OFFICE OF ATTORNEY GENERAL

FISCAL YEAR 2026 BUDGET HEARING

JANUARY 22, 2025

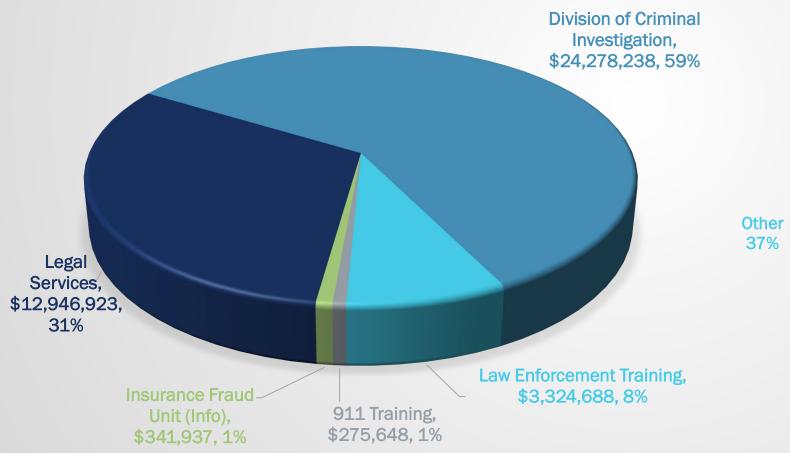


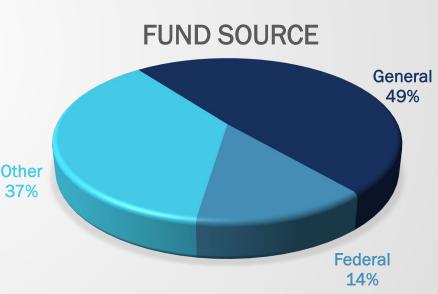
OFFICE OF ATTORNEY GENERAL

- Marty Jackley, South Dakota Attorney General
 - Brent Kempema, Chief Deputy Attorney General
 - Mandy Miiller, Deputy Attorney General Civil Division
 - Ernest Thompson, Deputy Attorney General Criminal Division
 - Sarah Thorne, Deputy Attorney General Appellate Division
 - Jody Gillaspie, Consumer Protection Division Director
 - Tony Mangan, Communications Director
 - Kelsey Roth, Budget and Finance Director
 - Dan Satterlee, Division of Criminal Investigation Director
 - Chad Mosteller, DCI Assistant Director Field Operations
 - Tiffany Stoeser, DCI Assistant Director Administrative Operations

FY2026 RECOMMENDED BUDGET

BUDGET - \$41,167,434





FY2026 RECOMMENDED BUDGET

- FY2025: 216.0 FTE
- FY2026 Recommended: 218.0 FTE
- 181 Special Assistant Attorney Generals

Legal Services, 77, 35% Insurance Fraud, 3, 1% 911 Training, Law Enforcement Training,

14.5,

FTE BREAKOUT

CIVIL DIVISION

- Civil and Administrative Cases: 124
- Legal Advice to at least 16 State Agencies and 20 Boards and Commissions
 - For example, the Division provides legal work for the Board of Water and Natural Resources
 - Assisted with over 101 loans or grants for water projects, which totaled \$483.6 million

CIVIL DIVISION

Meta

- The federal complaint was filed in California in the Fall of 2023. Discovery is on-going.
- Alleges that Meta knew of the harmful impacts its platforms had on young people and that the company misled the public about the harms associated with the use of its platforms.

CIVIL DIVISION

Pharmaceuticals

- On March 14, 2018, first filed suit in South Dakota v. Purdue Pharma alleging several opioid manufacturers knowingly distributed false information to increase the sales of opioid drugs.
- Total anticipated settlements of approximately \$78.6 million
 - McKesson Corp, Cardinal Health, Inc, AmerisourceBergen Corp, and Janssen: \$50 million over 15 years
 - Walgreens, CVS, Walmart, Teva & Allergan with payments started in 2024: \$28.6 million over 17 years
- The settlement funds go into the opioid abatement and remediation fund under SDCL 34-20B-116.

