

# ATTORNEY GENERAL

## 29 ATTORNEY GENERAL

### MISSION:

To supervise, perform, and coordinate all responsibilities vested in the Office of the Attorney General; to provide effective legal counsel and representation to all agencies of state government as well as to political subdivisions; to issue official legal opinions for the clarification of questions pertaining to state law; to provide criminal investigation and prosecution on office initiative and through support of the state's attorneys; to handle all appeals, civil and criminal, in the Supreme Court of South Dakota and all other courts of higher appeal; to provide legal advice, counsel, and representation in all civil, criminal, and administrative matters in which the state is a party or interested; to provide law enforcement officer training and certification; to maintain efficient law enforcement communication between all state law enforcement personnel as well as interstate and national law enforcement agencies; to provide consumer protection through public information, investigation of complaints, and prosecution of violations when necessary; and, to fulfill all of the above goals and statutory responsibilities to the greatest extent possible with the manpower and monetary resources available.

LEGAL CITATION: Article IV, Section 12 of the South Dakota Constitution, SDCL 1-11 and Chapter 5 SL 1979.

	ACTUAL FY 2009	ACTUAL FY 2010	BUDGETED FY 2011	REQUESTED FY 2012	GOVERNOR'S RECOMMENDED FY 2012	RECOMMENDED INC/(DEC) FY 2012
<b>FUNDING SOURCE:</b>						
General Funds	\$ 9,745,243	\$ 10,045,712	\$ 9,886,879	\$ 9,372,016	\$ 9,372,016	(\$ 514,863)
Federal Funds	3,569,585	4,172,008	4,653,131	4,822,471	4,822,471	169,340
Other Funds	4,606,953	4,813,055	6,447,149	6,844,077	6,844,077	396,928
<b>Total</b>	<b>\$ 17,921,781</b>	<b>\$ 19,030,775</b>	<b>\$ 20,987,159</b>	<b>\$ 21,038,564</b>	<b>\$ 21,038,564</b>	<b>\$ 51,405</b>
<b>EXPENDITURE DETAIL:</b>						
Personal Services	\$ 10,784,316	\$ 10,840,124	\$ 11,930,773	\$ 11,911,018	\$ 11,911,018	(\$ 19,755)
Operating Expenses	7,137,465	8,190,651	9,056,386	9,127,546	9,127,546	71,160
<b>Total</b>	<b>\$ 17,921,781</b>	<b>\$ 19,030,775</b>	<b>\$ 20,987,159</b>	<b>\$ 21,038,564</b>	<b>\$ 21,038,564</b>	<b>\$ 51,405</b>
<b>Staffing Level FTE:</b>	<b>150.4</b>	<b>154.6</b>	<b>168.5</b>	<b>168.5</b>	<b>168.5</b>	<b>0.0</b>

# ATTORNEY GENERAL

## 2900 Legal Services Program

### MISSION:

To provide counsel for state agencies, boards, and commissions; to represent and defend all divisions of the state in all courts of law, including filing court briefs; to issue official opinions to legislators, county, state, and local officials, along with countless informal opinions; to mediate complaints regarding merchandise and purchases through the Consumer Protection Division; to educate consumers on their rights; and, to recover monies for South Dakota consumers in their complaint cases.

