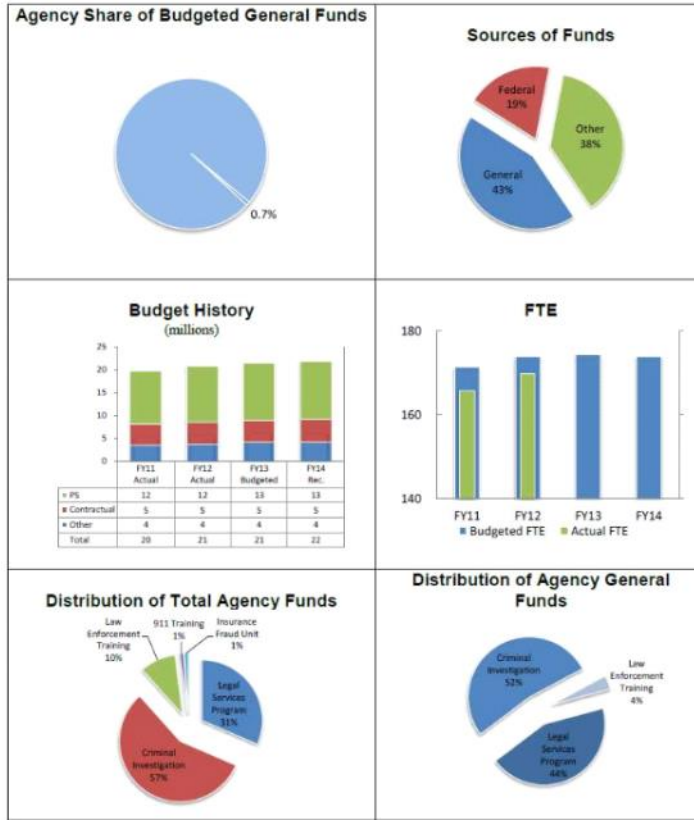
Agency Presentation - FY14 - Attorney General

Monday, January 14, 2013
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OFFICE OF ATTORNEY GENERAL