FY2024 TOBACCO ACTIVITIES



As of July 2024, over \$617 million has been received from the 1998 Tobacco Master Settlement Agreement



South Dakota is receiving \$20-24 million annually



Arbitration for calendar year 2004 is on hold while at the same time, arbitration panels are being formed for calendar years 2005-2007

CONSUMER PROTECTION DIVISION



CONSUMER PROTECTION DIVISION

TOP COMPLAINT CATEGORIES FOR FY2024

- Foreign Fraud grandparent, sweepstakes, romance, shipping scams, etc.
- Auto repairs, warranty, repossession, titles, used & new purchase issues
- Landlord/Tenant deposit, eviction, repair, lease
- Internet retail, websites, phishing, streaming, fraud
- Home Construction/Improvements New, contractor/sub-contractor issues, landscaping, mobile home, roofing, windows, plumbing
- Credit Card Companies dispute issues, interest, payment history issues
- Consumer Protection consists of a Director, 5 Investigators, Complaint Intake Specialist, and 2 Assistant Attorney Generals

CONSUMER PROTECTION DIVISION

- Public outreach
- Received approximately \$1.7 million back for a business targeted in a business email compromise, which is one of the many recoveries Consumer Protection has made this year for consumers and businesses.
- JUUL settlement payments continue
 - Total settlement amount: \$6,181,829.70

Homicide Cases Opened: 10

Sex Offense Cases Opened: 19

Dept. of Corrections Cases Opened: 117

Total Cases Opened: 527

State of South Dakota v. Lance L. Long

- In March of 2015, Long moved into the secluded Corson County ranch home of a woman with five young children between the ages of 6 and 15. Between March 2015 and July 2017, Long repeatedly raped the woman's 15-year-old daughter and beat and abused her with blunt objects, an electrified cattle prod (hotshot) and a taser. Long also tortured the other four children, between the ages of 6 and 13, by running over them with four-wheelers, shocking them with the hotshot, or placing electrified dog collars on their bodies and shocking them. Long gave many of the children alcohol and methamphetamine. He also used the cattle prod to shock the 15-year-old daughter and 12-year-old daughter on their genitalia. The case was not investigated until years later when the oldest male child left to become a U.S. Marine and told his recruiter what was going on in the household.
- Long was convicted on one count each of 2nd degree rape, 3rd degree rape, 4th degree rape, three counts of aggravated assault, and five counts of Abuse or Cruelty to a Minor, each with a two-level habitual offender enhancement.
- Long was sentenced to a total of 65 years in prison.

State of South Dakota v. Joseph G. Hoek

- In February 2024, Joseph G. Hoek led officers on a high-speed chase through Lake and Moody counties. Officers observed Hoek traveling at times up to 115 MPH, forcing oncoming traffic to the shoulder, and passing vehicles on the right side of the highway. Moody County Chief Deputy Sheriff Kenneth Prorok was assisting the pursuing officers by deploying a tire deflation device ahead of Hoek's fleeing vehicle. A witness observed Hoek's vehicle swerve and strike Chief Deputy Prorok. Chief Deputy Prorok was declared deceased on scene.
- Hoek is charged with First-Degree Murder and Aggravated Eliding. The State of South Dakota has provided notice that it intends to seek the death penalty.
- Hoek is presumed innocent until such time as proven guilty.

State of South Dakota v. Lonna Carroll

- Between 2010 and 2023, Lonna Carroll was employed by the Child Protective Services under the
 Department of Social Services. Carroll is alleged to have used her position at DSS to steal approximately
 \$1.8 million of state and federal funds through her ability to request state and federal funds on behalf of
 children in CPS custody or care.
- Carroll is charged with two counts of Aggravated Grand Theft. Count 1 is a Class 2 Felony which runs from July 2013 to March 2023. Count 2 is a Class 3 Felony which runs from January 2010 to June 2013 when the statute was legislatively amended.
- Carroll is presumed innocent until such time as proven guilty.

State of South Dakota v. Charity Rose Taylor

- Taylor was a major fentanyl dealer in the Rapid City area. Taylor was part of a criminal conspiracy that brought an estimated 10,000 fentanyl pills into South Dakota. In October 2023 Taylor sold fentanyl pills that resulted in the death of 43-year-old man. Another sale of fentanyl was to a 17-year-old female.
- Taylor was convicted of one count of Enhanced Distribution Resulting in Death, Distribution of a Controlled Substance to a Minor, and Conspiracy to Bring Fentanyl into South Dakota.
- Taylor was sentenced to 23 years in prison.

MEDICAID FRAUD, ABUSE, & NEGLECT SERVICES (MFANS)

Due to a close alignment in missions, the Medicaid Fraud Control Unit and Elder Abuse Unit merged in May 2024 to create MFANS

The merger created a substantial cost savings to the state by tapping federal funding for elder services that were previously provided with state funds

The merger also created synergized efforts by attorney general staff to combat both healthcare patient abuse/exploitation and elder abuse/exploitation – two populations that experience significant overlap

The newly formed MFANS Unit investigates Medicaid provider fraud; abuse, neglect, and exploitation of patients, elderly individuals, and individuals with disabilities; and drug diversion cases

MEDICAID FRAUD, ABUSE, & NEGLECT SERVICES (MFANS)

Statistics for 2024

- Incidents and Reports Reviewed: 1,102
- Cases Opened: 130
- Total Restitution and Recoveries: \$1,056,788
- Criminal Convictions: 8