	ACTUAL FY 2009	ACTUAL FY 2010	BUDGETED FY 2011	REQUESTED FY 2012	GOVERNOR'S RECOMMENDED FY 2012	RECOMMENDED INC/(DEC) FY 2012
<b>FUNDING SOURCE:</b>						
General Funds	\$ 5,265,504	\$ 5,480,258	\$ 5,203,058	\$ 4,978,988	\$ 4,978,988	(\$ 224,070)
Federal Funds	1,370,859	1,731,336	1,848,021	1,848,709	1,848,709	688
Other Funds	1,094,016	938,900	1,376,325	1,638,253	1,638,253	261,928
<b>Total</b>	<b>\$ 7,730,379</b>	<b>\$ 8,150,494</b>	<b>\$ 8,427,404</b>	<b>\$ 8,465,950</b>	<b>\$ 8,465,950</b>	<b>\$ 38,546</b>
<b>EXPENDITURE DETAIL:</b>						
Personal Services	\$ 5,761,359	\$ 5,727,521	\$ 6,056,819	\$ 6,045,470	\$ 6,045,470	(\$ 11,349)
Operating Expenses	1,969,020	2,422,973	2,370,585	2,420,480	2,420,480	49,895
<b>Total</b>	<b>\$ 7,730,379</b>	<b>\$ 8,150,494</b>	<b>\$ 8,427,404</b>	<b>\$ 8,465,950</b>	<b>\$ 8,465,950</b>	<b>\$ 38,546</b>
<b>Staffing Level FTE:</b>	<b>75.3</b>	<b>76.1</b>	<b>81.5</b>	<b>81.5</b>	<b>81.5</b>	<b>0.0</b>

	ACTUAL FY 2009	ACTUAL FY 2010	ESTIMATED FY 2011	ESTIMATED FY 2012
<b>REVENUES</b>				
DENR Legal	113,231	51,455	76,700	76,700
GFP Legal	22,280	13,030	15,000	15,000
Medicaid Fraud Grant	275,365	221,109	250,000	250,000
Drug Task Force Grant	737,510	280,683	810,880	500,000
Drug Control Fund	749,562	584,000	475,000	475,000
Statistical Analysis Grant	48,652	48,708	50,000	50,000
<b>Total</b>	<b>1,946,600</b>	<b>1,198,985</b>	<b>1,677,580</b>	<b>1,366,700</b>

### PERFORMANCE INDICATORS

<b>Legal Services:</b>				
Opinions Issued	21	14	20	20
<b>New Cases</b>				
Opened/Closed/Pending (thousands)	.8/1.1/2.1	.8/1.3/2.3	.9/1.4/2.5	.9/1.4/2.5
Briefs/Mail Docketing	174/9,612	176/10,724	170/10,500	170/10,500
<b>Consumer Protection:</b>				
Complaints Opened/Closed	2,656/2,173	2,380/2,102	2,400/2,100	2,400/2,100
Mail Incoming/Outgoing	6,812/8,822	6,400/8,090	6,500/8,500	6,500/8,500
Phone Calls/E-Mail/Hotline	21,081	19,274	19,000	19,000
Charitable Solicitation Registrations	403	405	405	405
Buying Club Registrations	3	3	3	3
<b>Value of Consumer Protection:</b>				
Complaints Resolved	\$2,837,830	\$2,504,365	\$2,500,000	\$2,500,000
Solicitors	48	47	50	50
<b>Medicaid Fraud:</b>				
Cases Opened/Closed/Pending	23/19/35	43/41/38	35/25/30	35/25/30
Felony/Misdemeanor Convictions	7/1	4/1	5/3	5/3
Recoveries	\$1,288,786	\$1,893,432	\$800,000	\$800,000
<b>STAT Grant:</b>				
Reports Published	5	4	5	5

# ATTORNEY GENERAL

## 2911 Criminal Investigation

### MISSION:

To provide assistance to local law enforcement agencies and prosecutors in the investigation of major crimes; to conduct and coordinate investigations of criminal violations for state, local, and federal governments; to collect and disseminate criminal intelligence information to support the investigative functions; to maintain identification records and criminal history information; to provide scientific examinations of evidence and expert court testimony; to enhance the quantity, quality, and timeliness of crime statistical data to better serve the needs of investigators and policymakers; to provide public education and prevention of internet crimes; facilitate internet criminal investigations; and, to provide computer forensics expertise.

