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March 9, 2022

The Honorable Spencer Gosch
Speaker of the House
500 E. Capitol Avenue
Pierre, SD 57501

RE: HR 7001

Speaker Gosch:

I understand that the House Select Committee on Investigation is close to concluding its work in examining the conduct of Attorney General Ravnsborg. As you know, on September 1, 2021, pursuant to instructions by Governor Noem, I hand delivered an external hard drive containing the investigative materials relating to the crash that occurred in Hyde County on September 12, 2020. I trust that the committee members have all had an opportunity to review the file and the extensive cell phone reports.

Even though my background was not requested during the committee hearings, I am a 24-year law enforcement officer for the state of South Dakota with over 3,000 hours of basic and advanced law enforcement and leadership training. In addition to my current role, I have served as a State Trooper, Division of Criminal Investigation (DCI) Special Agent, Assistant Director of the DCI, and Colonel of the South Dakota Highway Patrol.

The investigation conducted by the South Dakota Highway Patrol (SDHP) and North Dakota Bureau of Criminal Investigation (BCI) was objective, thorough and fair. The SDHP State Troopers and North Dakota BCI Special Agents who testified before the committee are consummate professionals with decades of experience. Their conclusions are not in dispute. Mr. Boever, while walking east on the far north shoulder near the grass, was killed as result of the Attorney General being distracted. All four wheels of the Attorney General's vehicle crossed the rumble strips onto the shoulder.

Some members of the committee appear more interested in discovering why information was provided to the public as opposed to the facts of the investigation. The information released to the public was lawful and appropriate. The interview videos were only released after the Attorney General was charged with minor traffic offenses. That fact was not clarified during the last committee meeting.

Additionally, the facts surrounding the location for the use of the blue star and why that area was selected is addressed in the attached document by Trooper John Berndt. The committee did not recall Trooper Berndt after this topic was addressed with the BCI Agents. As stated by Trooper Berndt, "Once the area surrounding the paint chip was determined to be irrelevant the use of the trend lines was accepted by the prosecutors in identifying the area AG Ravnsborg's vehicle struck and killed Mr. Boever."

As you continue to examine the facts, I trust that you are considering the following:

- The indisputable conclusions by the crash reconstruction experts.
- In interviews with investigators, AG Ravnsborg verbally indicated that he had seen Mr. Boever at the time of the impact, and again in the aftermath of the crash, before quickly correcting himself. These admissions drew investigators to the conclusion that AG Ravnsborg had, in fact, seen Boever on the night of the crash. The investigators testified to it at the committee hearing, but they did not provide the direct quote.
    - AG Ravnsborg, "…. I never saw anything until the impact. I immediately jump out of the car and call 911 within seconds…."
    - AG Ravnsborg, "….and then I TURN AROUND and I'm looking into the ditch so I don't know exactly where I turn around and saw him. I-I didn't see him. I did not see him."
- The untruthful statements by the Attorney General to North Dakota BCI Special Agents as compared to the facts revealed during the investigation.
    - The Attorney General's version of the events related to the crash and the crash scene are refuted by evidence.
    - During the second interview with investigators, the Attorney General denies using his cell phone while driving, other than the phone call to his father. He denies that he was accessing websites and denies that he was accessing or logging into email accounts. He maintains those denials until he is confronted with specific evidence that proves he is lying; at which time he adjusts his statements to the evidence.
    - Regarding the Attorney General's habits related to speed – he tells investigators that he rarely exceeds the speed limit, and when he does, it is never more than 4 miles over. Follow-up investigative work shows that these statements are not true. In fact, Ravnsborg has been stopped several times by law enforcement for speeding more than 10 mph.
    - AG Ravnsborg tells investigators that he only uses a state car if it is "purely a work event". Follow up investigative work proves that his statements are not truthful. Ravnsborg has used a state vehicle, as opposed to his own, for travel to another state for military duty. Military duty, while admirable, is not a duty of the Attorney General's office.
- Conduct of the Attorney General and his office.
    - The statements wherein the Attorney General was advised by his DCI Director on September 14, 2020, at 6:47:48 AM stating "At some point they are going to want your phone".
    - The very next day, the Attorney General questions SSA Brent Gromer, who is a digital evidence expert, to discuss what investigators may find on his cell phone.
        - This was so concerning to SSA Gromer that he wrote a report on the contact and submitted it to his supervisors.
        - During an interview, AG Ravnsborg is repeatedly asked if he contacted anyone to solicit information about other aspects of the investigation. He omits his contact with SSA Gromer and denies any of this activity before finally admitting to the conversation.
    - AG Ravnsborg tells investigators that he talked with his Chief of Staff, Tim Bormann, about polygraph examinations. He advised that Bormann talked to DCI about polygraph examinations and their relevance in the crash investigation.

- From the date he took office, until the date of the fatal crash, AG Ravnsborg was stopped for traffic offenses at least 8 times. In 6 of those stops, he was operating a state vehicle. Of those stops where video or reports were available, he identified himself as the Attorney General verbally on 4 occasions and displayed a badge to the officer on another occasion. None of those stops resulted in a citation.

- AG Ravnsborg and his advisors engage in social media activity before and after the crash that reflect viewpoints and character not in keeping with the high standards expected of the Attorney General.
  - Text messages that the investigation uncovered between the Attorney General, his DCI Director, and his Chief of Staff. These messages include disparaging and offensive statements regarding other law enforcement officers, judges, a supreme court justice, a legislator, prosecutors, staff members, a former Attorney General, and a United States Senator.
  - Text messages that the investigation uncovered between the Attorney General and what appears to be a political consultant wherein the consultant indicated, referring to the deceased, "Well, at least the guy was a Democrat." This text message was sent on September 14, 2020, at 10:50:31 AM.

The Attorney General's actions throughout the investigation, the findings from our review of the crash events, along with the context provided by the pre- and post-crash behaviors draw the conclusion that he is unfit to hold the position as the chief law enforcement officer for the state of South Dakota.

Regards,

Craig Price, Cabinet Secretary
South Dakota Department of Public Safety