FY14 Budget Briefing Attorney General

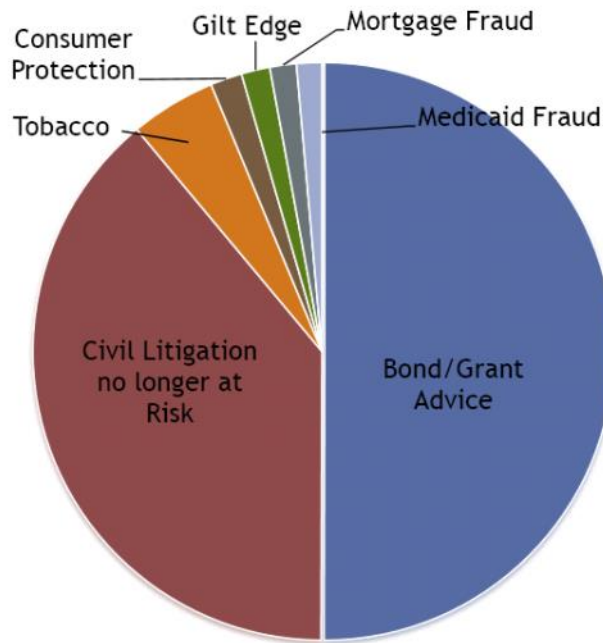


	<u>Actual FY2011</u>	<u>Actual FY2012</u>	<u>Budgeted FY2013</u>	<u>Gov Rec FY2014</u>	<u>Inc/Dec FY2014</u>	<u>% Change From FY13</u>
Personal Services						
Employee Salaries	9,240,233	9,837,186	10,152,233	10,336,344	184,111	1.8%
Employee Benefits	2,281,908	2,371,022	2,350,999	2,393,033	42,034	1.8%
FTE	165.8	169.9	174.5	174.0	(0.5)	(0.3%)
Funding Types						
General	6,791,792	6,854,624	6,767,509	6,947,979	180,470	2.7%
Federal	2,002,071	1,829,221	1,780,123	1,513,060	(267,063)	(15.0%)
Other	2,728,278	3,524,362	3,955,600	4,268,338	312,738	7.9%
Total PS	11,522,141	12,208,208	12,503,232	12,729,377	226,145	1.8%
Operating Expenses						
Travel	904,735	934,784	1,009,776	1,001,844	(7,932)	(0.8%)
Contractual Services	4,661,097	4,932,288	4,847,962	4,943,480	95,518	2.0%
Supplies & Materials	708,035	564,294	823,502	822,616	(886)	(0.1%)
Grants And Subsidies	1,009,073	1,495,916	1,441,343	1,513,825	72,482	5.0%
Capital Outlay	881,749	643,479	841,145	865,257	24,112	2.9%
Other	0	2,487	31,884	31,884	0	0.0%
Funding Types						
General	3,095,087	2,387,735	2,444,581	2,569,749	125,168	5.1%
Federal	2,303,912	2,607,351	2,624,527	2,636,233	11,706	0.4%
Other	2,765,691	3,578,163	3,926,504	3,972,924	46,420	1.2%
Total OE	8,164,690	8,573,249	8,995,612	9,178,906	183,294	2.0%
Totals						
Funding Types						
General	9,886,879	9,242,359	9,212,090	9,517,728	305,638	3.3%
Federal	4,305,983	4,436,573	4,404,650	4,149,293	(255,357)	(5.8%)
Other	5,493,969	7,102,525	7,882,104	8,241,262	359,158	4.6%
Total	19,686,831	20,781,457	21,498,844	21,908,283	409,439	1.9%

MAJOR EXPANSIONS AND REDUCTIONS

Budget Item	Governor's Recommendation				FTE
	General Funds	Federal Funds	Other Funds	Total Funds	
All Department:					
A. Bureau Billings	43,874	2,450	46,906	93,230	
B. Reduction of Stimulus FTE & Funding		(281,940)		(281,940)	(6.5)
C. Salary Policy:					
FY13 2.5% movement to job worth	55,398	7,665	17,586	80,649	
FY14 2.5% movement to job worth	70,916	8,412	24,978	104,306	
1% to job worth NOT Recommended by Gov.	25,403	2,701	9,911	38,015	
Legal Services Division:					
D. New attorney position for prisoner litigation			74,376	74,376	1.0
E. New consumer fraud investigator position			45,645	45,645	1.0
F. Reduction of Byrne Grant funds-GF swap	33,816	(33,816)		0	
G. Reduction of Meth Grant funding		(29,867)		(29,867)	
H. Budget reorganization	(740,230)	(142,816)	(309,210)	(1,192,256)	(12.0)
Division of Criminal Investigation:					
I. New DCI agent stationed in Northern Hills	71,634			71,634	1.0
J. Retention of 2 Stimulus FTE		71,739	92,880	164,619	2.0
K. DCI operating expenses	30,000			30,000	
L. Budget reorganization	740,230	142,816	309,210	1,192,256	12.0
Law Enforcement Training Division:					
M. Retention of 1 Stimulus FTE			56,787	56,787	1.0
TOTAL	305,638	(255,357)	359,158	409,439	(0.5)

CIVIL DIVISION \$519.5 MILLION TOTAL



- ❑ Bond/Grant Advice \$260 million
- ❑ Civil Litigation no longer at Risk \$202 million
 - ❑ Retirement \$178 million
 - ❑ CNSI- Medicaid Management \$14 million
 - ❑ Manpower \$10 million
- ❑ Tobacco (2004 DE) \$25 million
- ❑ Consumer Protection \$9.2 million
- ❑ Gilt Edge Superfund \$8.3 million
- ❑ Mortgage Fraud \$7.7 million
- ❑ Medicaid Fraud \$7.3 million



CRIMINAL CASES

- ◉ Death penalty
 - Donald Moeller
 - Eric Robert
 - Rodney Berget
 - Charles Rhines
 - Briley Piper
- ◉ Matt Tornquist
- ◉ Alexander Salgado/ Diaz
- ◉ Laurie Cournoyer



NOTABLE PENDING CIVIL LITIGATION

Name of Case	Summary	Amount at Risk
Tobacco Diligent Enforcement 2004	National arbitration concerning State's 2004 Diligent Enforcement of SDCL 10-50B under Tobacco MSA	@ \$25 Million
Planned Parenthood	2011 Waiting Period	Attorneys fees and costs of litigation; estimated to be \$750,000 Separate defense fund currently @ \$65,000
SRE Real Estate v. Sturgis	Challenge to constitutionality of state statute restricting locations of adult businesses	Damages not yet specified. Attorneys fees may also be imposed if case lost (estimated at \$250,000).
Gilt Edge Superfund Site	Superfund Site Cleanup Continuing to pursue potentially responsible parties	State share (under federal law) of operation and maintenance of site after remediation complete is ten percent. No estimate possible at this time of future operation and maintenance costs; depends on success of remediation.
Biodiversity Conservation Alliance v. USFS	Logging in Black Hills National Forest, pine beetle infestation control	
Powertech In-situ Uranium Mine: Water Right, Groundwater Discharge Plan, Mining Permit	Defense of DENR recommendations regarding state permits for uranium mine	