	ACTUAL FY 2009	ACTUAL FY 2010	BUDGETED FY 2011	REQUESTED FY 2012	GOVERNOR'S RECOMMENDED FY 2012	RECOMMENDED INC/(DEC) FY 2012
<b>FUNDING SOURCE:</b>						
General Funds	\$ 4,067,337	\$ 4,183,052	\$ 4,301,419	\$ 4,060,626	\$ 4,060,626	(\$ 240,793)
Federal Funds	2,198,726	2,440,673	2,805,110	2,973,762	2,973,762	168,652
Other Funds	1,870,368	2,114,576	3,207,638	3,342,638	3,342,638	135,000
<b>Total</b>	<b>\$ 8,136,432</b>	<b>\$ 8,738,301</b>	<b>\$ 10,314,167</b>	<b>\$ 10,377,026</b>	<b>\$ 10,377,026</b>	<b>\$ 62,859</b>
<b>EXPENDITURE DETAIL:</b>						
Personal Services	\$ 4,238,310	\$ 4,392,718	\$ 5,077,249	\$ 5,068,843	\$ 5,068,843	(\$ 8,406)
Operating Expenses	3,898,122	4,345,583	5,236,918	5,308,183	5,308,183	71,265
<b>Total</b>	<b>\$ 8,136,432</b>	<b>\$ 8,738,301</b>	<b>\$ 10,314,167</b>	<b>\$ 10,377,026</b>	<b>\$ 10,377,026</b>	<b>\$ 62,859</b>
Staffing Level FTE:	62.5	65.9	74.5	74.5	74.5	0.0

	ACTUAL FY 2009	ACTUAL FY 2010	ESTIMATED FY 2011	ESTIMATED FY 2012
<b>REVENUES</b>				
Record Check	467,706	476	470,000	470,000
Marijuana Eradication Grant	5,000	5,000	5,000	5,000
<b>Total</b>	<b>472,706</b>	<b>5,476</b>	<b>475,000</b>	<b>475,000</b>
<b>PERFORMANCE INDICATORS</b>				
Investigations Conducted by DCI	772	867	890	910
Polygraph Exams Conducted	70	158	180	200
Criminal Fingerprint Cards Received	27,466	27,011	27,500	28,000
Noncriminal Background Fingerprint Checks	22,391	20,442	21,000	21,600
Sex Offender Fingerprint Card Processing	2,564	2,716	2,860	3,000
Search Warrants	258	257	280	290
Lab Reports	891	1,038	1,050	1,070
Lab Cases Received	517	581	600	620

# ATTORNEY GENERAL

## 2912 Law Enforcement Training

### MISSION:

To train all law enforcement officers who are not presently certified according to the standards set by the Law Enforcement Standards and Training Commission; to provide a program of advanced, specialized, and regional training for all law enforcement personnel; to provide assistance and information needed by the Law Enforcement Standards and Training Commission to perform their duties; and, to provide assistance to the State Association of States Attorneys in designing and implementing a training program for all prosecuting attorneys.

	ACTUAL FY 2009	ACTUAL FY 2010	BUDGETED FY 2011	REQUESTED FY 2012	GOVERNOR'S RECOMMENDED FY 2012	RECOMMENDED INC/(DEC) FY 2012
<b>FUNDING SOURCE:</b>						
General Funds	\$ 412,402	\$ 382,402	\$ 382,402	\$ 332,402	\$ 332,402	(\$ 50,000)
Federal Funds	0	0	0	0	0	0
Other Funds	1,497,002	1,574,082	1,658,219	1,658,219	1,658,219	0
<b>Total</b>	<b>\$ 1,909,404</b>	<b>\$ 1,956,484</b>	<b>\$ 2,040,621</b>	<b>\$ 1,990,621</b>	<b>\$ 1,990,621</b>	<b>(\$ 50,000)</b>
<b>EXPENDITURE DETAIL:</b>						
Personal Services	\$ 679,469	\$ 623,796	\$ 689,418	\$ 689,418	\$ 689,418	\$ 0
Operating Expenses	1,229,935	1,332,687	1,351,203	1,301,203	1,301,203	( 50,000)
<b>Total</b>	<b>\$ 1,909,404</b>	<b>\$ 1,956,484</b>	<b>\$ 2,040,621</b>	<b>\$ 1,990,621</b>	<b>\$ 1,990,621</b>	<b>(\$ 50,000)</b>
Staffing Level FTE:	10.7	10.6	10.5	10.5	10.5	0.0

