

South Dakota earns a **D-** for its civil forfeiture laws:

- Low bar to forfeit: Prosecutors must prove by preponderance of the evidence that property is connected to a crime.
- Poor protections for the innocent: Third-party owners must prove their own innocence to recover seized property.
- Large profit incentive: 100% of forfeiture proceeds go to the attorney general’s drug control fund, from which they are distributed to police for drug enforcement efforts.

Recent Reforms

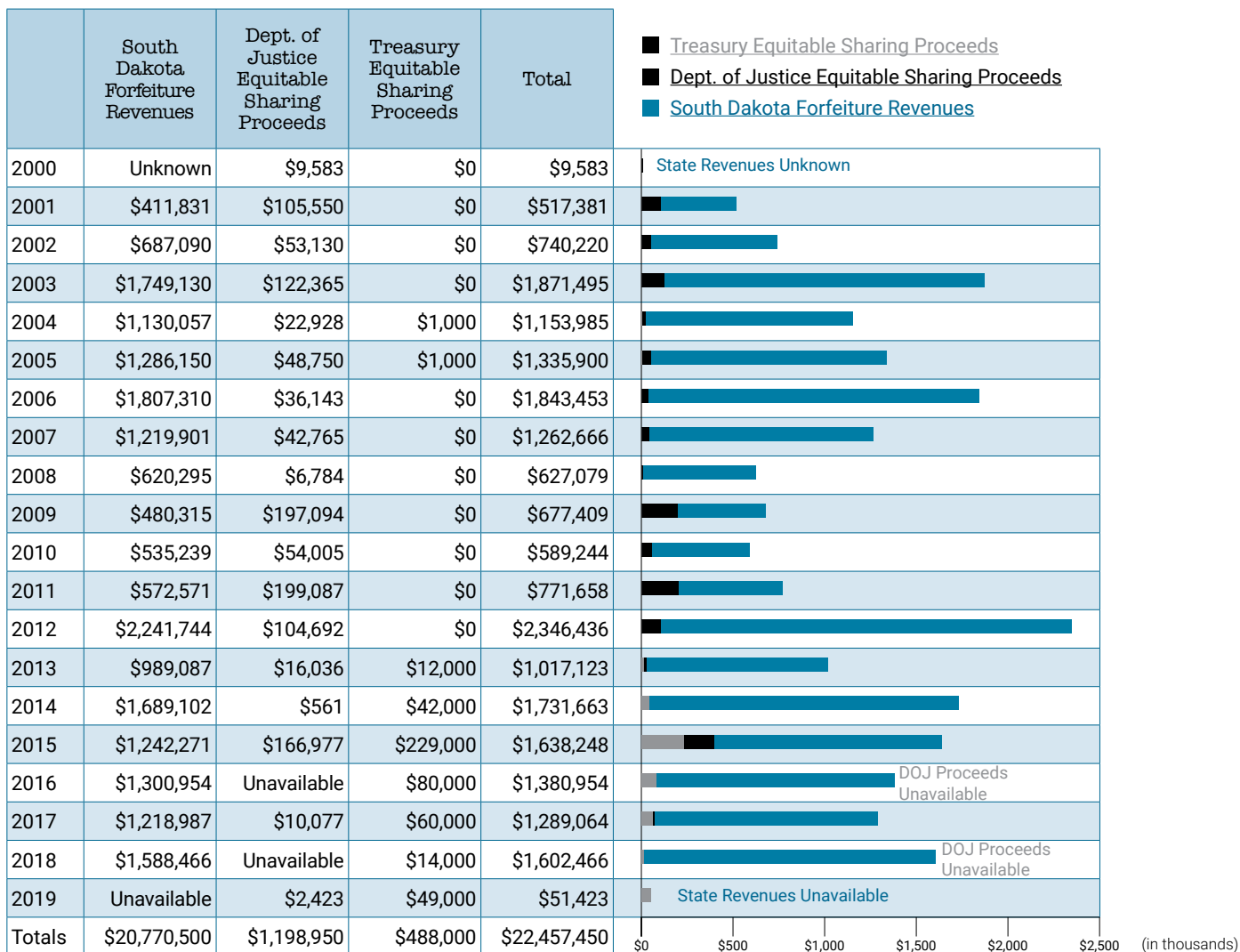
- None.

State and Federal Forfeiture Revenues, 2000–2019

Between 2001 and 2018, South Dakota law enforcement agencies forfeited nearly \$21 million under state law. Between 2000 and 2019, they generated an additional \$1 million from federal equitable sharing, for a total of at least \$22 million in forfeiture revenue. South Dakota ranks 1st for its participation in the Department of Justice’s equitable sharing program. The state does not prevent state and local agencies from using equitable sharing to circumvent state forfeiture law.

**At least \$22 million
in state and federal
forfeiture revenue**

2000–2019



All revenue figures include both civil and criminal forfeitures. Revenues are not adjusted for inflation.

South Dakota's Forfeiture Transparency and Accountability Report Card

| | | | |
|---|-----------|---|-------------------------------|
| Tracking Seized Property | D+ | Accessibility of Forfeiture Records | D |
| Accounting for Forfeiture Fund Spending | F | Penalties for Failure to File a Report | Incomplete[†] |
| Statewide Forfeiture Reports | C | Financial Audits of Forfeiture Accounts | F |

[†] No reporting requirements to enforce.

For full transparency and accountability grades, visit www.ij.org/TransparencyReportCards.

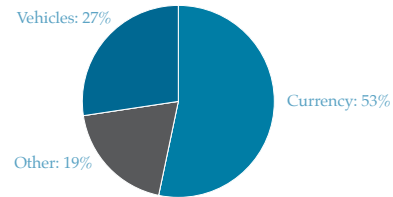
Forfeitures Under South Dakota Law: Key Facts

Median Value



From 2015 to 2018, half of South Dakota's currency forfeitures were worth less than \$1,500.

Property Types



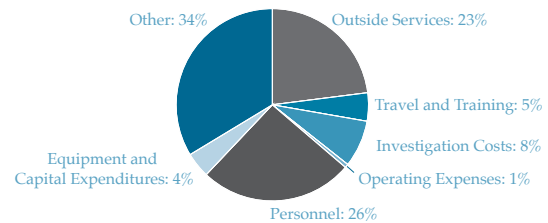
From 2001 to 2018, over half of South Dakota's forfeitures were of currency.

Civil vs. Criminal

UNKNOWN

South Dakota does not report whether forfeitures are processed under civil or criminal forfeiture law.

Expenditures



From 2015 to 2018, the South Dakota Attorney General spent nearly \$7 million from forfeiture funds—26% on personnel.

Data Notes

Property-level reports were obtained via public records request to the South Dakota Attorney General. Figures are in calendar years. Starting in July 2016, the AG ceased reporting forfeited property other than currency and vehicles. Fiscal-year expenditures are from the AG's website and represent the AG's spending from the state's Drug Control Fund. Other expenditures represented grants from the fund to other law enforcement. Equitable sharing data are from DOJ's and Treasury's annual forfeiture reports. Due to differences in reporting and accounting practices, state figures may not match aggregate numbers produced by the state or cover the same 12-month period as the federal data.