2011-2012 DCI COMPARISON

	2012	2011
DCI Cases	923	842
Polygraphs	159	105
Electronic Crimes Unit Reports	525	157
Search Warrants	482	362
Arrests	547	517
Convictions	420	408
Lab Cases	782	672
Lab Items	6,144	5,698
Lab Assignments	1,299	975
Lab Assignments Completed	1,263	889
Total DNA Database Samples	43,547	39,495
Forensic/ Offender Profile "hits"	65	70
DNA "hits"/Cases Aided	50	75
DNA "hits"/Cases Aided States	10	11
Registered Sex Offenders	3,052	2,894
Registered Sex Offenders Non-Compliant	47	39
LET- Officers Participated in Basic Academy	104	103
LET- Officers Participated in Basic Academy Certified or Pending	94	90
LET- Officers received Advanced Training	1,600	1,440
LET- Advanced Training Courses Offered	60	65
24/7- Participants (since February 1, 2005)	27,993	20,808
24/7- PBT Tests (since February 1, 2005)	5,648,834	4,485,660
24/7- Active SCRAM	587	520
ID- Backgrounds	22,420	20,301
ID- Criminal Arrests Processed	28,273	27,090
Grants Managed	\$11,365,897	\$11,650,00
DCI Agent Miles Traveled	933,831	804,498

AREAS OF CONCERN

- ◉ LEOTF
- ◉ Tobacco
- ◉ Compensation
- ◉ Expansion of oil and gas
- ◉ Controlled substances



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 ▲

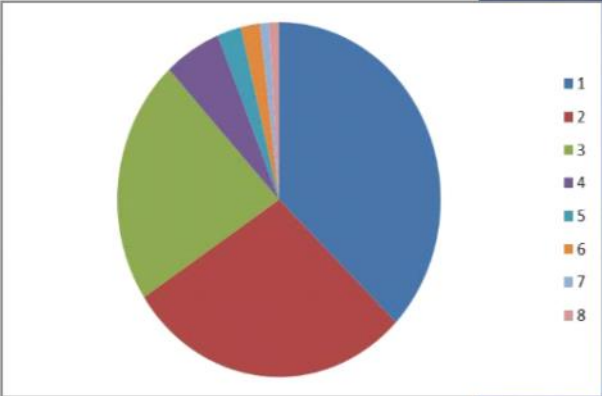
\$2.50- to the Victim's Compensation Fund ▲