	ACTUAL FY 2009	ACTUAL FY 2010	ESTIMATED FY 2011	ESTIMATED FY 2012
<b>REVENUES</b>				
Law Enforcement Revolving Fund	3,770,982	3,477,176	3,500,000	3,500,000
<b>Total</b>	<b>3,770,982</b>	<b>3,477,176</b>	<b>3,500,000</b>	<b>3,500,000</b>

### PERFORMANCE INDICATORS

Officers Attending Specialized, Advanced, and Field Courses	2,994	4,061	3,800	3,800
Courses Scheduled	66	79	75	75
Officers Attending Grant Training	195	222	185	185
Grants Awarded	6	8	8	8
Other Groups Conducting Seminars and Meetings Using Training Facilities (People)	3,200	3,200	3,200	3,200
Officers Requesting Reciprocity Certification	22	25	20	20
Officers Receiving Reciprocity Certification	11	5	10	10
Reserve Officers Certified in SD	171	171	200	200
Pending Certification Law Enforcement Officers Certified	62	87	100	100
Officers Certified	1,792	1,774	1,730	1,730
D.A.R.E. Participating Agencies	66	59	60	60
Schools with D.A.R.E.	84	56	85	85
Student Participation	4,553	3,050	4,500	4,500
Cities with D.A.R.E.	42	45	42	42
D.A.R.E. Officers	97	96	97	97

# ATTORNEY GENERAL

## 2913 911 Training

### MISSION:

To train all 911 telecommunications officers who are not presently certified according to the standards set by the Law Enforcement Standards and Training Commission; to provide a program of advanced, specialized, and regional training for all 911 telecommunications personnel; and, to provide assistance and information needed by the Law Enforcement Standards and Training Commission to perform their duties.

	ACTUAL FY 2009	ACTUAL FY 2010	BUDGETED FY 2011	REQUESTED FY 2012	GOVERNOR'S RECOMMENDED FY 2012	RECOMMENDED INC/(DEC) FY 2012
<b>FUNDING SOURCE:</b>						
General Funds	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Federal Funds	0	0	0	0	0	0
Other Funds	145,567	185,496	204,967	204,967	204,967	0
<b>Total</b>	<b>\$ 145,567</b>	<b>\$ 185,496</b>	<b>\$ 204,967</b>	<b>\$ 204,967</b>	<b>\$ 204,967</b>	<b>\$ 0</b>
<b>EXPENDITURE DETAIL:</b>						
Personal Services	\$ 105,178	\$ 96,089	\$ 107,287	\$ 107,287	\$ 107,287	\$ 0
Operating Expenses	40,388	89,408	97,680	97,680	97,680	0
<b>Total</b>	<b>\$ 145,567</b>	<b>\$ 185,496</b>	<b>\$ 204,967</b>	<b>\$ 204,967</b>	<b>\$ 204,967</b>	<b>\$ 0</b>
<b>Staffing Level FTE:</b>	<b>1.9</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>0.0</b>

	ACTUAL FY 2009	ACTUAL FY 2010	ESTIMATED FY 2011	ESTIMATED FY 2012
<b>REVENUES</b>				
911 Law Enforcement Revolving Fund	125,157	115,854	115,000	115,000
<b>Total</b>	<b>125,157</b>	<b>115,854</b>	<b>115,000</b>	<b>115,000</b>
<b>PERFORMANCE INDICATORS</b>				
911 Telecommunicators Certified	48	52	50	50
Telecommunicators Attending Advanced Courses	381	599	380	380
Courses Scheduled	39	40	40	40
Terminal Operators Certified	581	503	300	300
Active Certified 911 Telecommunicators	440	418	450	450
Active Terminal Operators	3,426	3,337	3,500	3,500