Federal Fiscal Year 2025 Budget:

- \$334K State Funds
- \$1M Federal Funds

MEDICAID FRAUD, ABUSE, & NEGLECT (MFANS)

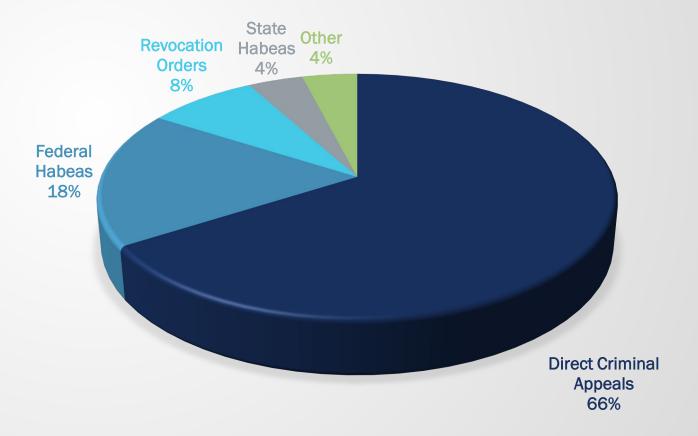
State v. Eagle Hawk

- Eagle Hawk was employed as a direct care professional at a residential group home that provided twenty-four-hour care for individuals with developmental delays
- While engaged in his duties at the group home, Eagle Hawk raped a thirty-nine-year-old female patient with profound disabilities
- Eagle Hawk pleaded guilty to third-degree rape, which is the sexual penetration of an individual who lacks the capacity to give consent, and he was sentenced to twentyfive years in the state penitentiary, with ten of those years suspended
- Eagle Hawk has been excluded from future employment at healthcare facilities accepting federal funding

APPELLATE DIVISION

- 9 attorneys
- 13 Oral Arguments before the South Dakota Supreme Court
- 1 oral argument before the Eighth Circuit Court of Appeals
- 163 cases opened
- 113 briefs filed

CASE TYPE



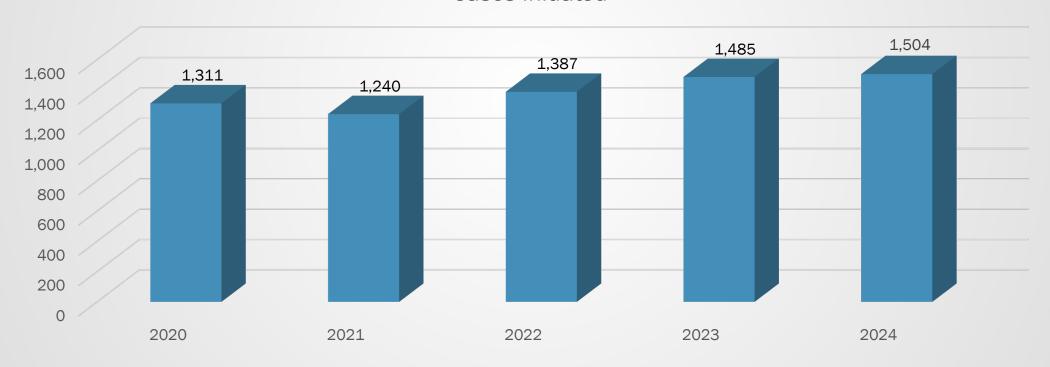
APPELLATE DIVISION

Piper Case

- Death-row inmate Briley Piper stabbed and beat Chester Allan Poage to death in 2000.
- Piper is South Dakota's sole death row inmate.
- Piper continues to fight his jury sentence in federal court.

DIVISION OF CRIMINAL INVESTIGATION (DCI)

Cases Initiated



	2020	2021	2022	2023	2024
DCI Cases	1,311	1,240	1,387	1,485	1,504
Polygraphs	96	117	125	118	98
Search Warrants	621	675	682	668	870
Arrests	756	474	412	404	510
Convictions	493	402	320	338	403
Lab Cases	1,515	1,715	1,690	1,741	1,720
Lab Items	12,000	14,751	13,870	14,868	14,107
Lab Assignments	2,660	3,242	3,043	3,326	3,295
Lab Assignments Completed	2,487	3.252	2,918	3,366	3,341
Total DNA Database Samples	79,353	84,161	90,611	94,637	99,272
Forensic/ Offender CODIS "hits"	295	464	396	372	427
DNA "hits"/SD Cases Aided	264	441	361	407	398
DNA "hits"/non-SD Cases Aided	34	39	35	40	29
Registered Sex Offenders	3,819	3.843	3,869	3,918	3,975
Registered Sex Offenders Non-Compliant	82	77	77	55	64
LET- Officers Participated in Basic Academy	145	155	145	147	162
LET- Officers Certified/Pending in Basic Academy	127	136	132	170*	164
LET- Officers received Advanced Training	887	1,078	1,644	2,094	2,015
LET- Advanced Training Courses Offered	45	44	45	93	90
911 Basic Course-Certified	34	62	56	53	52
24/7- PBT Participants	3,421	3,575	2,410	2,901	4,012
24/7- PBT Tests administered	318,271	476,160	469,613	531,065	545,884
24/7- SCRAM Participants	1,406	1,407	976	1,061	1,648
ID- Backgrounds	26,151	31,740	31,145	33,089	31,012
ID- Criminal Arrests Processed	30,590	31,592	28,725	29,310	31,137
Grants Managed	\$8,123,297	\$7,924,899	\$8,956,327	\$8,313,838	\$7,775,530