\$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



\$30 LEOTF

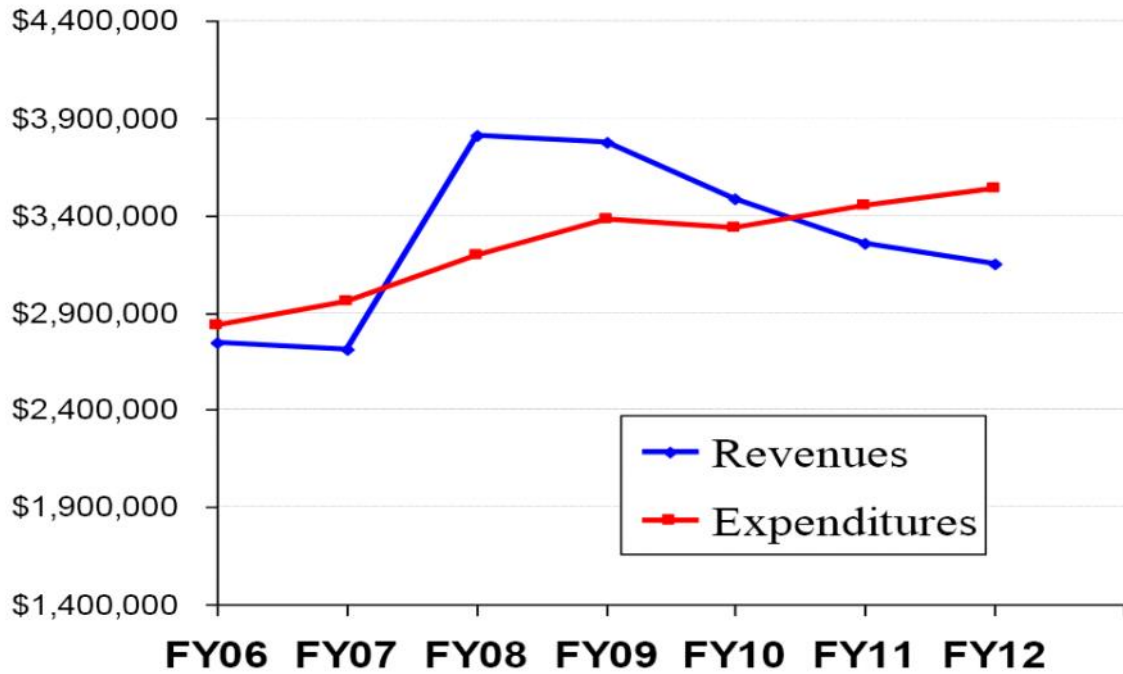
⦿ Budget- FY13

■ Office of Attorney General	\$3,182,474
• Legal Services	\$71,443
• DCI	\$1,676,730
• LET	\$1,434,301
■ UJS	\$414,445
■ <u>Corrections</u>	<u>\$143,078</u>

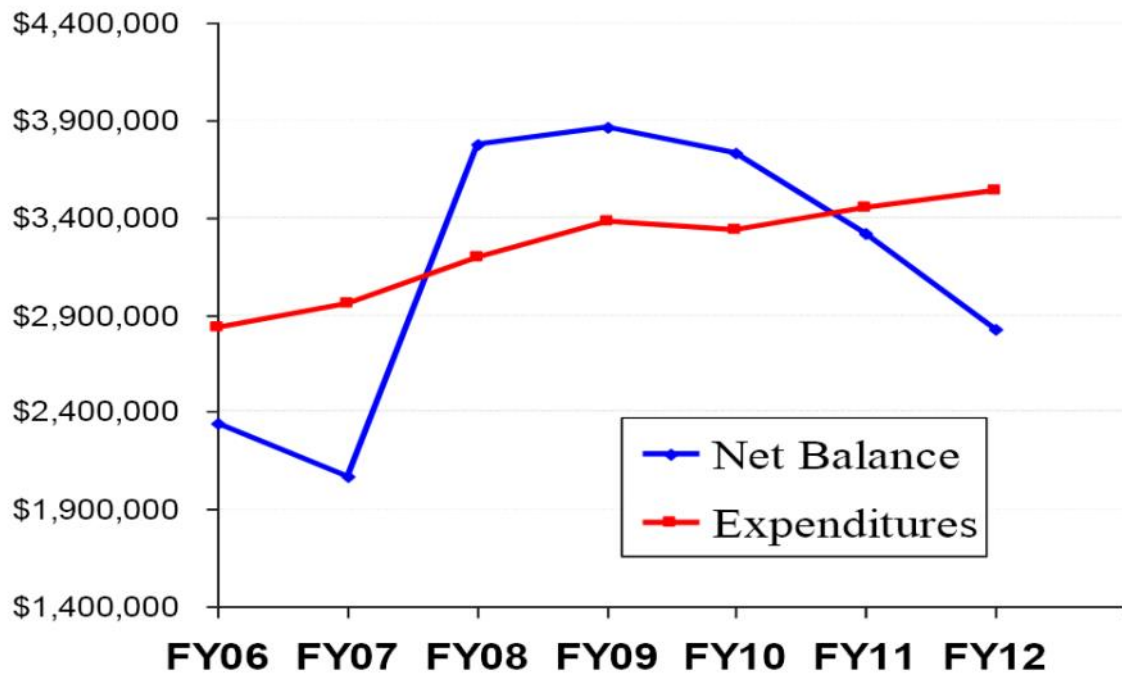
TOTAL **\$3,739,998**



LAW ENFORCEMENT OFFICERS TRAINING FUNDS REVENUES VS. EXPENDITURES



LAW ENFORCEMENT OFFICERS TRAINING FUNDS NET FUND BALANCE VS. EXPENDITURES



REVENUE REDUCTIONS

Criminal Case Load

FILINGS	FY2006	FY2007	FY2008	FY2009	FY2012	FY2011
Felony Offenses	6,970	5,660	5,797	5,745	6,126	6,456
Class 1 Misdemeanor	24,064	23,464	22,613	21,896	20,141	19,929
Class 2 Misdemeanor	141,402	139,933	139,260	134,617	124,965	112,853
TOTAL	172,436	169,057	167,670	162,258	151,232	139,238

