

Minority Report of the House Select Committee on Investigation



2021 Second Special Session

March 28, 2022



SOUTH DAKOTA HOUSE OF REPRESENTATIVES

IN THE MATTER OF)
THE INVESTIGATION) **HOUSE SELECT COMMITTEE’S**
OF THE CONDUCT OF) **MINORITY REPORT**
Jason Ravnsborg, Attorney General) **AND RECOMMENDATIONS**
of the State of South Dakota)

House Resolution 7001 established a select committee to investigate whether articles of impeachment should issue against Jason Ravnsborg, Attorney General of the State of South Dakota. Nine members of the House of Representatives were chosen to serve on the Select Committee on Investigation. A minority of the Select Committee on Investigation hereby recommend articles of impeachment should issue.

Article XVI, § 3 of the South Dakota Constitution provides that state officers shall be liable to impeachment for “malfeasance or misdemeanor in office”. In *State ex rel. Steffen v. Peterson*, the South Dakota Supreme Court adopted the Minnesota Supreme Court’s definition of malfeasance, explaining that it “is not susceptible of an exact definition but it has reference to evil conduct or an illegal deed, the doing of that which one ought not to do, the performance of an act by an officer in his official capacity that is wholly illegal and wrongful.” *State ex rel. Steffen v. Peterson*, 607 N.W.2d 262, 268–69 (S.D. 2000).

A minority of the Select Committee finds that Attorney General Ravnsborg was, at a minimum, not forthcoming to law enforcement officers during the investigation. We find that the South Dakota Highway Patrol’s report and accident reconstruction was thorough, appropriate, and conducted within the bounds of accepted scientific practice. It was not contradicted. We adopt the Highway Patrol’s report as our own for this minority report. We further find that the Attorney General answered questions during his second interrogation on September 30, 2020, in a manner that misrepresented his cell phone usage prior to the accident. All law enforcement who interrogated the Attorney General concluded that his statements were false or misleading and too inconsistent with other facts as to be believable. Law enforcement officers testified before the Select Committee their opinion and belief that the Attorney General was not being truthful. We find that the law enforcement’s opinions are reliable, sincere, and credible based upon their experience and expertise as law enforcement officers. We further find that the Attorney General abused his power of office. The Attorney General used the resources of the office to understand how investigators would learn facts about his case. This is inappropriate and beyond the grasp of other individuals under criminal investigation. The people of this State have entrusted its law enforcement to the Attorney General, the highest law enforcement officer in the State. We expected the Attorney General to be fully truthful in his cooperation with law enforcement, as the people have entrusted him with the very responsibility of honest and effective law enforcement. We find that elected officers of the State are always “in office” as evidenced by his use of his official letterhead to issue his statement on September 14, 2020, and the Attorney General committed malfeasance when answering questions by law enforcement.

Accordingly, this minority report recommends articles of impeachment issue for malfeasance.

Respectfully submitted,
Representative Ryan Cwach
Representative Jamie Smith, Minority Leader