DCI COMPARISON BY FISCAL YEAR

CONTROLLED SUBSTANCES

Calendar Year	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Meth labs	23	9	10	7	2	0	0	0	0	0
Meth arrests	2,125	2,687	3,390	3,684	3,620	3,766	3,998	3,602	2,990	2,596
Meth seized	31 lb	64 lb	142 lb	101 lb	182 lb	118 lb	274 lb	113 lb	129 lb	160 lb

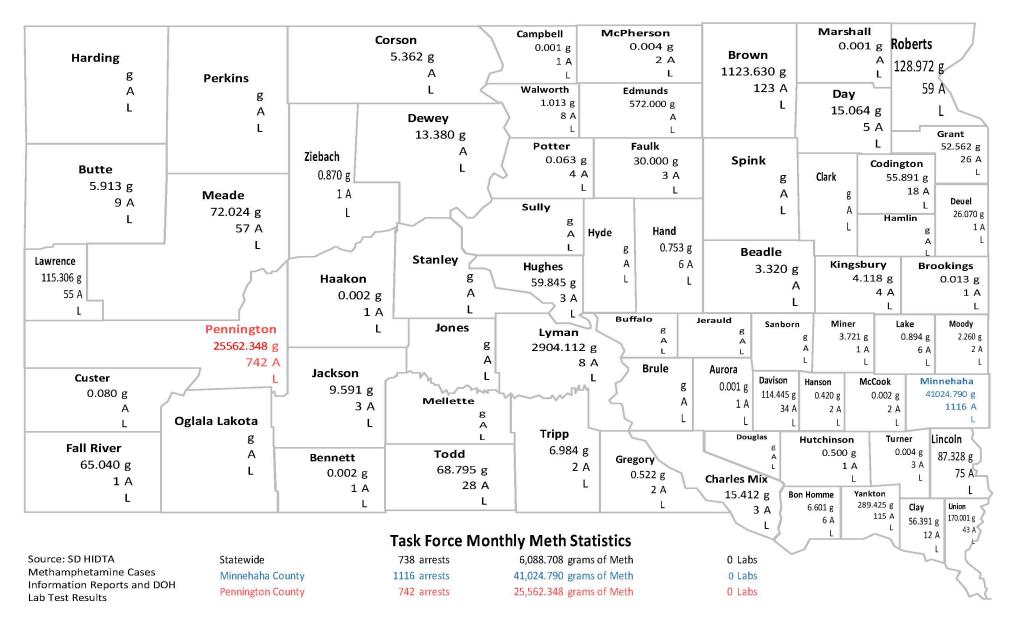
2024 South Dakota Methamphetamine

Updated: 01/07/2025

2,596 Meth Arrests

72,675.846 Grams of Meth Seized

0 Labs

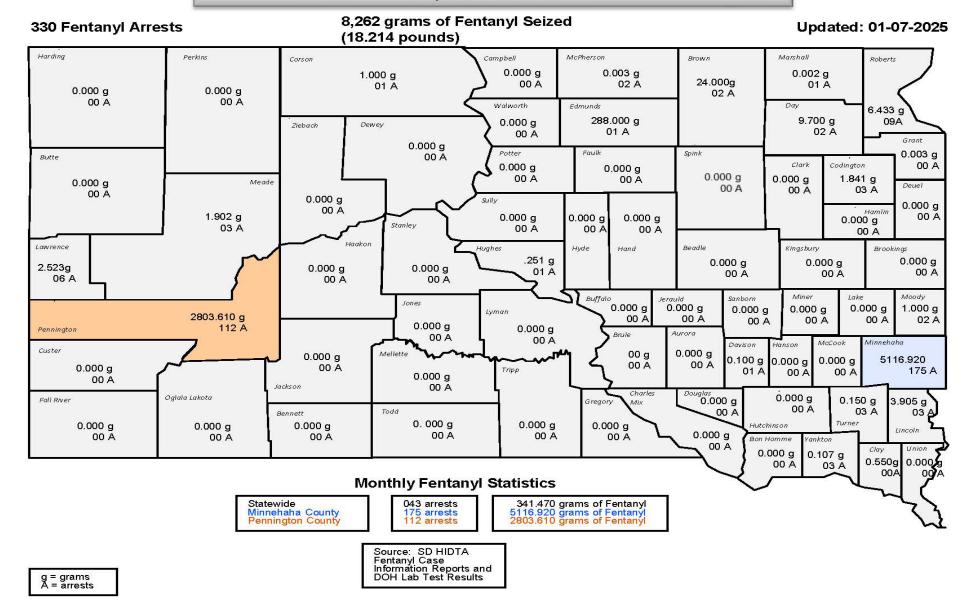


CONTROLLED SUBSTANCES FENTANYL

Calendar Year	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Fentanyl labs	0	0	0	0	0	0	0	0	0	0
Fentanyl arrests	-	-	-	-	-	-	-	-	284	330
Fentanyl seized	-	-	-	.028 lb	.320 lb	1.276 lb	6.831 lb	18.890 lb	10.223 lb	18.214 lb