REVENUE REDUCTIONS

REVENUE	
FY2007	2,714,176
FY2008	3,810,603 \$10 increase
FY2009	3,770,982
FY2010	3,488,079
FY2011	3,259,539
FY2012	3,152,367

FY2011	
Revenue in all cases charged	4,177,140
Actual Revenue	3,259,539
Difference	917,601

SOLUTION

- ◉ Reduce expenditures
- ◉ Increase revenue- collections
- ◉ Increase fees- (\$10/2 years)



TOBACCO

- ◉ MSA- 1998
- ◉ 1999- Present- 86.9 billion
 - 7 billion a year
- ◉ South Dakota
 - Allocable share .348945380
 - \$318,088,715.48 received to date
 - 21-25 million annually
- ◉ South Dakota securitized- Education
- ◉ Diligent Enforcement
 - 2004- South Dakota out
 - \$25 million at issue (2 million per year withholding)
- ◉ Settlement
 - Securitization/Resecuritization
 - Tribal Compacts
 - Not a good deal



SOUTH DAKOTA ATTORNEY SALARY COMPARISON

- ◉ US Attorney
 - \$117,712
- ◉ States Attorney- Top 5 populated counties
 - \$97,408
- ◉ City Attorney
 - entry \$86,539 current \$99,447
- ◉ Attorney General's Office
 - \$74,694



SOUTH DAKOTA LAW ENFORCEMENT MIDWEST SALARY COMPARISON

Local Agencies	Education Req.	Starting	Cert.	Officer/Det	Sgt.	Lt.	Capt.	Maj /Asst Chief
Mitchell PD	HS/GED			\$41,500.00	\$50,000.00	\$55,000.00	No Capt	\$60,000.00
Aberdeen PD	HS/GED	\$41,800.00			\$47,700.00	No Lt	\$43,150.00	
Watertown PD	HS/GED			\$43,200.00	\$52,100.00	No Lt	\$59,900.00	\$73,000.00
Brookings	HS/GED	\$44,700.00			\$53,800.00	\$57,250.00	No Capt	
RCPD	HS/GED	\$37,300.00			\$48,100.00	\$52,600.00	\$58,100.00	
PCSO	HS/GED	\$40,100.00			\$51,100.00	\$63,800.00	\$67,300.00	\$77,399.00
Pierre PD	HS/GED	\$36,700.00			\$43,400.00		\$52,200.00	
SFPD	HS/GED	\$43,000.00			\$68,600.00	\$81,400.00	\$90,700.00	
Yankton PD	HS/GED	\$37,700.00		\$47,150.00	\$50,000.00	\$56,000.00	No Capt	
MCSO	HS/GED	\$40,300.00			\$55,000.00	\$66,100.00	\$73,000.00	\$93,531.00
Local Agency Average		\$40,200.00		\$43,950.00	\$51,980.00	\$61,735.71	\$63,478.57	\$75,982.50
DCI	BS/BA	\$39,313.00	IAI		Agent II \$47,305.00	Agent III \$60,820.00	SSA \$71,170.00	AD \$77,515.00



SOUTH DAKOTA FORENSIC LAB MIDWEST SALARY COMPARISON

SD Lab Comparisons	Support (E12)	Forensic I (E 14)	Forensic II (E16)	Forensic III (E18)	Lab Director
	Minimal	*Minimal*	*Minimal*	*Minimal*	*Actual*
Sioux Falls		\$39,020- Min.	\$47,756- Min.	N/A	\$82,500
Rapid City	\$30,596- Min.	\$42,161- Min.	\$44,283- Min.	N/A	\$62,400
SD Health Lab		\$29,911-Min.	\$36,596-Min.	\$40,735-Min.	\$85,505
SDFL	\$25,185-Min.	\$29,911-Min.	\$36,596-Min.	\$45,542-Min.	\$71,116
Average	\$27,891	\$35,251	\$41,308	\$43,139	\$75,380