2024 South Dakota Fentanyl

Updated: 01-07-2025

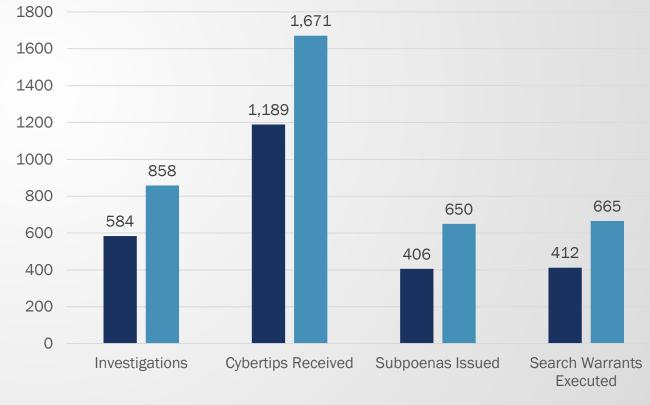


INTERNET CRIMES AGAINST CHILDREN (ICAC)

FY 2024 Investigations

- 858 Total Investigations
- 1,671 Cybertips Received
- 650 Subpoenas Issued
- 665 Search Warrants Executed
- 82 Arrests
- 6 Arrests for Hands-on Offenders

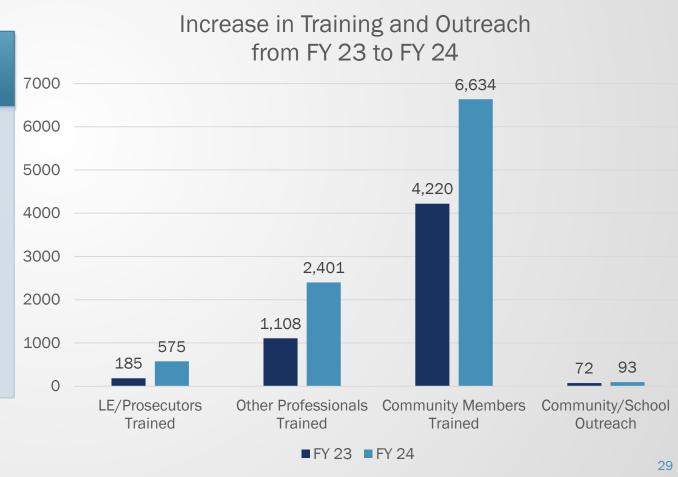
Increase in Services from FY 23 to FY 24



INTERNET CRIMES AGAINST CHILDREN (ICAC)

FY 2024 Community Outreach

- 575 Law Enforcement/Prosecutors trained
- 2,401 Other Professionals trained
- 6,634 Community Members trained
- 93 Community/School Outreach



ICAC TASK FORCE & DIGITAL FORENSICS

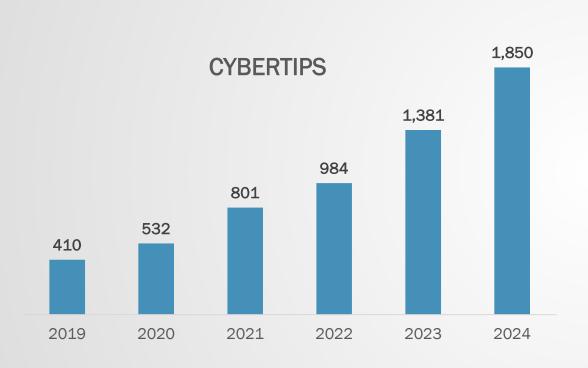
Current Yearly Cost per ICAC Agent:

- Year 1: \$73,000 (initial training, equipment, licensing)
- Year 2+: \$60,000 (reoccurring yearly expenses)

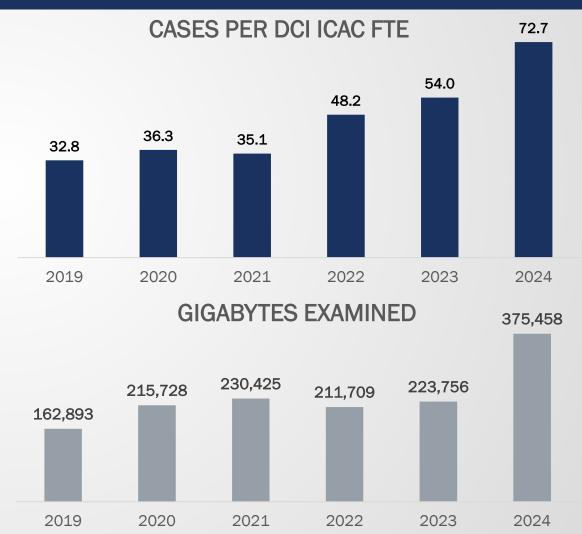
Expense Breakdown

- Software Tools: \$30,000 (Average 4 tools, Cellebrite, GrayKey, Axiom, etc.)
- Training: \$21,000 (Software Training & Travel)
- Equipment: \$20,000 (Hardware, Computers, Storage Devices) for <u>Year 1</u>
- Equipment: \$7,000 for <u>Year 2+</u>
- Other: \$2,000 (Chat Ops, Mental Wellness, etc)

ICAC TASK FORCE & DIGITAL FORENSICS



248% increase in the number of CyberTips over the past 5 years

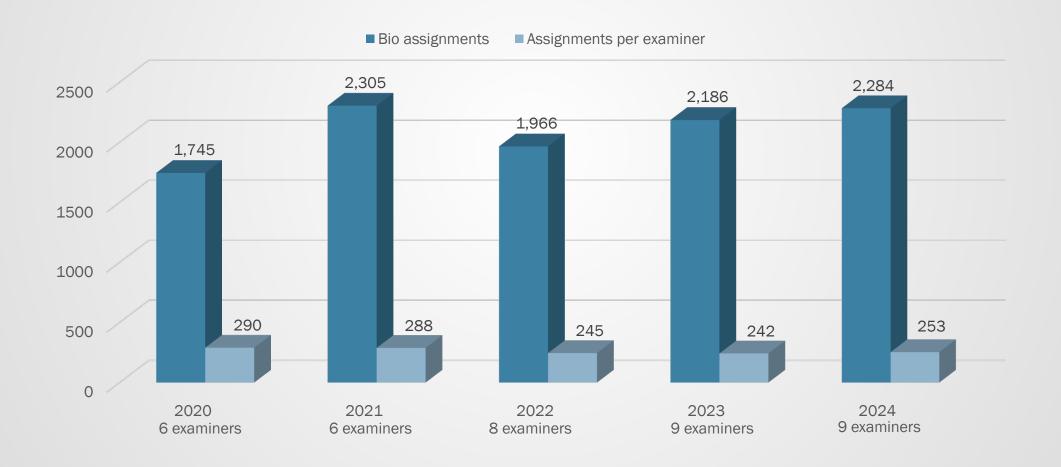


OFFICER INVOLVED SHOOTINGS

- In 2024 there were 4 Officer Involved Shootings
 - Sioux Falls 2
 - Rapid City 2
- Injuries to the offender(s) by officers occurred in 4 of the shootings
 - 1 of the four offenders was on parole at the time of the incident
- The Attorney General's Office has issued opinions in 4 of the incidents
- 4 incidents have been found to be justified shootings

- Since 2001 there have been 83 officer involved shooting incidents
 - 44 subject fatalities
 - 2 officer fatalities
 - 2 officers with life threatening injuries
 - Offenders have tested positive for drugs and/or alcohol in 72 of the Officer Involved Shooting incidents (7 tested negative, 4 unknown)
 - Offenders have made suicidal statements, attempts and/or had a reported mental illness in 59 incidents (3 shot themselves during incident)