Midwest US Lab Comparisons	Forensic I (E 14)	Forensic II (E16)	Forensic III (E18)	LAB Director
	Midpoint	*Midpoint*	*Midpoint*	*Midpoint*
Illinois State Police	\$65,760	\$73,542	\$82,422	\$101,946
Indiana State Police	\$51,000	\$56,000	\$63,000	\$83,000
Iowa DCI	\$46,051	\$68,203	\$74,132	\$95,951
Kansas KBI	\$41,870	\$50,918	\$53,414	\$96,450
Michigan State Police	\$45,084	\$49,130	\$65,624	\$72,478
Minnesota BCA	\$53,401	\$61,554	\$68,528	\$91,743
Missouri State Police	\$38,040	\$45,960	\$54,360	\$89,892
St. Louis County	\$42,768	\$54,275	\$60,788	\$68,082
Nebraska State Police	\$55,080	\$55,080	\$59,198	\$73,544
North Dakota BCI	\$50,985	\$55,415	\$66,332	\$83,028
Ohio BCI	\$61,383	N/A	N/A	\$76,927
Ohio State Police	\$61,246	N/A	N/A	\$76,927
Hamilton County Ohio	\$41,477	\$51,825	\$65,633	\$93,944
Wisconsin DOJ	\$47,055	\$75,884	\$74,884	\$98,020
Wisconsin DCI	\$39,518	\$61,403	N/A	\$97,665
SDFL	\$37,388	\$45,744	\$56,928	\$73,824
Average	\$48,632	\$57,495	\$65,019	\$85,203

BUTTE COUNTY OFFENSES REPORTED 2010-2012

Belle Fourche PD & Butte Co SO - Offenses	2012	2011	2010	Belle Fourche PD & Butte Co SO - Offenses	2012	2011	2010
Forcible Rape	12	7	1	Drug Equipment Violations	23	12	8
Forcible Fondling	11	14	8	Incest	-	-	1
Aggravated Assault	15	12	5	Kidnapping/Abduction	4	-	1
Simple assault	47	60	35	Arson	-	-	1
Intimidation	12	12	1	Extortion	1	-	-
Shoplifting	-	1	-	Burglary/Breaking & Entering	48	27	15
Theft from Building	7	6	4	Motor Vehicle Theft	3	7	2
Theft from Motor Vehicle	24	11	2	Counterfeiting/Forgery	8	6	6
Theft of Motor Vehicle Parts	3	0	1	Embezzlement	-	1	-
All other Larcency	103	79	22	Stolen Property Offenses	10	9	-
False Pretenses/Swindle	6	6	2	Destruction/Vandalism of Property	72	50	12
Credit Card/ Automatic Teller Machine Fraud	5	1	1	Pornography/Obscene Material	1	2	-
Impersonation	3	4	1	Weapon Law Violations	6	2	3
Drug/Narcotic Violations	25	22	11	Disorderly Conduct	19	20	5
DUI	75	84	54	Runaway	1	-	1
Liquor Law Violations	5	4	16	All Other Offenses	6	3	10
Trespass of Real Property	1	-	3	TOTAL	556	463	233

PRESCRIPTION DRUGS- FEBRUARY 1, 2012-DECEMBER 31, 2012

2012 Most Prescribed Drugs	RX's	Quantity	Quant/Rx
Hydrocodone/APAP	295,073	16,675,025	57
Zolpidem	102,625	3,293,422	32
Lorazepam	86,333	4,083,256	47
Clonazepam	74,990	4,625,870	62
Alprazolam	58,837	3,417,895	58
Methylphenidate	50,964	2,297,922	45
Amphetamine Salts	46,547	2,075,441	45
Oxycodone/APAP	44,966	2,753,411	61
Oxycodone	42,852	3,533,264	82
APAP/Codeine	37,527	1,493,872	40
TOTALS	840,714	41,495,967	529

METHAMPHETAMINE STATS

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

SYNTHETIC DRUGS

- ◉ Deuel County Convictions
 - Jury trial
 - 2 convictions for possession and distribution of synthetic drugs, including K2 and bath salts (school zone)
- ◉ Union County Arrests
 - Seized over 100 pounds of K2 in various stages of production
 - Owned and operated a tobacco shop where he sold synthetic marijuana that he manufactured
- ◉ Pam's Purple Door
 - Federal and State charges pending