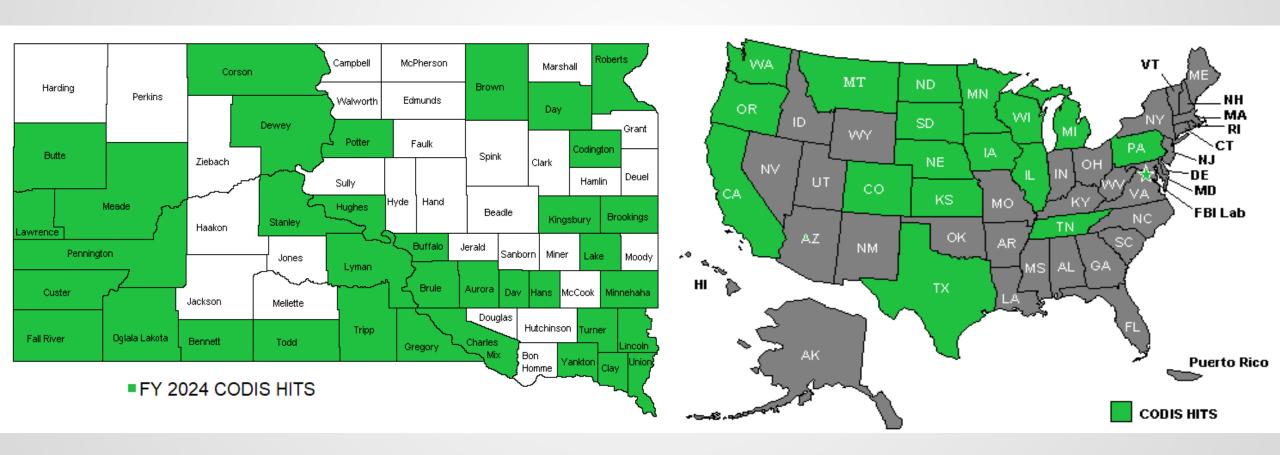
SOUTH DAKOTA FORENSIC LAB - DNA



COMBINED DNA INDEX SYSTEM (CODIS) HITS - CASE EXAMPLE

- In 2022, the SDFL received an attempted rape case. The victim was at home by herself when a masked man broke into her home, exposing himself to her. She was able to fight him off and the suspect had left the mask he was wearing behind.
- The mask was sent to the SDFL in 2022, and a male DNA profile was obtained from the mask.
- The DNA profile from the mask was entered into CODIS in 2022 and no hits were obtained. The DNA profile continued to search against new profiles as they were added into the database.
- The SDFL in conjunction with the law enforcement agency attempted other ways to identify the DNA profile such as state specific CODIS search requests and even genealogy testing, neither of which resulted in an identification.
- In July 2024, a CODIS hit occurred to the DNA profile from the mask left in the victim's home to a South Dakota arrestee sample that had just been entered into the database. The offender had been recently arrested for another offense and his DNA was collected and submitted to the SDFL for entry in the database.
- Law enforcement was able to re-open the case with this new information. It was determined that the suspect still lived close to the victim and was known to local law enforcement.

CODIS HIT LOCATIONS



STATEWIDE AUTOMATED VICTIM INFORMATION & NOTIFICATION (SAVIN)

- Program launched to the public in August 2016
- 18,028 individuals are currently registered to receive notifications
- Information directly fed to SAVIN from UJS, DOC and county jail systems

Current Direct Jail Feeds					
Beadle	Lawrence				
Brookings	Meade				
Clay	Minnehaha				
Codington	Pennington				
Davison	Union				
Hughes	Walworth				
Lake	Yankton				

GOVERNMENT ACCOUNTABILITY INVESTIGATIONS

Department of Social Services

- Aggravated Grand Theft over \$500,000
- Aggravated Grand Theft over \$100,000
- Trial Date: April 1, 2025

Department of Public Safety / Department of Health

- Forgery 13 counts
- Offering False / Forged Instrument for Filing 13 counts
- Next Court Date: March 11, 2025

Department of Revenue

- Forgery
- Grand Theft Over \$1,000 Under \$2,500
- Pleaded Guilty and Sentenced: December 30, 2024

Department of Revenue

- Misprision of Felony
- Trial Date: June 25, 2025

Department of Social Services

- Obtaining Money, Property or Assistance by Fraud
- Obtaining Assistance with Value \$200 or less
- Next Court Date: January 27, 2025

^{*} several additional investigations pending

LAW ENFORCEMENT OFFICERS TRAINING FUND (LEOTF)





LAW ENFORCEMENT OFFICERS TRAINING FUND

	1	ACTUAL	-	ACTUAL	P	ACTUAL	-	ACTUAL	-	ACTUAL	ACTUAL	ACTUAL	ACTUAL	ACTUAL	ACTUAL
		FY2015		FY2016		FY2017		FY2018		FY2019	FY2020	FY2021	FY2022	FY2023	FY2024
TOTAL RECEIPTS	\$	3,126,743	\$	4,575,899	\$	4,057,998	\$	4,148,802	\$	4,032,128	\$ 3,784,505	\$ 3,833,598	\$ 4,827,659	\$ 4,701,650	\$ 4,994,171
TOTAL DISBURSEMENTS	\$	3,140,545	\$	3,585,899	\$	4,112,590	\$	3,922,272	\$	4,019,026	\$ 3,981,751	\$ 4,714,751	\$ 4,590,531	\$ 4,062,509	\$ 4,672,045
NET TRANSFERS IN/OUT													\$ (55,152)		
NET (Receipts less Disbursements)	\$	(13,803)	\$	990,000	\$	(54,592)	\$	226,530	\$	13,102	\$ (197,246)	\$ (881,153)	\$ 181,976	\$ 639,142	\$ 322,126
BEGINNING CASH BALANCE	\$	(549,356)	\$	(562,145)	\$	427,854	\$	373,263	\$	602,809	\$ 619,472	\$ 422,776	\$ (457,102)	\$ (263,770)	\$ 375,372
PRIOR PERIOD ADJUSTMENT	\$	1,013	\$	-	\$	-	\$	3,016	\$	3,561	\$ 550	\$ 1,275	\$ 11,356	\$ -	\$ -
ENDING CASH BALANCE	\$	(562,145)	\$	427,854	\$	373,263	\$	602,809	\$	619,472	\$ 422,776	\$ (457,102)	\$ (263,770)	\$ 375,372	\$ 697,498

VICTIM SERVICES GRANT PROGRAM

- SB 168 of 2024 Legislative Session appropriated \$5 million one-time to the Office of Attorney General to provide grants to organizations that assist:
 - children who have been abused or neglected,
 - victims of domestic violence, and
 - victims of sexual assault

CYBERSECURITY SERVICES INITIATIVE FOR COUNTIES AND MUNICIPALITIES

 SB 187 of 2024 Legislative Session appropriated \$7 million one-time to the Office of Attorney General to expand and improve cybersecurity for counties and municipalities in the State of South Dakota

FY2025 ONE-TIME BUDGET AMENDMENTS

Recommended One-Time	General	Federal	Other	Total
Tribal Law Enforcement Training Class	\$110,000			\$110,000
Bomb Technical Unit Equipment		\$480,000		\$480,000
Total	\$110,000	\$480,000		\$590,000

<u>Tribal Law Enforcement Training Class</u>

 General funds to cover the actual expenses incurred for the Tribal focused Basic Law Enforcement Training course held in 2024.

Bomb Technical Unit Equipment

 Federal fund expenditure authority to purchase specialized equipment for the Division of Criminal Investigation Bomb Technical Unit.

Recommended Ongoing	FTE	General	Federal	Other	Total
Inmate Prosecution	1.0	\$139,448			\$139,448
Case Management System		\$92,400			\$92,400
Consumer Protection Investigator				\$109,107	\$109,107
Consumer Protection Operating Expenses				\$490,232	\$490,232
Internet Crimes Against Children Operating		\$53,800			\$53,800
Tribal Law Enforcement Training Class		\$176,985			\$176,985
VOCA Federal Fund Expenditure Authority			(\$107,521)		(\$107,521)
Total	2.0	\$462,633	(\$107,521)	\$599,339	\$954,451

INMATE PROSECUTION



Additional Attorney needed to prosecute crimes at Department of Corrections facilities



During the 2024 Legislative Session, HB1039 passed requiring the Office of Attorney General to prosecute any criminal action committed by an inmate under confinement in a facility operated by the Department of Corrections.



\$139,448 general funds and 1.0 FTE

CASE MANAGEMENT SYSTEM



Ongoings funds for a comprehensive case management and document management system to improve efficiency and productivity of the legal staff



\$92,400 general funds

FY2026 ONGOING BUDGET CONSUMER PROTECTION FTE



An additional consumer protection investigator to investigate complaints and educate consumers on how to recognize and avoid possible scams.



\$109,107 other fund expenditure authority and 1.0 FTE

CONSUMER PROTECTION OPERATING EXPENSES



Authority to cover increased costs in agreements to protect consumers against cybercrimes, as well as public awareness efforts to inform consumers of scams they may encounter.



\$490,232 other fund expenditure authority

INTERNET CRIMES AGAINST CHILDREN OPERATING EXPENSES



Funds to cover the increasing costs of Internet Crimes Against Children related software licenses, training, and travel expenses.



\$53,800 general funds

TRIBAL LAW ENFORCEMENT TRAINING CLASS



Funding to assist tribal law enforcement partners by continuing to host a tribalfocused basic law enforcement certification course in Pierre.



\$176,985 general funds

VICTIM WITNESS SPECIALIST



Federal fund expenditure authority reduction due to a shortfall in Victims of Crime Act (VOCA) funding.



(\$107,521) in federal fund expenditure authority

OFFICE OF ATTORNEY GENERAL

FISCAL YEAR 2026 BUDGET HEARING

JANUARY 22, 2025

